FINAL INDIVIDUAL ENVIRONMENTAL REPORT

CONTRACTOR FURNISHED BORROW MATERIAL #4

ORLEANS, ST. JOHN THE BAPTIST, AND ST. TAMMANY PARISHES, LOUISIANA

IER #29

US Army Corps of Engineers®

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1. INTRODUCTION

The U.S. Army Corps of Engineers (USACE) Mississippi Valley Division, New Orleans District (CEMVN), has prepared this Individual Environmental Report #29 (IER #29) to evaluate the potential impacts associated with the possible excavation of three proposed contractor-furnished borrow areas. The proposed borrow areas are located in southeastern Louisiana (figure 1). The term "borrow" is used in the fields of construction and engineering to describe material that is dug in one location for use at another location. The proposed contractor-furnished borrow areas could be used for construction of the Hurricane and Storm Damage Risk Reduction System (HSDRRS).

IER #29 has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality's (CEQ) Regulations (40 CFR §1500-1508), and the USACE Engineering Regulation (ER) 200-2-2, Environmental Quality, Procedures for Implementing the NEPA. The execution of an IER, in lieu of a traditional Environmental Assessment (EA) or Environmental Impact Statement (EIS), is provided for in ER 200-2-2 (33 CFR §230) and pursuant to the CEQ NEPA Implementation Regulations (40 CFR §1506.11).

The CEMVN implemented Alternative Arrangements on 13 March 2007, under the provisions of the Council on Environmental Quality Regulations for Implementing the NEPA (40 CFR §1506.11). The Alternative Arrangements were developed and implemented in the aftermath of Hurricanes Katrina and Rita in order to evaluate environmental impacts arising from HSDRRS projects in a timely manner, utilizing the NEPA emergency procedures found at 40 CFR 1506.11. The Alternative Arrangements were published on 13 March 2007 in 72 FR 11337, and are available for public review at www.nolaenvironmental.gov.

The Alternative Arrangements were implemented in order to expeditiously complete environmental analysis for any changes to the authorized HSDRRS, formerly known as the Hurricane Protection System (HPS), authorized and funded by Congress and the Administration. The proposed contractor-furnished borrow areas discussed in this IER are located in southeastern Louisiana and are part of the Federal effort to rebuild and complete construction of the HSDRRS in the New Orleans metropolitan area as a result of Hurricanes Katrina and Rita in 2005.

The draft IER was distributed for a 30-day public review and comment period on 22 July 2009. Comments were received during the public review and comment period from Federal resource agencies, an Indian tribe, and citizens (appendix B). A public meeting requested by a stakeholder was held on 13 August 2009; a summary of this meeting is included in appendix B. The CEMVN District Commander reviewed public and agency comments, and interagency correspondence. The District Commander's decision on the proposed action is documented in the IER Decision Record.

Three potential contractor-furnished borrow areas investigated by the CEMVN Borrow Project Delivery Team (PDT) are discussed in this IER. The goal of the Borrow PDT is to locate suitable borrow material needed for improvements to the HSDRRS. The CEMVN's engineers currently estimate that over 60,000,000 cubic yards of suitable material are required to complete HSDRRS levee and floodwall projects. Due to the importance of providing safety to the citizens of the New Orleans metropolitan area, and the amount of borrow needed to supply levee projects for the HSDRRS, multiple borrow IERs are being prepared as additional potential borrow sites are evaluated.

1.1 PURPOSE AND NEED FOR THE PROPOSED ACTION

The purpose of the proposed action is to locate suitable borrow material for use in the construction of the HSDRRS. The completed HSDRRS would lower the risk of harm to citizens and damage to infrastructure during a storm event. The safety of people in the region is the highest priority of the CEMVN. The proposed action results from the need to provide a total of over 60,000,000 cubic yards of suitable clay for the HSDRRS projects that include the construction and improvement to hurricane risk reduction levees and floodwalls in southeastern Louisiana. Raising existing levee elevations and completing new levees requires the excavation of material from borrow areas to ensure that the HSDRRS is constructed to the authorized levels of flood and storm damage risk reduction for local communities.

The term "100-year level of risk reduction," as it is used throughout this document, refers to a level of risk reduction, which reduces the risk of hurricane surge and wave driven flooding that the New Orleans metropolitan area has a 1 percent chance of experiencing each year.

1.2 AUTHORITY FOR THE PROPOSED ACTION

The authority for the proposed action was provided as part of a number of hurricane and storm damage risk reduction projects spanning southeastern Louisiana, including the Lake Pontchartrain and Vicinity (LPV) Project and the West Bank and Vicinity (WBV) Project. Congress and the Administration granted a series of supplemental appropriation acts following Hurricanes Katrina and Rita in 2005 to repair and upgrade the project systems damaged by the storms. The supplemental appropriation acts gave additional authority to the USACE to construct all proposed HSDRRS projects.

The LPV project was authorized under the Flood Control Act of 1965 (Public Law [P.L.] 89-298, Title II, Section [Sec.] 204), which, as amended, authorized a "project for hurricane protection on Lake Pontchartrain, Louisiana ... substantially in accordance with the recommendations of the Chief of Engineers in House Document 231, Eighty-ninth Congress." The original statutory authorization for the LPV Project was amended by the Water Resources Development Acts (WRDA) of 1974 (P.L. 93-251, Title I, Sec. 92), 1986 (P.L. 99-662, Title VIII, Sec. 805), 1990 (P.L. 101-640, Sec. 116), 1992 (P.L. 102-580, Sec. 102), 1996 (P.L. 104-303, Sec. 325), 1999 (P.L. 106-53, Sec. 324), and 2000 (P.L. 106-541, Sec. 432); and the Energy and Water Development Appropriations Acts of 1992 (P.L. 102-104, Title I, Construction, General), 1993 (P.L. 102-377, Title I, Construction, General), and 1994 (P.L. 103-126, Title I, Construction, General).

The Westwego to Harvey Canal Project was authorized by the WRDA of 1986 (P.L. 99-662, Sec. 401(b)). The WRDA of 1996 modified the project and added the Lake Cataouatche Project and the East of Harvey Canal Project (P.L. 104-303, Sec. 101(a)(17) & P.L. 104-303, 101(b)(11)). The WRDA of 1999 combined the three projects into one project under the West Bank and Vicinity Hurricane Protection Project (P.L. 106-53, Sec. 328).

The Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act of 2006 (3rd Supplemental - P.L. 109-148, Chapter 3, Construction, and Flood Control and Coastal Emergencies) appropriated funds to accelerate the completion of the previously authorized project and to restore and repair the projects at full Federal expense. The Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery of 2006 (4th Supplemental - P.L. 109-234, Title II, Chapter 3,

Construction, and Flood Control and Coastal Emergencies) appropriated funds and added authority to raise levee heights where necessary, reinforce and replace floodwalls, and otherwise enhance the project to provide the levels of risk reduction necessary to achieve the certification required for participation in the National Flood Insurance Program. Additional Supplemental Appropriations include the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (P.L. 110-28, Title IV, Chapter 3, Flood Control and Coastal Emergencies, section 4302) (5th Supplemental), and the 6th Supplemental (P.L. 110-252, Title III, Chapter 3, Construction).

1.3 PRIOR REPORTS

A number of studies and reports on water resources development in the proposed project area have been prepared by the USACE, other Federal, state, and local agencies, research institutes, and individuals. Pertinent studies, reports, and projects are discussed below:

Lake Pontchartrain and Vicinity Project

- On 31 July 2009, the CEMVN signed a Decision Record for IER #28, entitled "Government-Furnished Borrow Material #4, Plaquemines, St. Bernard, and Jefferson Parishes, Louisiana." The document was prepared to evaluate the potential impacts associated with approving government-furnished borrow areas for use in construction of the HSDRRS.

- On 30 June 2009, the CEMVN signed a Decision Record for IER #5, entitled "Lake Pontchartrain and Vicinity, Permanent Protection System for the Outfall Canals Project on 17th Street, Orleans Avenue, and London Avenue Canals, Jefferson and Orleans Parishes, Louisiana." The document evaluates the potential impacts related to constructing permanent pumps on the 17th Street, Orleans Avenue, and London Avenue Canals to provide for 100-year level of risk reduction.

- On 29 June 2009, the CEMVN signed a Decision Record for IER Supplemental (IERS) #1, entitled "Lake Pontchartrain and Vicinity, LaBranche Wetlands Levee, St. Charles Parish, Louisiana." The document evaluates the potential impacts related to modifications to actions approved in IER #1.

- On 25 June 2009, the CEMVN signed a Decision Record for IER #6, entitled "Lake Pontchartrain and Vicinity, New Orleans East, Citrus Lakefront Levee, Orleans Parish, Louisiana." The document was prepared to evaluate the potential impacts associated with constructing improved levees on the south shore of Lake Pontchartrain in New Orleans East, Orleans Parish, Louisiana.

- On 23 June 2009, the CEMVN signed a Decision Record for IER #8, entitled "Lake Pontchartrain and Vicinity, Bayou Dupre Control Structure, St. Bernard Parish, Louisiana." The document was prepared to evaluate the potential impacts associated with constructing a new flood control structure on Bayou Dupre.

- On 19 June 2009, the CEMVN signed a Decision Record for IER #7, entitled "Lake Pontchartrain and Vicinity, New Orleans East Lakefront to Michoud Canal, Orleans Parish, Louisiana." The document evaluates the potential impacts associated with reconstructing levees, floodwalls, and floodgates around the Bayou Sauvage National Wildlife Refuge.

- On 26 May 2009, the CEMVN signed a Decision Record for IER #10, entitled "Lake Pontchartrain and Vicinity, Chalmette Loop Levee, St. Bernard Parish, Louisiana." The document evaluates the impacts related to improving hurricane risk reduction structures in St. Bernard Parish, Louisiana.

- On 13 March 2009, the CEMVN signed a Decision Record for IER #4, entitled "Lake Pontchartrain and Vicinity, Orleans East Bank, New Orleans Lakefront Levee, West of Inner Harbor Navigation Canal to Eastbank of 17th Street Canal, Orleans Parish, Louisiana." The document was prepared to evaluate the potential impacts associated with improving the Orleans lakefront hurricane risk reduction features.

- On 3 February 2009, the CEMVN signed a Decision Record on IER #25 entitled "Government-Furnished Borrow Material, Orleans, Plaquemines and Jefferson Parishes, Louisiana." The document was prepared to evaluate the potential impacts associated with approving government-furnished borrow areas for use in construction of the HSDRRS.

- On 21 October 2008, the CEMVN signed a Decision Record on IER #11 Tier 2 Borgne entitled "Improved Protection on the Inner Harbor Navigation Canal, Tier 2 Borgne Orleans and St. Bernard Parishes, Louisiana." The document was prepared to evaluate the potential impacts associated with constructing a surge barrier on Lake Borgne.

- On 20 October 2008, the CEMVN signed a Decision Record on IER #26 entitled "Pre-Approved Contractor-Furnished Borrow Material #3, Jefferson, Plaquemines, and St. John the Baptist Parishes, Louisiana, and Hancock County, Mississippi." The document was prepared to evaluate the potential impacts associated with the actions taken by commercial contractors as a result of excavating contractor-furnished borrow areas for use in construction of the HSDRRS.

- On 25 July 2008, the CEMVN signed a Decision Record on IER #3, entitled "Lake Pontchartrain and Vicinity, Lakefront Levee, Jefferson Parish, Louisiana." The proposed action includes raising approximately nine and a half miles of earthen levees, completing upgrades to foreshore protection, replacing two floodgates, and completing fronting protection modifications to four existing pump stations in Jefferson Parish, Louisiana.

- On 18 July 2008, the CEMVN signed a Decision Record on IER #2, entitled "LPV, West Return Floodwall, Jefferson and St. Charles Parishes, Louisiana." The proposed action includes replacing over 17,900 linear feet of floodwalls in Jefferson and St. Charles Parishes, Louisiana.

- On 9 June 2008, the CEMVN signed a Decision Record on IER #1, entitled "Lake Pontchartrain and Vicinity, La Branche Wetlands Levee, St. Charles Parish, Louisiana." The proposed action includes raising approximately nine miles of earthen levees, replacing over 3,000 feet of floodwalls, rebuilding or modifying four drainage structures, closing one drainage structure, and modifying one railroad gate in St. Charles Parish, Louisiana.

- On 30 May 2008, the CEMVN signed a Decision Record on IER #22 entitled "Government-Furnished Borrow Material, Plaquemines and Jefferson Parishes, Louisiana." The document was prepared to evaluate the potential impacts

associated with approving government-furnished borrow areas for use in construction of the HSDRRS.

- On 6 May 2008, the CEMVN signed a Decision Record on IER #23 entitled "Pre-Approved Contractor-Furnished Borrow Material #2, St. Bernard, St. Charles, Plaquemines Parishes, Louisiana, and Hancock County, Mississippi." The document was prepared to evaluate the potential impacts associated with approving contractor-furnished borrow areas for use in construction of the HSDRRS.

- On 14 March 2008, the CEMVN signed a Decision Record on IER #11 (Tier 1) entitled "Improved Protection on the Inner Harbor Navigation Canal, Orleans and St. Bernard Parishes, Louisiana." The document was prepared to evaluate potential impacts associated with building navigable and structural barriers to prevent storm surge from entering the Inner Harbor Navigation Canal from Lake Pontchartrain and/or the Gulf Intracoastal Waterway-Mississippi River Gulf Outlet-Lake Borgne complex. Two Tier 2 documents discussing alignment alternatives and designs of the navigable and structural barriers, and the impacts associated with exact footprints, are being completed.

- On 21 February 2008, the CEMVN signed a Decision Record on IER #18 entitled "Government-Furnished Borrow Material, Jefferson, Orleans, Plaquemines, St. Charles, and St. Bernard Parishes, Louisiana." The document was prepared to evaluate the potential impacts associated with approving government-furnished borrow areas for use in construction of the HSDRRS.

- On 14 February 2008, the CEMVN signed a Decision Record on IER #19 entitled "Pre-Approved Contractor-Furnished Borrow Material, Jefferson, Orleans, St. Bernard, Iberville, and Plaquemines Parishes, Louisiana, and Hancock County, Mississippi." The document was prepared to evaluate the potential impacts associated with approving contractor-furnished borrow areas for use in construction of the HSDRRS.

- In July 2006, the CEMVN signed a Finding of No Significant Impact (FONSI) on an EA #433 entitled, "USACE Response to Hurricanes Katrina & Rita in Louisiana." The document was prepared to evaluate the potential impacts associated with the actions taken by the USACE as a result of Hurricanes Katrina and Rita.

- On 30 October 1998, the CEMVN signed a FONSI on EA #279 entitled "Lake Pontchartrain Lakefront, Breakwaters, Pump Stations 2 and 3." The report evaluates the impacts associated with providing fronting protection for outfall canals and pump stations. It was determined that the action would not significantly impact resources in the immediate area.

- On 2 October 1998, the CEMVN signed a FONSI on EA #282 entitled "LPV, Jefferson Parish Lakefront Levee, Landside Runoff Control: Alternate Borrow." The report investigates the impacts of obtaining borrow material from an urban area in Jefferson Parish. No significant impacts to resources in the immediate area were expected.

- On 2 July 1992, the CEMVN signed a FONSI on EA #169 entitled "LPV, Hurricane Protection Project, East Jefferson Parish Levee System, Jefferson Parish, Louisiana, Gap Closure." The report addresses the construction of a

floodwall in Jefferson Parish to close a "gap" in the levee system. The area was previously leveed and under forced drainage, and it was determined that the action would not significantly impact the already disturbed area.

- On 22 February 1991, the CEMVN signed a FONSI on EA #164 entitled "LPV Hurricane Protection – Alternate Borrow Area for the St. Charles Parish Reach." The report addresses the impacts associated with the use of borrow material from the Mississippi River on the left descending back in front of the Bonnet Carré Spillway Forebay for LPV construction.

- On 30 August 1990, the CEMVN signed a FONSI on EA #163 entitled "LPV Hurricane Protection – Alternate Borrow Area for Jefferson Parish Lakefront Levee, Reach III." The report addresses the impacts associated with the use of a borrow area in Jefferson Parish for LPV construction.

- On 2 July 1991, the CEMVN signed a FONSI on EA #133 entitled "LPV Hurricane Protection – Alternate Borrow at Highway 433, Slidell, Louisiana." The report addresses the impacts associated with the excavation of a borrow area in Slidell, Louisiana for LPV construction.

- On 12 September 1990, the CEMVN signed a FONSI on EA #105 entitled "LPV Hurricane Protection – South Point to Gulf Intracoastal Waterway, A. V. Keeler and Company Alternative Borrow Site." The report addresses the impacts associated with the excavation of a borrow area in Slidell, Louisiana for LPV construction.

- On 12 March 1990, the CEMVN signed a FONSI on EA #102 entitled "LPV Hurricane Protection – 17th Street Canal Hurricane Protection." The report addresses the use of alternative methods of providing flood protection for the 17th Street Outfall Canal in association with LPV activity. Impacts to resources were found to be minimal.

- On 4 August 1989, the CEMVN signed a FONSI on EA #89 entitled "LPV Hurricane Protection, High Level Plan - Alternate Borrow Site 1C-2B." The report addresses the impacts associated with the excavation of a borrow area along Chef Menteur Highway, Orleans Parish for LPV construction. The material was used in the construction of a levee west of the Inner Harbor Navigation Canal.

- On 27 October 1988, the CEMVN signed a FONSI on EA #79 entitled "LPV Hurricane Protection – London Avenue Outfall Canal." The report investigates the impacts of strengthening hurricane protection at an existing the London Avenue Outfall Canal.

- On 21 July 1988, the CEMVN signed a FONSI on EA #76 entitled "LPV Hurricane Protection – Orleans Avenue Outfall Canal." The report investigates the impacts of strengthening hurricane protection at the Orleans Avenue Outfall Canal.

- On 26 February 1986, the CEMVN signed a FONSI on EA #52 entitled "LPV Hurricane Protection – Geohegan Canal." The report addresses the impacts associated with the excavation of borrow material from an extension of the Geohegan Canal for LPV construction.

- Supplemental Information Report (SIR) #25 entitled "LPV Hurricane Protection – Chalmette Area Plan, Alternate Borrow Area 1C-2A" was signed by the CEMVN on 12 June 1987. The report addresses the used of an alternate contractor-furnished borrow area for LPV construction.

- SIR #27 entitled "LPV Hurricane Protection – Alternate Borrow Site for Chalmette Area Plan" was signed by the CEMVN on 12 June 1987. The report addresses the use of an alternate contractor-furnished borrow area for LPV construction.

- SIR #28 entitled "LPV Hurricane Protection – Alternate Borrow Site, Mayfield Pit" was signed by the CEMVN on 12 June 1987. The report addresses the use of an alternate contractor-furnished borrow area for LPV construction.

- SIR #29 entitled "LPV Hurricane Protection – South Point to GIWW Levee Enlargement" was signed by the CEMVN on 12 June 1987. The report discusses the impacts associated with the enlargement of the GIWW.

- SIR #30 entitled "LPV Hurricane Protection Project, Jefferson Lakefront Levee" was signed by the CEMVN on 7 October 1987. The report investigates impacts associated with changes in Jefferson Parish LPV levee design.

- SIR #17 entitled "LPV Hurricane Protection – New Orleans East Alternative Borrow, North of Chef Menteur Highway" was signed by the CEMVN on 30 April 1986. The report addresses the use of an alternate contractor-furnished borrow area for LPV construction.

- SIR #22 entitled "LPV Hurricane Protection – Use of 17th Street Pumping Station Material for LPHP Levee" was signed by the CEMVN on 5 August 1986. The report investigates the impacts of moving suitable borrow material from a levee at the 17th Street Canal in the construction of a stretch of levee from the Inner Harbor Navigation Canal to the London Avenue Canal.

- SIR #10 entitled "LPV Hurricane Protection, Bonnet Carré Spillway Borrow" was signed by the CEMVN on 3 September 1985. The report evaluates the impacts associated with using the Bonnet Carré Spillway as a borrow source for LPV construction, and found "no significant adverse effect on the human environment."

- In December 1984, an SIR to complement the Supplement to final EIS on the LPV Hurricane Protection project was filed with the U.S. Environmental Protection Agency (USEPA).

- The final EIS for the LPV Hurricane Protection Project, dated August 1974. A Statement of Findings was signed by the CEMVN on 2 December 1974. Final Supplement I to the EIS, dated July 1984, was followed by a Record of Decision (ROD), signed by the CEMVN on 7 February1985. Final Supplement II to the EIS, dated August 1994, was followed by a ROD signed by CEMVN on 3 November 1994.

- A report entitled "Flood Control, Mississippi River and Tributaries," published as House Document No. 90, 70th Congress, 1st Session, submitted 18 December 1927, resulted in authorization of a project by the Flood Control Act of 1928. The project provided comprehensive flood control for the lower Mississippi Valley

below Cairo, Illinois. The Flood Control Act of 1944 authorized the USACE to construct, operate, and maintain water resources development projects. The Flood Control Acts have had an important impact on water and land resources in the proposed project area.

West Bank and Vicinity Project

- On 31 July 2009, the CEMVN signed a Decision Record for IER #28, entitled "Government-Furnished Borrow Material #4, Plaquemines, St. Bernard, and Jefferson Parishes, Louisiana." The document was prepared to evaluate the potential impacts associated with approving government-furnished borrow areas for use in construction of the HSDRRS.

- On 12 June 2009, the CEMVN signed a Decision Record on IER #16, entitled "Western Tie-In, Jefferson and St. Charles Parishes, Louisiana." The document describes the potential impacts associated with constructing a new levee to provide 100-year level of risk reduction for the project vicinity.

- On 18 February 2009, the CEMVN signed a Decision Record on IER #12, entitled "Gulf Intracoastal Waterway (GIWW), Harvey, and Algiers Levees and Floodwalls, Jefferson, Orleans, and Plaquemines Parishes, Louisiana." The document describes the potential impacts associated with construction of construct approximately 3 miles of levee and floodwall in the project vicinity.

- On 3 February 2009, the CEMVN signed a Decision Record on IER #25 entitled "Government-Furnished Borrow Material, Orleans, Plaquemines and Jefferson Parishes, Louisiana." The document was prepared to evaluate the potential impacts associated with approving government-furnished borrow areas for use in construction of the HSDRRS.

- On 21 January2009, the CEMVN signed a Decision Record on IER #17 entitled "Company Canal Floodwall, Jefferson Parish, Louisiana." The document was prepared to evaluate the proposed construction and maintenance of the 100-year level of hurricane and storm damage risk reduction along the Company Canal from the Bayou Segnette State Park to the New Westwego Pumping Station.

- On 20 October 2008, the CEMVN signed a Decision Record on IER #26 entitled "Pre-Approved Contractor-Furnished Borrow Material #3, Jefferson, Plaquemines, and St. John the Baptist Parishes, Louisiana, and Hancock County, Mississippi." The document was prepared to evaluate the potential impacts associated with approving contractor-furnished borrow areas for use in construction of the HSDRRS.

- On 18 February 2009, the CEMVN signed a Decision Record on IER #12, entitled "Gulf Intracoastal Waterway (GIWW), Harvey, and Algiers Levees and Floodwalls, Jefferson, Orleans, and Plaquemines Parishes, Louisiana." The document describes the potential impacts associated with construction of construct approximately 3 miles of levee and floodwall in the project vicinity.

- On 26 August 2008, the CEMVN signed a Decision Record on IER #14, entitled "Westwego to Harvey, Levee Jefferson Parish, Louisiana." The document was prepared to examine the potential environmental impacts associated with the proposed construction and maintenance of 100-year level of hurricane and storm damage risk reduction along the WBV, Westwego to Harvey Levee project area.

- On 12 June 2008, the CEMVN signed a Decision Record on IER #15, entitled "Lake Cataouatche Levee, Jefferson Parish, Louisiana." The proposed action includes constructing a 100-year level of protection in the project area.

- On 30 May 2008, the CEMVN signed a Decision Record on IER #22 entitled "Government-Furnished Borrow Material, Plaquemines and Jefferson Parishes, Louisiana." The document was prepared to evaluate the potential impacts associated with approving government-furnished borrow areas for use in construction of the HSDRRS.

- On 6 May 2008, the CEMVN signed a Decision Record on IER #23 entitled "Pre-Approved Contractor-Furnished Borrow Material #2, St. Bernard, St. Charles, Plaquemines Parishes, Louisiana, and Hancock County, Mississippi." The document was prepared to evaluate the potential impacts associated with approving contractor-furnished borrow areas for use in construction of the HSDRRS.

- On 21 February 2008, the CEMVN signed a Decision Record on IER #18 entitled "Government-Furnished Borrow Material, Jefferson, Orleans, Plaquemines, St. Charles, and St. Bernard Parishes, Louisiana." The document was prepared to evaluate the potential impacts associated with approving government-furnished borrow areas for use in construction of the HSDRRS.

- On 14 February 2008, the CEMVN signed a Decision Record on IER #19 entitled "Pre-Approved Contractor-Furnished Borrow Material, Jefferson, Orleans, St. Bernard, Iberville, and Plaquemines Parishes, Louisiana, and Hancock County, Mississippi." The document was prepared to evaluate the potential impacts associated with approving contractor-furnished borrow areas for use in construction of the HSDRRS.

- In July 2006, the CEMVN signed a FONSI on an EA #433 entitled, "USACE Response to Hurricanes Katrina & Rita in Louisiana." The document was prepared to evaluate the potential impacts associated with the actions taken by the USACE as a result of Hurricanes Katrina and Rita.

- On 23 August 2005, the CEMVN signed a FONSI on EA #422 entitled "Mississippi River Levees – West Bank Gaps, Concrete Slope Pavement Borrow Area Designation, St. Charles and Jefferson Parishes, Louisiana." The report investigates the impacts of obtaining borrow material from various areas in Louisiana.

- On 22 February 2005, the CEMVN signed a FONSI on EA #306A entitled "West Bank Hurricane Protection Project – East of the Harvey Canal, Floodwall Realignment and Change in Method of Sector Gate." The report discusses the impacts related to the relocation of a proposed floodwall moved because of the aforementioned sector gate, as authorized by the LPV Project.

- On 5 May 2003, the CEMVN signed a FONSI on EA #337 entitled "Algiers Canal Alternative Borrow Site."

- On 19 June-2003, the CEMVN signed a FONSI on EA #373 entitled "Lake Cataouatche Levee Enlargement." The report discusses the impacts related to improvements to a levee from Bayou Segnette State Park to Lake Cataouatche.

- On 16 May 2002, the CEMVN signed a FONSI on EA #306 entitled "West Bank Hurricane Protection Project - Harvey Canal Sector Gate Site Relocation and Construction Method Change." The report discusses the impacts related to the relocation of a proposed sector gate within the Harvey Canal, as authorized by the LPV Project.

- On 30 August 2000, the CEMVN signed a FONSI on EA #320 entitled "West Bank Hurricane Protection Features." The report evaluates the impacts associated with borrow sources and construction options to complete the Westwego to Harvey Canal Hurricane Protection Project.

- On 18 August 1998, the CEMVN signed a FONSI on EA #258 entitled "Mississippi River Levee Maintenance - Plaquemines West Bank Second Lift, Fort Jackson Borrow Site."

- The final EIS for the WBV, East of Harvey Canal, Hurricane Protection Project was completed in August 1994. A ROD was signed by the CEMVN in September 1998.

- The final EIS for the WBV, Lake Cataouatche, Hurricane Protection Project was completed. A ROD was signed by the CEMVN in September 1998.

- In December 1996, the USACE completed a post-authorization change study entitled, "Westwego to Harvey Canal, Louisiana Hurricane Protection Project Lake Cataouatche Area, EIS." The study investigates the feasibility of providing hurricane surge protection to that portion of the west bank of the Mississippi River in Jefferson Parish between Bayou Segnette and the St. Charles Parish line. A Standard Project Hurricane (SPH) level of protection was recommended along the alignment followed by the existing non-Federal levee. The project was authorized by Section 101 (b) of the WRDA of 1996 (P. L. 104-303) subject to the completion of a final report of the Chief of Engineers, which was signed on 23 December 1996.

- On 12 January 1994, the CEMVN signed a FONSI on an EA #198 entitled, "West Bank of the Mississippi River in the Vicinity of New Orleans, Louisiana, Hurricane Protection Project, Westwego to Harvey Canal, Jefferson Parish, Louisiana, Proposed Alternate Borrow Sources and Construction Options." The report evaluates the impacts associated with borrow sources and construction options to complete the Westwego to Harvey Canal Hurricane Protection Levee.

- In August 1994, the CEMVN completed a feasibility report entitled "WBV (East of the Harvey Canal)." The study investigates the feasibility of providing hurricane surge protection to that portion of the west bank of metropolitan New Orleans from the Harvey Canal eastwards to the Mississippi River. The final report recommends that the existing West Bank Hurricane Project, Jefferson Parish, Louisiana, authorized by the WRDA of 1986 (P.L. 99-662), approved November 17, 1986, be modified to provide additional hurricane protection east of the Harvey Canal. The report also recommends that the level of protection for the area east of the Algiers Canal deviate from the National Economic Development Plan's level of protection and provide protection for the SPH. The Division Engineer's Notice was issued on 1 September 1994. The Chief of Engineer's report was issued on 1 May 1995. Preconstruction, engineering, and design was initiated in late 1994 and is continuing. The WRDA of 1996 authorized the project.

- On 20 March 1992, the CEMVN signed a FONSI on EA #165 entitled "Westwego to Harvey Canal Disposal Site."

- In February 1992, the USACE completed a reconnaissance study entitled "West Bank Hurricane Protection, Lake Cataouatche, Louisiana." The study investigated the feasibility of providing hurricane surge protection to that portion of the west bank of the Mississippi River in Jefferson Parish, between Bayou Segnette and the St. Charles Parish line. The study found a 100-year level of protection to be economically justified based on constructing a combination levee/ sheetpile wall along the alignment followed by the existing non-Federal levee. Due to potential impacts to the Westwego to Harvey Canal project, the study is proceeding as a post-authorization change.

- On 3 June 1991, the CEMVN signed a FONSI on EA #136 entitled "West Bank Additional Borrow Site between Hwy 45 and Estelle PS."

- On 15 March 1990, the CEMVN signed a FONSI on EA #121 entitled "West Bank Westwego to Harvey Changes to EIS." The report addresses the impacts associated with the use of borrow material from Fort Jackson for LPV construction. The material was used for constructing the second life for the Plaquemines West Bank levee upgrade, as part of LPV construction.

- In December 1986, the USACE completed a Feasibility Report and EIS entitled, "West Bank of the Mississippi River in the Vicinity of New Orleans, La." The report investigates the feasibility of providing hurricane surge protection to that portion of the west bank of the Mississippi River in Jefferson Parish between the Harvey Canal and Westwego, and down to the vicinity of Crown Point, Louisiana. The report recommends implementing a plan that would provide SPH level of protection to an area on the west bank between Westwego and the Harvey Canal north of Crown Point. The project was authorized by the WRDA of 1986 (P.L. 99-662). Construction of the project was initiated in early 1991.

1.4 INTEGRATION WITH OTHER IERS

In addition to evaluating proposed borrow sites in IERs, the CEMVN is preparing a draft Comprehensive Environmental Document (CED) that will describe all HSDRRS work completed and remaining to be constructed. The purpose of the draft CED is to document the work completed by the CEMVN on a system-wide scale. The draft CED will describe the integration of individual IERs into a systematic planning effort. Analysis of overall cumulative impacts, a finalized mitigation plan, and future operations and maintenance requirements will also be included. Additionally, the draft CED will contain updated information for any IER that had incomplete or unavailable data at the time it was available for public review.

The draft CED will be available for a 60-day public review period. The document will be posted on www.nolaenvironmental.gov, or can be requested by contacting the CEMVN. A notice of availability will be mailed/e-mailed to interested parties advising them of the availability of the draft CED for review. Additionally, a notice will be placed in national and local newspapers. Upon completion of the 60-day review period all comments will be compiled and appropriately addressed. Upon resolution of any comments received, a final CED will be prepared, signed by the District Commander, and made available to any stakeholders requesting a copy.

Compensatory mitigation for unavoidable impacts associated with this and other proposed HSDRRS projects will be documented in forthcoming mitigation IERs, which are being written concurrently with all other IERs. Mitigation will also be discussed in the CED.

1.5 PUBLIC CONCERNS

The CEMVN has provided numerous opportunities to the public to provide input and comments about the proposed HSDRRS work throughout the planning process through a number of outlets (i.e., public meetings; written and verbal comments; www.nolaenvironmental.gov). IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, and IER #28 discuss the impacts of borrow excavation related to the HSDRRS. These documents contain public comments regarding borrow issues (appendix B – all documents), and are available at www.nolaenvironmental.gov, or upon request.

The foremost public concern in the project area is reducing the risk of hurricane, storm, and flood damage for businesses and residences, and enhancing public safety during major storm events in the Greater New Orleans metropolitan area. Comments at public meetings indicated concern over the risk to current levees and floodwalls from overtopping from storm-induced tidal surges during major storm events, and the potential risk of levee or floodwall failure during a major storm event. A key concern of local officials is to increase public confidence in the HSDRRS so that the physical and economic recovery of the area can proceed. The scheduling of construction of the HSDRRS is also a concern. Local officials also want the public to be aware that the completed HSDRRS is not intended to invalidate evacuation measures.

Residents in the vicinity of proposed borrow areas have expressed concern over the potential or perceived impact on potential future development, land values, and public safety. Specifically, some residents of the Eastover subdivision in Orleans Parish, which is adjacent to the proposed Eastover Phase II borrow area discussed in this report, believe excavation of the proposed site would decrease the value of their homes; increase their homeowners insurance rates; impair the structural integrity of homes and foundations; increase the risk of flooding in the area; and adversely impact traffic, aesthetics, air quality, and noise quality in the area.

Some members of the public have stated that they would prefer that remaining land in coastal parishes either not be excavated, or should be developed as residential, commercial, or industrial areas. Members of the public have also said that they feel that borrow areas should be backfilled. Non-governmental organizations have commented on the importance of avoiding impacts to jurisdictional wetlands when looking for borrow sources. The CEMVN is currently avoiding impacts to all jurisdictional wetlands, as other reasonable alternatives are available (see section 2.1). Residents in the vicinity of proposed borrow areas are concerned about truck haulers causing traffic congestion and noise. The public is also concerned about safety issues during and after the borrow area is excavated. Finally, landowners are concerned about the USACE using their privately owned property as a source of borrow material and not being fairly compensated.

1.6 DATA GAPS AND UNCERTAINTIES

At the time of submission of this IER, geotechnical evaluations have not been completed for the proposed contractor-furnished borrow areas. Final selection and/or footprints of borrow areas could vary based on the results of these evaluations. Borrow area footprints would be decreased in the case of negative geotechnical findings; areas not included in this investigation would be discussed in subsequent IERs.

Transportation impacts and routes for the delivery of borrow material have not been fully determined, as it is currently uncertain to which construction sites each proposed contractor-furnished borrow area would provide material. Large quantities of material would be delivered to construction sites within the New Orleans metropolitan area. This could have localized short-term impacts to transportation corridors that cannot be quantified at this time. The CEMVN is completing a transportation study to determine potential impacts associated with the transporting of material to construction sites. This analysis will be discussed in the CED.

Cumulative noise impacts are not fully known at this time. Any additional noise impacts that have not been identified will be discussed in the CED. Once the impacts associated with the proposed sites described in this IER in addition to any additional currently unidentified noise and transportation impacts associated with all of the HSDRRS work are determined, an analysis will be discussed in the CED.

Details on environmental justice impacts from potential use of proposed borrow areas will be further analyzed when additional project planning data become available at the conclusion of small group neighborhood focus meetings. These details will be included in the CED.

The excavation of a contractor-furnished borrow areas is subject to compliance with local and state regulations or ordinances, including any local or state rules concerning backfilling excavated sites. It is the responsibility of the landowner to coordinate and secure appropriate permits from the local parish/county authority before starting any work on the property. Some unknown impacts due to backfilling activity may include traffic impacts, river dredging impacts, impacts to threatened and endangered species, stockpile/staging locations, sediment pipeline routes, and water quality impacts.

Air quality impacts from the excavation of the proposed contractor-furnished borrow areas are not fully known at this time, and additional or cumulative air impacts will be discussed in the CED.

Cumulative visual impacts from the excavation of the proposed contractor-furnished borrow areas are not fully known at this time. Additional or cumulative visual impacts will be discussed in the CED.

2. ALTERNATIVES

2.1 ALTERNATIVES DEVELOPMENT AND PRELIMINARY SCREENING CRITERIA

NEPA requires that in analyzing alternatives to a proposed action a Federal agency consider an alternative of "No Action." Likewise, Section 73 of the WRDA of 1974 (P.L. 93-251) requires Federal agencies to give consideration to non-structural measures to reduce or prevent flood damage. This IER discusses the potential impacts associated with excavating three proposed contractor-furnished borrow areas, and as such there are no non-structural alternatives. Non-structural alternatives will be evaluated in the IERs discussing the construction of the HSDRRS levees, floodwalls, and structures.

The CEMVN is pursuing three avenues of obtaining the estimated amount of borrow material needed for construction of the HSDRRS. The three avenues being pursued by the CEMVN to obtain borrow material are government-furnished (the Government

acquires rights to property), pre-approved contractor-furnished (a CEMVN levee construction contractor works in partnership with a landowner to provide suitable borrow material from the landowner's property), and supply contract (a landowner or corporation delivers a pre-specified amount of suitable borrow material to a designated location for use by a CEMVN levee construction contractor). Two of the avenues being pursued (contactor furnished and supply contract) would allow a private individual(s) or corporation(s) to propose a site where borrow material could come from. It is possible that some of the government-furnished, contractor-furnished, and supply contract sources of borrow material may come from anywhere in the United States.

IER #18, IER #22, and IER #25 discuss approved government-furnished borrow alternatives. Approved contractor-furnished borrow areas are discussed in IER #19, IER #23, IER #26, and IER #28. IER #30 will discuss potential supply contract alternatives. This IER discusses potential contractor-furnished borrow areas. Additional borrow IERs will be prepared as future potential government-furnished, contractor-furnished, and supply contract borrow areas are identified.

The U.S. Fish and Wildlife Service (USFWS) supports the CEMVN's prioritization of selection for potential borrow areas in the following order: existing commercial areas, upland sources, previously disturbed/manipulated wetlands within a levee system, and low-quality wetlands outside a levee system (letter dated May 8, 2009, appendix D). The USFWS recommends that prior to utilizing borrow areas, every effort should be made to reduce impacts by using sheetpile and/or floodwalls to increase levee heights wherever feasible. The USFWS also recommends 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) or non-forested wetlands (e.g., wetland pastures), excluding marshes;

    c) disturbed wetlands (e.g., hydrologically altered, artificially impounded).

3. Areas 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) or non-forested wetlands (e.g., wetland pastures), excluding marshes;

    c) disturbed wetlands (e.g., hydrologically altered, artificially impounded)."

The USFWS is currently assisting the CEMVN in meeting this protocol.

2.2 DESCRIPTION OF THE ALTERNATIVES

Five alternatives were considered. These include the no action, the proposed action, use of government-furnished borrow material, and the use of borrow material from a supply contract.

No Action. Under the no action alternative, the proposed contractor-furnished borrow areas would not be used in connection with construction of the HSDRRS. The HSDRRS levee and floodwall projects would be built to authorized levels using government-furnished borrow areas and contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, and IER #28, or other sources yet to be identified. In IER #19, the 36.6-acre Eastover Phase I site was approved as a contractor-furnished borrow area. The Eastover Phase I site may be used as a contractor-furnished borrow area in the construction of the HSDRRS. The proposed Eastover Phase II site borders and surrounds the approved Eastover Phase I site (figure 5). In IER #26, the 64-acre Willow Bend Phase I site was approved as a contractor-furnished borrow area. The Willow Bend Phase I site may be used as a contractor-furnished borrow area in the construction of the HSDRRS. The proposed Willow Bend Phase II site borders and surrounds the approved Willow Bend Phase I site (figure 7).

Proposed Action. The proposed action consists of excavating the proposed Eastover Phase II, Tammany Holding, and Willow Bend Phase II contractor-furnished borrow areas, as discussed in section 2.3. If proposed sites are approved, a CEMVN levee contractor could select any of these sites for use in a contract for construction of the HSDRRS. If a levee contractor selected one of these proposed contractor-furnished borrow areas, he would work in partnership with the respective landowner to provide suitable borrow material from the selected borrow area.

Government-Furnished Borrow Material Alternative. The Government would acquire the rights to property, from which suitable borrow material could be used for construction of the HSDRRS. Government-furnished borrow alternatives are discussed in IER #18, IER #22, IER #25, and IER #28, and will be explored in future borrow IERs.

Contractor-Furnished Borrow Material Alternative. A CEMVN levee contractor would work in partnership with a landowner to obtain suitable pre-approved contractor-furnished borrow material from the landowner's property. Other contractor-furnished borrow alternatives are discussed in IER #19, IER #23, IER #26, and IER #28, and will be explored in future borrow IERs.

Supply Contract Borrow Material Alternative. The supply contract would allow a private individual(s) or corporation(s) to deliver a pre-specified amount of suitable borrow material from an area(s) anywhere in the United States. The individual or corporation would deliver the borrow material to a designated location for use by a CEMVN construction contractor. Supply contract alternatives will be discussed in IER #30.

2.3 PROPOSED ACTION

The proposed action (preferred alternative) consists of potentially excavating all suitable material from the proposed Eastover Phase II, Tammany Holding, Willow Bend Phase II contractor-furnished borrow areas for use in construction of the HSDRRS (figure 1). Material would be excavated by a CEMVN contractor who has made a financial arrangement with the contractor-furnished borrow site landowner. Once excavated and processed, the material would be transported to a HSDRRS construction site.

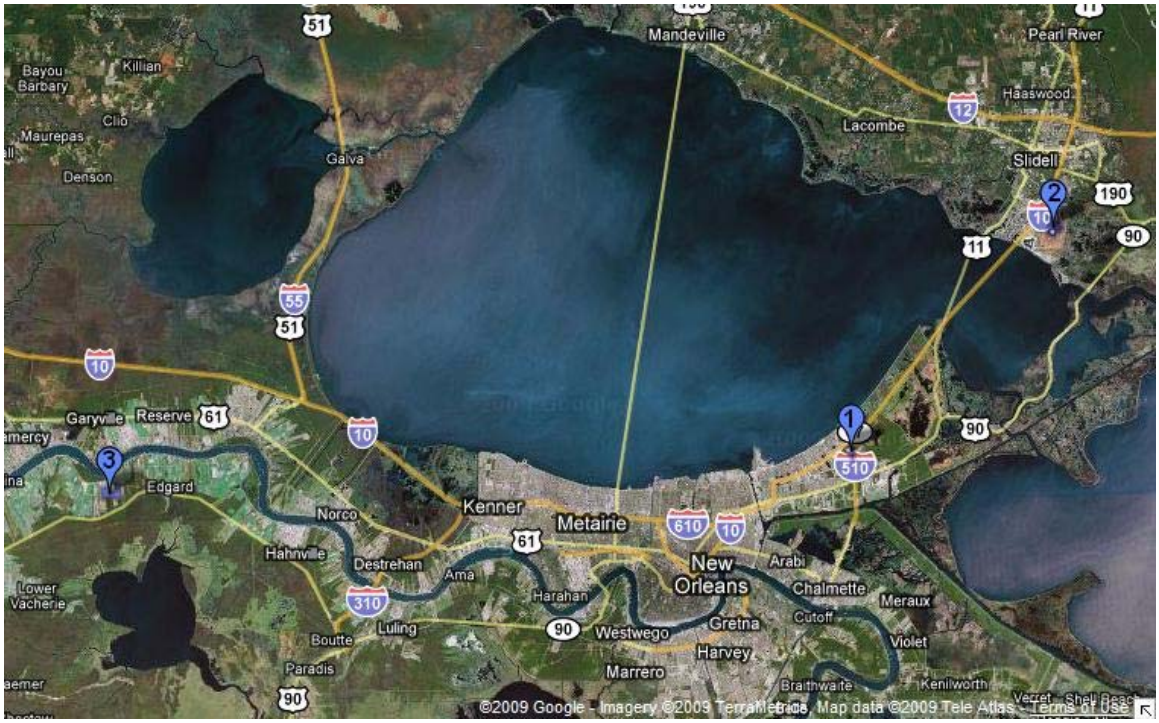

Figure 1: Proposed Borrow Areas
1: Eastover Phase II /2: Tammany Holding / 3: Willow Bend Phase II

Figure 2: Area map of the proposed Willow Bend Phase II borrow area
White area is the Willow Bend Phase I contractor-furnished site approved in IER #26.

Figure 3: Area map of the proposed Eastover Phase II borrow area
White area is the Eastover Phase I contractor-furnished site approved in IER #19.

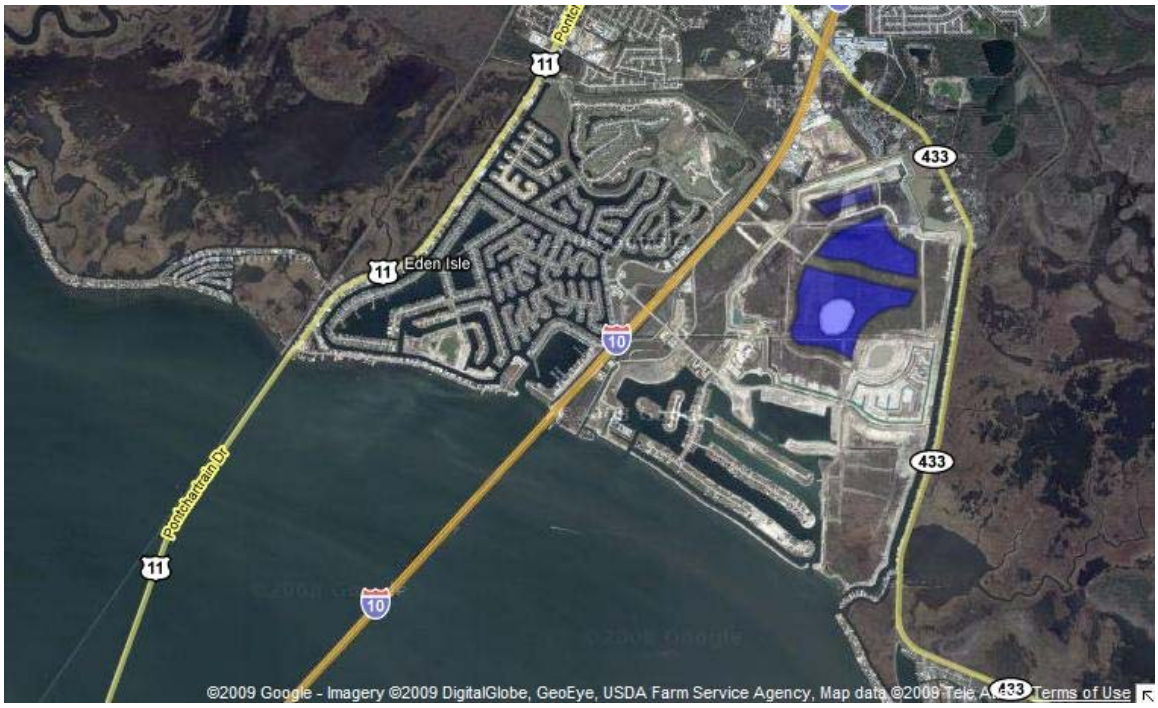

Figure 4: Area map of the proposed Tammany Holding borrow area
White area is an existing borrow site not related to construction of the HSDRRS.

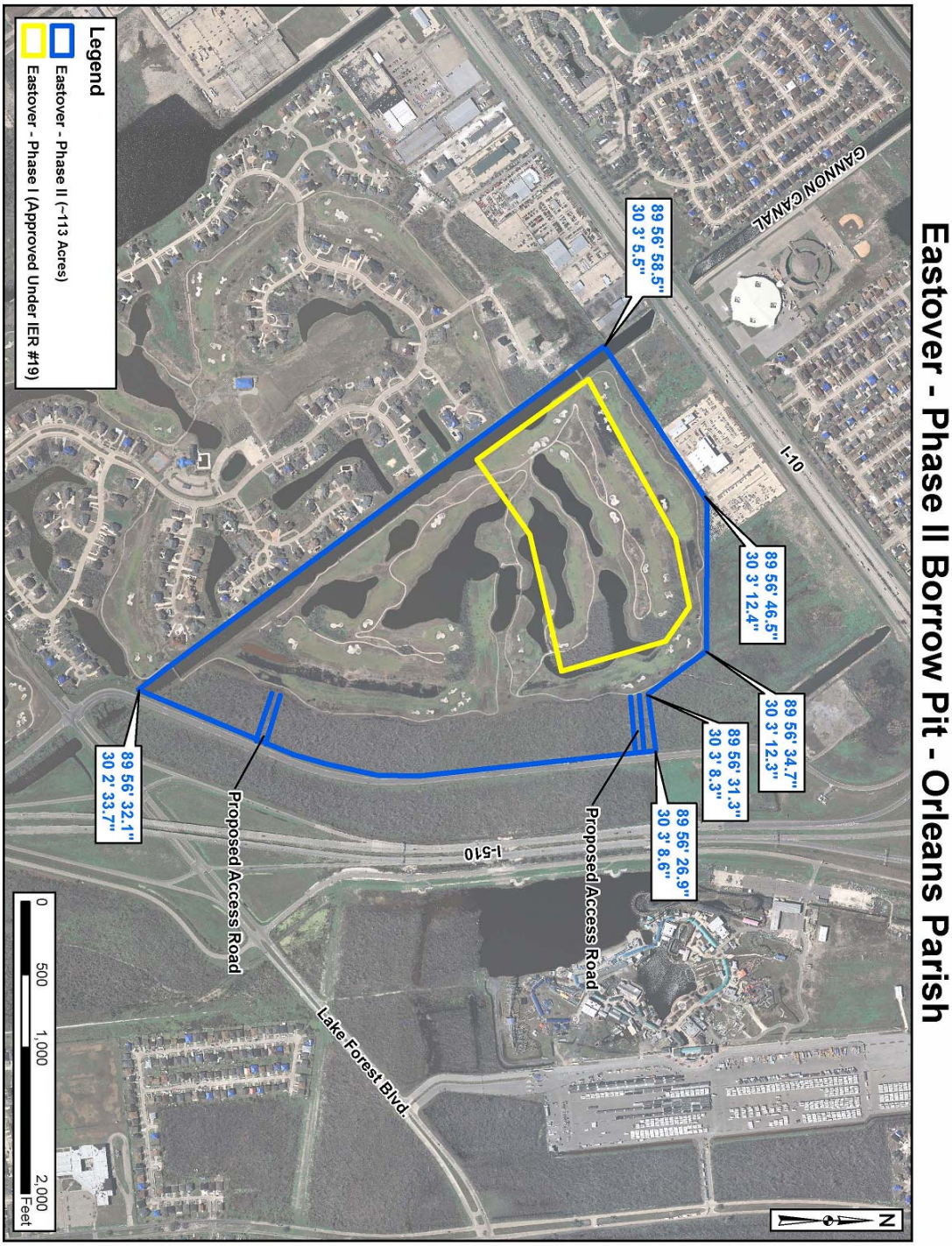

Figure 5: Site map of the proposed Eastover Phase II borrow area

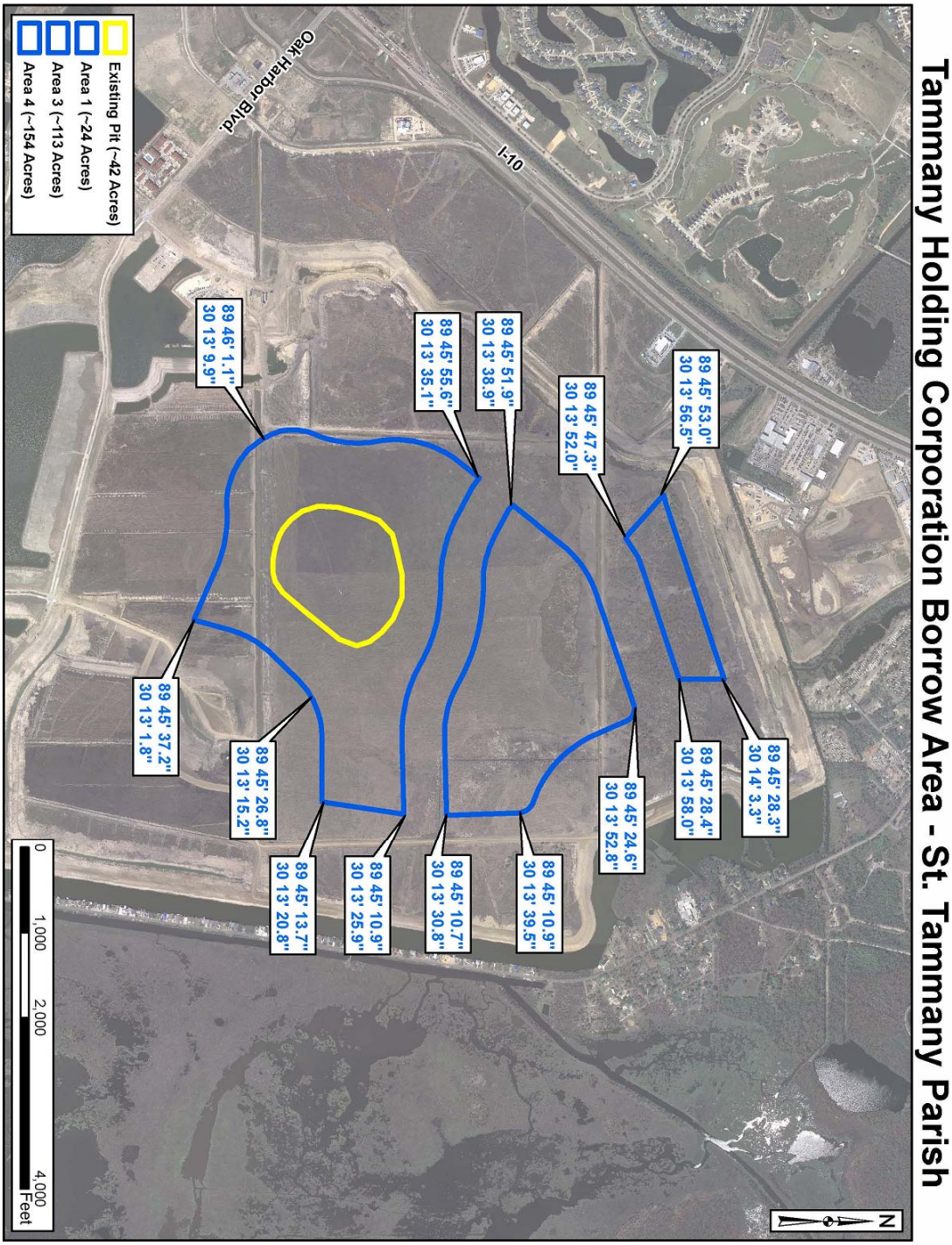

Figure 6: Site map of the proposed Tammany Holding borrow area

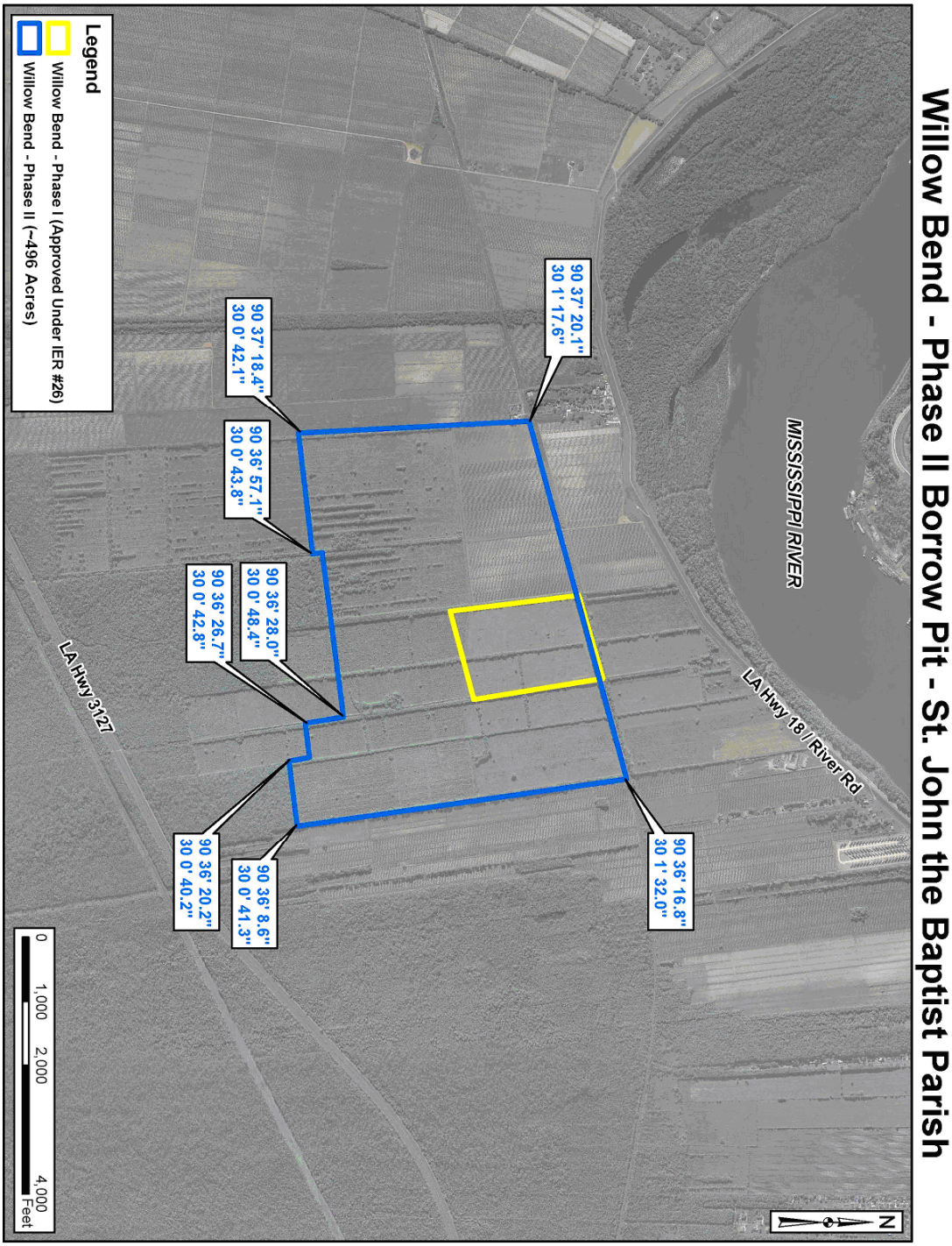

Figure 7: Proposed Willow Bend Phase II Borrow Area

In order to meet the borrow needs of the HSDRRS, personnel from the CEMVN Project Management, Engineering, Real Estate, Office of Counsel, Relocations, and Environmental Branches established a Borrow PDT. This team works closely with other CEMVN offices (Hurricane Protection Office, Protection and Restoration Office, and Regulatory Functions Branch) to accomplish its mission. The team's goal is to locate high quality clay borrow sources suitable for levee and floodwall construction in such a way as to be least damaging to both the natural and human environments within the project area.

The team investigated and completed environmental coordination of the proposed contractor-furnished borrow areas, and is currently investigating others. Future potential borrow areas will be discussed in future borrow IERs.

Proposed contractor-furnished borrow areas are initially evaluated by reviewing the contractor-provided information packet required for investigation of proposed contractor-furnished borrow areas. The contractor packet is considered complete if it consists of the following: 1) a signed right of entry; 2) maps showing the property boundaries and areas being proposed for use as a contractor-furnished borrow area; 3) an approved Jurisdictional Determination from the CEMVN Regulatory Functions Branch indicating no jurisdictional wetland impacts; 4) a Coastal Use Permit or Letter of No Objection from the Louisiana Department of Natural Resources, Coastal Management Division (LADNR) (or state agency equivalent if the borrow site is in a state other than Louisiana), and a local parish/county Coastal Use Permit, when applicable; 5) a concurrence letter from the U.S. Department of the Interior, USFWS indicating that no threatened or endangered (T&E) species or their critical habitat would be affected by the proposed action; 6) a cultural resources assessment; 7) a Phase I Environmental Site Assessment (ESA); and 8) geotechnical boring logs and soil analysis identifying the suitability of potential borrow material. These materials are incorporated by reference.

The proposed action consists of removing all suitable material from the following proposed three borrow areas.

- The Eastover Phase II site is located near the intersection of I-10 and I-510 in Orleans Parish (figures 3 and 5). The proposed Eastover Phase II site is 113 acres. The proposed site includes a portion of the Gannon Canal and a portion of the former Eastover golf course, as shown in figure 5. The Eastover community contains two former 18-hole golf courses that are currently closed. Hurricane Katrina in August of 2005 rendered Eastover's two 18-hole courses unplayable. In late March of 2007, nine holes of the Eastover golf course were reopened to members, and there were plans at the time to open an additional nine holes in the spring of 2008. However, the course's operators said they were unable to re-establish membership levels, according to an interview with *The Times-Picayune* in October of 2007. The golf course remains closed, and as of June 2009 the landowner has stated that he has no intention of reopening the portion of the golf course that contains the proposed Eastover Phase II contractor-furnished borrow area. The proposed Eastover Phase II site borders and surrounds the 36.6-acre Eastover Phase I site, which was approved as a potential contractor-furnished site in IER #19. The approved Eastover Phase I site is also located on a portion of the closed golf course.

- The Tammany Holding site is located off of I-10 near Lake Pontchartrain in St. Tammany Parish (figures 4 and 6). The site consists of three proposed borrow areas totaling 291 acres. Area 1 is 24 acres, Area 3 is 113 acres, and Area 4 is 154

acres. The site is currently cleared and being developed into a residential community.

- The Willow Bend Phase II area is located south of River Road in St. John the Baptist Parish, Louisiana (figures 2 and 7). The 496-acre site is mostly farmland, with tree lines in portions of the property. The proposed site is adjacent to the 64-acre Willow Bend Phase I site, which was approved as a potential contractor-furnished site in IER #26.

Some or all of the proposed contractor-furnished borrow areas may be used as stockpile or staging areas if needed by construction contractors.

2.4 ALTERNATIVES TO THE PROPOSED ACTION

The other alternatives to the proposed action that were considered were the no action, use of government-furnished borrow material, use of other contractor-furnished borrow areas, and use of borrow material from a supply contract. These alternatives are described in section 2.2.

3. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.1 ENVIRONMENTAL SETTING

The proposed contractor-furnished borrow areas described in this report are located in southeastern Louisiana. The proposed Willow Bend Phase II borrow area is located in a rural area west of the New Orleans metropolitan area on the west bank of the Mississippi River in St. John the Baptist Parish. The proposed Willow Bend Phase II site borders and surrounds the 64-acre Willow Bend Phase I contractor-furnished borrow area, which was approved in IER #26. The proposed Eastover Phase II borrow area is located in a residential urban part of Orleans Parish referred to locally as New Orleans East. New Orleans East extends east of the Inner Harbor Navigational Canal, and is bordered to the south by the Gulf Intracoastal Waterway. The proposed Eastover Phase II site borders and surrounds the 36.6-acre Eastover Phase I contractor-furnished borrow area, which was approved in IER #19. The proposed Tammany Holding borrow area is located on the north shore of Lake Pontchartrain in St. Tammany Parish and east of I-10. For the purposes of this report, the project study area is defined as southeastern Louisiana.

Fauna and Flora

The Louisiana Coastal Plain area contains an extraordinary diversity of estuarine habitats that range from narrow natural levee and beach ridges to expanses of bottomland hardwood (BLH) forest, forested swamps and fresh, brackish, saline marshes, and pasturelands. The wetlands support various functions and values, including commercial fisheries, harvesting of furbearers, recreational fishing and hunting, ecotourism, critical wildlife habitat (including that for threatened and endangered species), water quality improvement, navigation and waterborne commerce, flood control, and buffering protection from storms.

Terrestrial animals that may inhabit some of the proposed contractor-furnished borrow areas include nutria, muskrat, raccoon, mink, and otter, which are harvested for their furs. White-tailed deer, feral hogs, rabbits, various small mammals, and a variety of birds,

reptiles, amphibians, and mosquitoes also occur in the study area. Agricultural crops grown in the vicinity of some of the proposed contractor-furnished borrow areas include sugar cane, citrus fruits, and truck crops.

Soils

The USACE HSDRRS Design Guidelines, of which the below-stated soil standards are a part, are reviewed and updated as necessary. Changes to the guidelines are reviewed and approved by USACE staff at the local, regional and headquarters level; additional reviews are completed by academia and private individuals who are recognized experts in their fields. Additionally, the guidelines being utilized by the CEMVN have been reviewed by members of the Interagency Performance Evaluation Team (IPET). The design guidelines may be updated from time to time to respond to new engineering analysis of improved technology, innovative processes, or new data.

The term "borrow" is used in the fields of construction and engineering to describe material that is dug in one location for use at another location. The term "suitable" as it relates to borrow material is defined as meeting the following current criteria after placement as levee fill:

- Soils classified as clays (CH or CL) are allowed as per the Unified Soils Classification System;
- Soils with organic contents greater than 9 percent are not allowed;
- Soils with plasticity indices (PI) less than 10 are not allowed;
- Soils classified as silts (ML) are not allowed;
- Clays will not have more than 35 percent sand content.

<u>Clay Specifications</u>
The earthen clay material shall be naturally occurring or contractor blended. Addition of lime, cement, or other soil amendments for any reason is not permitted. Soil that is classified in accordance with ASTM D 2487 and the Unified Soil Classification System as CH and CL are suitable. Soil classified as ML shall be considered unsuitable; however, minor amounts of ML may be suitably blended with CH or CL to formulate a material that classifies as a CL as per ASTM D 2487. Soil must be free from masses of organic matter, sticks, branches, roots, and other debris, including hazardous and regulated solid wastes. Soil from a contractor-supplied earthen clay material source may not contain excessive amounts of wood. However, isolated pieces of wood would not be considered objectionable in the embankment provided their length does not exceed 1 foot, their cross-sectional area is less than 4 square inches, and they are distributed throughout the fill. Not more than 1 percent (by volume) of objectionable material shall be contained in clay material ordered by the Government. Pockets and/or zones of wood shall not be acceptable. Material consisting of greater than 35 percent sands (by dry weight) or materials with a PI of less than 10 will not be accepted as well as material having an organic content exceeding 9 percent by weight. Under no circumstances shall frozen earth, snow, or ice in the material be considered acceptable.

The geotechnical analysis consists of the following:

1. A geotechnical report stamped and signed by a licensed civil engineer with a specialization in geotechnical engineering certifying that the proposed source contains suitable material meeting the specifications outlined in the CEMVN's Soil Boring Factsheet.

2. The geotechnical report must consist of a summary and conclusion section in the main body of the report with any supporting data attached separately. The licensed engineer shall determine the sub-surface investigations required. These investigations could include but are not limited to soil borings, test sites, or cone penetrometer tests.

3. Investigations shall be spaced according to the geotechnical engineer's sub-surface evaluation and be representative of the entire proposed source. The licensed engineer's test plan must provide a comprehensive sampling to at least 5 feet below the bottom of the proposed excavation.

4. All soil samples must be classified in accordance with the Unified Soil Classification system. The supporting data attached to the geotechnical report shall be comprehensive and include as a minimum all field logs, soil sampling and testing results and a detailed investigation location map with the location of the potential borrow source and all investigation locations superimposed. The soil investigation locations must include latitudes and longitudes for plotting purposes.

Laboratory tests include:

1. Soil classification shall be performed in accordance with the Unified Soil Classification System and ASTM D 2487.

2. Atterberg Limits Test shall be performed in accordance with ASTM D 4318.

3. Determination of moisture content shall be performed in accordance with ASTM D 2216 or ASTM D 4643.

4. Determination of organic content shall be performed in accordance with ASTM D 2974, Method C.

5. Control compaction curves shall be established in accordance with ASTM D 698 (Standard Proctor Compaction Tests). A control compaction curve is required for each soil type from each source. Where material is blended and stockpiled, a control compaction curve would be required for each resulting blend of material and would be utilized in lieu of those required for the "unblended materials."

6. Sand Content shall be determined by 200 wash in accordance with ASTM D 1140.

Test Procedures for borings include:

1. A moisture content determination shall be made and recorded on all samples classified as (CH), (CL), and (ML) at no less than 2 foot intervals.

2. For (CH), (CL), and (ML) soils, Atterberg Limits and Organic Content Testing (ASTM D 2974, Method C) is required every 5 feet (minimum).

3. Samples with moisture contents at 70 percent or higher or having a Liquid Limit of 70 or higher must be tested for organic content for that sample as well as for a sample 2 feet above and 2 feet below that sample.

4. Sand content tests would be required for samples that classify as CL (with a PI greater than 10) and for all clay samples (CH and CL) with greater than 10 percent coarse grain materials estimated by visual classification for 2 or more consecutive feet.

5. Sand content tests would be limited to one test every 5 feet of sampling and shall conform to ASTM D1140-00 (#200 sieve required).

6. Sand content tests would be required for samples that classify as a ML, but limited to one test every 5 feet of sampling.

The resulting classification, plasticity, water content, and organic content determinations and borrow area boring logs with GPS readings at the boring locations have been or will be analyzed for potential use by the CEMVN to determine the suitability of the soil. Geotechnical testing and soil analysis is ongoing at some of the areas, so it is possible that the area of suitable acreage may decrease as results are finalized.

Government-Furnished Sites
For potential government-furnished borrow areas, the CEMVN conducts site visits, performs soil borings and testing, acquires all pertinent environmental clearances, and is responsible for borrow site acquisition. Using this method, the landowner provides the CEMVN with a signed right-of-entry (ROE) form and the Government completes all required testing and analysis.

Contractor-Furnished Sites
For potential contractor-furnished borrow areas, individual landowners are responsible for soil boring and testing, and acquiring all applicable local, state, and Federal environmental clearances. Upon completing all required tasks, the landowner submits a complete package to the CEMVN for approval. The Government completes an analysis of the site and the material proposed for use based upon the information supplied to the Government by the landowner. Upon approval of the site by the Government, the potential borrow site would be placed on the complimentary list of potential pre-approved contractor-furnished borrow sources. The CEMVN may opt to provide in construction contracts a complimentary list of contractor-furnished clay sources that have been deemed to have material that meets geotechnical standards and to be environmentally acceptable. The CEMVN does, however, caution that it cannot vouch for the availability, suitability or quantity of borrow material from such listed sources. The construction contractor is not obligated to select a site from the contractor-furnished clay source list. However, if the contractor chooses to obtain borrow material elsewhere, then it must demonstrate that its source has undergone environmental clearance conforming to the CEMVN's requirements and that the source meets the CEMVN's geotechnical standards. Agreements for use of a contractor-furnished site would solely be between a construction contractor and the landowner, and at no point in time would the landowner have an agreement with the CEMVN. Additionally, there are no guarantees that the landowner will sell borrow material for construction of the HSDRRS. For a construction contractor to use borrow from the contractor-furnished clay source list, the contractor must reach an agreement with the site owner(s) and compensate the owner for the material used from the site, based on that agreement. Reaching the agreement and compensating the landowner are the responsibility of the construction contractor.

Supply Contract
The Government may secure borrow material through a supply contractor that would deliver material to the construction site and/or stockpile area for placement by a construction contractor. For potential supply contract borrow sites, individual bidders are responsible for geotechnical testing and acquiring state and Federal environmental clearances. Upon completing all required tasks, the landowner submits a complete package to the CEMVN for approval when requested, as per a contract Request For Proposal. Sites are evaluated by the CEMVN for environmental compliance and soil

suitability. If approved, the bidders would be allowed to participate in the supply contract process.

3.2 SIGNIFICANT RESOURCES

This section contains a list of the significant resources located in the vicinity of the proposed contractor-furnished borrow areas, and describes in detail those resources that may be impacted directly, indirectly, or cumulatively by the proposed action. Direct impacts are those that are caused by the action taken and occur at the same time and place (40 CFR §1508.8(a)). Indirect impacts are those that are caused by the action and are later in time or further removed in distance, but are still reasonably foreseeable (40 CFR §1508.8(b)). Cumulative impacts are impacts that result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions (40 CFR §1508.7).

The resources described in this section are those recognized as significant by laws, executive orders, regulations, and other standards of Federal, state, or regional agencies and organizations; technical and scientific agencies, groups, and individuals; and the general public. Further detail on the significance of each of these resources can be found by contacting the CEMVN, or on www.nolaenvironmental.gov, which offers information on the ecological and human value of these resources, as well as the laws and regulations governing each resource. Search for "Significant Resources Background Material" in the website's digital library for additional information. Table 1 shows those significant resources found within the project area, and notes whether they would be impacted by the proposed action.

This report assumes that under the no action alternative the proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified. Borrow material would be obtained at sites not discussed in this IER. Consequently, the impacts discussed in this report are those impacts specifically associated with utilizing the proposed Eastover Phase II, Tammany Holding, and Willow Bend Phase II contractor-furnished borrow areas.

Table 1: Significant Resources in the Project Area

Significant Resource	Impacted	Not Impacted
Jurisdictional Wetlands		X
Non-Jurisdictional Bottomland Hardwood Forest	X	
Upland Areas	X	
Prime and Unique Farmland	X	
Wildlife	X	
Threatened and Endangered Species		X
Cultural Resources		X
Recreational Resources	X	
Noise	X	
Air Quality	X	
Water Quality	X	
Aesthetics	X	
Socioeconomics	X	

3.2.1 Jurisdictional Wetlands

Existing Conditions

The CEMVN is working diligently to avoid impacts to jurisdictional wetlands (as defined by Section 404 of the Clean Water Act [CWA]) when investigating and approving potential borrow sites for use in construction of the HSDRRS. The CEMVN selection prioritization of potential borrow areas (section 2.1), as well as guidance from the USFWS (appendix D), relating to potential impacts to jurisdictional wetlands have been and will continue to be followed. The CEMVN will coordinate with governmental agencies and the public if jurisdictional wetlands may be impacted during future proposed government-furnished, contractor-furnished, or supply contract borrow activities.

During initial investigations, a jurisdictional wetland determination from the CEMVN Regulatory Functions Branch was completed for the three potential contractor-furnished borrow areas discussed in this IER.

- *Eastover Phase II*
  The CEMVN jurisdictional wetland determination MVN-2007-1003-SU dated 29 March 2007 for the proposed Eastover Phase II contractor-furnished borrow area indicates that the site contains jurisdictional "404 other waters," which for this site are manmade ponds on the former golf course. The ponds would be excavated during borrow site excavation. The CEMVN jurisdictional wetland determination indicates that no jurisdictional wetlands are located on the site.

- *Tammany Holding*
  The CEMVN jurisdictional wetland determinations MVN-2002-1717-SU dated 7 May 2004, and MVN-2003-1346-SU dated 25 April 2005 for the proposed Tammany Holding residential development indicates the presence of jurisdictional wetlands on the site. The owners of the proposed Tammany Holding development received a USACE Section 404 permit to develop the site into a residential community (permit MVN-2002-1717-EFF). Wetlands located on the site have been destroyed as allowed under permit MVN-2002-1717-EFF for the proposed residential development, and the impacts were mitigated for by the landowner in accordance with the CEMVN's CWA Section 404 regulatory program.

  Currently, there are no jurisdictional wetlands located on the site.

- *Willow Bend Phase II*
  The CEMVN jurisdictional wetland determination MVN-2008-00574-SU dated 29 May 2008 for the proposed Willow Bend Phase II contractor-furnished borrow area indicates that no jurisdictional wetlands are located on the site.

Discussion of Impacts

No Action

- *Eastover Phase II & Willow Bend Phase II*

  Direct Impacts
  Under the no action alternative, no direct impacts to jurisdictional wetlands would occur at the proposed Eastover Phase II or Willow Bend Phase II contractor-

furnished borrow areas. The proposed Eastover Phase II or Willow Bend Phase II sites would not be used as contractor-furnished borrow areas under the no action alternative.

Indirect Impacts

Under the no action alternative, there would be no indirect impacts to jurisdictional wetlands at the Eastover Phase II and Willow Bend Phase II sites. The proposed Eastover Phase II site and Willow Bend Phase II site would not be used as a contractor-furnished borrow area under the no action alternative.

Cumulative Impacts

Under the no action alternative, the proposed non-wetland Eastover Phase II and Willow Bend II sites would not be used as contractor-furnished borrow areas, and as such there would be no cumulative impacts to jurisdictional wetlands at either of these proposed sites or in the project area due to the proposed action. Under this alternative, the proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

Eastover Phase I and Willow Bend Phase I are potential contractor-furnished borrow areas approved in, respectively, IER #19 and IER #26. Use of any approved contractor-furnished borrow area, including the Eastover Phase I and Willow Bend Phase I sites, would also not contribute to the cumulative loss of jurisdictional wetlands in the project area, as none of the sites contain jurisdictional wetlands.

Cumulative impacts to jurisdictional wetlands would continue in the project area under the no action alternative. Historical and present wetland loss and gain in southeastern Louisiana has been caused by a multitude of natural and anthropogenic actions (Barras et al., 2004). Coastal wetland loss has occurred for thousands of years in Louisiana, and has until the 20th century been balanced by various natural wetland building processes (LACOAST, 1997). Multiple factors have been associated with coastal land loss, including the inhibition of sediment movement into coastal systems due to levee systems along the Mississippi River; man-made canals and their associated hydrologic changes (i.e., saltwater intrusion); a decline of suspended sediments coming from the Mississippi River due to upriver dams and other projects; erosion caused by wave action and boating activity; geologic compaction and faulting; storm events, including hurricanes; and relative sea level rise (Boesch et al., 1994). Public and private wetland creation and restoration projects have contributed to wetland gain in southeastern Louisiana. Major programs and initiatives include the Coastal Wetlands Planning, Protection and Restoration Act program; the Beneficial Use of Dredged Material program; WRDA restoration projects (e.g., Davis Pond Freshwater Diversion, Caernarvon Freshwater Diversion); vegetation restoration projects (e.g., National Resources Conservation Service Plant Materials Center); Louisiana state restoration projects; the Louisiana Parish Coastal Wetland Restoration Program; Federal Emergency Management Agency restoration projects; public and private parties' initiatives, including those of non-governmental organizations and corporations; and private mitigation banks. It is expected that the trend of wetland loss would continue, the rate of which would be slowed by the previously mentioned wetland creation and restoration initiatives.

Human-induced impacts to wetlands have contributed the most to wetland loss in leveed areas. Most of these impacts have been associated with the conversion of wetland areas for agriculture and residential housing. These actions are regulated by the USACE CWA Section 404 regulatory program, and wetland losses are mitigated for through the program. It is expected that this historical trend of anthropogenic impacts would continue to impact non-protected leveed wetlands in the region.

Federal and non-Federal borrow activity has contributed to the loss of wetlands in the region. Historically, borrow material was taken from sources near levees, sometimes within wetland areas. At this time, it is the policy of the CEMVN not to impact wetlands when obtaining borrow for the proposed HSDRRS projects (section 2.1). Other Federal and non-Federal levee projects may incrementally impact wetlands for borrow acquisition and levee construction in the reasonably foreseeable future.

Historical and projected loss of wetlands in southeastern Louisiana has been analyzed and discussed in Coast 2050: Towards a Sustainable Coastal Louisiana (LCWCRTF, 1998), the final Louisiana Coastal Area (LCA), Louisiana - Ecosystem Restoration Study (USACE, 2004), Louisiana's Comprehensive Master Plan for a Sustainable Coast (LACPRA, 2007), and the ongoing USACE Louisiana Coastal Protection and Restoration project.

- *Tammany Holding*

Direct Impacts
Under the no action alternative, no direct impacts to jurisdictional wetlands would occur at the proposed Tammany Holding contractor-furnished borrow area due to the proposed action. Wetlands located on the site have been cleared as allowed under the USACE Section 404 permit, MVN-2002-1717-EFF, for the proposed residential development, and the impacts were mitigated for by the landowner in accordance with the terms of the permit. These impacts are not related to the proposed action.

Indirect Impacts
Under the no action alternative, no indirect impacts to jurisdictional wetlands would occur at the proposed Tammany Holding contractor-furnished borrow area due to the proposed action. Indirect impacts to jurisdictional wetlands may occur at the proposed Tammany Holding site due to the landowner's proposed residential development. The property has been cleared of wetland areas. This action may affect nearby jurisdictional wetlands by changing the hydrology and nutrient dynamics in the vicinity. These changes have not been quantified.

Cumulative Impacts
Under the no action alternative, the proposed Tammany Holding contractor-furnished site would not be used in the construction of the HSDRRS. The proposed contractor-furnished borrow area would not contribute to the cumulative loss of jurisdictional in the project area.

The landowner's excavation of jurisdictional wetlands at the proposed Tammany Holding site has contributed to the cumulative loss of this resource in the project area. These impacts were mitigated through CEMVN's CWA Section 404 regulatory program, and were not related to the proposed action.

Under the no action alternative, the proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

Cumulative impacts to jurisdictional wetlands would continue in the project area under the no action alternative. Historical and present wetland loss and gain in southeastern Louisiana has been caused by a multitude of natural and anthropogenic actions (Barras et al., 2004). Coastal wetland loss has occurred for thousands of years in Louisiana, and has until the 20th century been balanced by various natural wetland building processes (LACOAST, 1997). Multiple factors have been associated with coastal land loss, including the inhibition of sediment movement into coastal systems due to levee systems along the Mississippi River; man-made canals and their associated hydrologic changes (i.e., saltwater intrusion); a decline of suspended sediments coming from the Mississippi River due to upriver dams and other projects; erosion caused by wave action and boating activity; geologic compaction and faulting; storm events, including hurricanes; and relative sea level rise (Boesch et al., 1994). Public and private wetland creation and restoration projects have contributed to wetland gain in southeastern Louisiana. Major programs and initiatives include the Coastal Wetlands Planning, Protection and Restoration Act program; the Beneficial Use of Dredged Material program; WRDA restoration projects (e.g., Davis Pond Freshwater Diversion, Caernarvon Freshwater Diversion); vegetation restoration projects (e.g., National Resources Conservation Service Plant Materials Center); Louisiana state restoration projects; the Louisiana Parish Coastal Wetland Restoration Program; Federal Emergency Management Agency restoration projects; public and private parties' initiatives, including those of non-governmental organizations and corporations; and private mitigation banks. It is expected that the trend of wetland loss would continue, the rate of which would be slowed by the previously mentioned wetland creation and restoration initiatives.

Human-induced impacts to wetlands have contributed the most to wetland loss in leveed areas. Most of these impacts have been associated with the conversion of wetland areas for agriculture and residential housing. These actions are regulated by the USACE Clean Water Act Section 404 regulatory program, and wetland losses are mitigated for through the program. It is expected that this historical trend of anthropogenic impacts would continue to impact non-protected leveed wetlands in the region.

Federal and non-Federal borrow activity has contributed to the loss of wetlands in the region. Historically, borrow material was taken from sources near levees, sometimes within wetland areas. At this time, it is the policy of the CEMVN not to impact wetlands when acquiring borrow for the proposed HSDRRS projects (section 2.1). Other Federal and non-Federal levee projects may incrementally impact wetlands for borrow acquisition and levee construction in the reasonably foreseeable future.

Historical and projected loss of wetlands in southeastern Louisiana has been analyzed and discussed in Coast 2050: Towards a Sustainable Coastal Louisiana (LCWCRTF, 1998), the final Louisiana Coastal Area (LCA), Louisiana - Ecosystem Restoration Study (USACE, 2004), Louisiana's Comprehensive Master Plan for a Sustainable Coast (LACPRA, 2007), and the ongoing USACE Louisiana Coastal Protection and Restoration project.

Proposed Action

- *Eastover Phase II*

Direct Impacts
No direct impacts to jurisdictional wetlands would occur at the proposed Eastover Phase II contractor-furnished borrow area with implementation of the proposed action. The manmade ponds, which are classified as jurisdictional “404 other waters,” would be excavated. The term "other waters" is meant to differentiate the man-made golf course ponds and water traps found on the proposed Eastover Phase II site from CWA jurisdictional wetlands, which are not found on the project site, per 33 CFR 328.3. Any jurisdictional wetland areas outside of the proposed contractor-furnished borrow area would be avoided. The excavated area would be converted to ponds and small lakes if water is retained, or to a vegetated area if water is not retained. Additional potential direct impacts to jurisdictional wetlands depend on what the landowner decides to do with the Eastover Phase II site following excavation.

Indirect Impacts
Use of the proposed Eastover Phase II contractor-furnished borrow area may result in indirect wetland impacts. Excavation of the proposed borrow area may affect nearby jurisdictional wetlands by changing the hydrology and nutrient dynamics in the vicinity. These changes have not been quantified.

If ponds or small lakes form after excavation of the site, wetland habitat may form around them. Wetland species from nearby habitat would be expected to colonize the area.

Additional potential indirect impacts to jurisdictional wetlands depend on what the landowner decides to do with the Eastover Phase II site following excavation.

Cumulative Impacts
Excavation of the proposed Eastover Phase II contractor-furnished borrow area would not contribute to cumulative wetland impacts because the site does not contain jurisdictional wetlands. The approved 36.6-acre Eastover Phase I contractor-furnished borrow area, approved in IER #19, could also be used for construction of the HSDRRS. Use of the approved Eastover Phase I contractor-furnished borrow area would not contribute to the cumulative loss of jurisdictional wetlands in the project area because the approved Eastover Phase I does not contain any jurisdictional wetlands. Any additional potential cumulative impacts to jurisdictional wetlands depend on what the landowner decides to do with the approved Eastover Phase I and proposed Eastover Phase II sites following excavation.

Cumulative impacts to jurisdictional wetlands would continue in the project area under the no action alternative. Historical and present wetland loss and gain in southeastern Louisiana has been caused by a multitude of natural and anthropogenic actions (Barras et al., 2004). Coastal wetland loss has occurred for thousands of years in Louisiana, and has until the 20th century been balanced by various natural wetland building processes (LACOAST, 1997). Multiple factors have been associated with coastal land loss, including the inhibition of sediment movement into coastal systems due to levee systems along the Mississippi River; man-made canals and their associated hydrologic changes (i.e., saltwater intrusion); a decline of suspended sediments coming from the Mississippi River

due to upriver dams and other projects; erosion caused by wave action and boating activity; geologic compaction and faulting; storm events, including hurricanes; and relative sea level rise (Boesch et al., 1994). Public and private wetland creation and restoration projects have contributed to wetland gain in southeastern Louisiana. Major programs and initiatives include the Coastal Wetlands Planning, Protection and Restoration Act program; the Beneficial Use of Dredged Material program; WRDA restoration projects (e.g., Davis Pond Freshwater Diversion, Caernarvon Freshwater Diversion); vegetation restoration projects (e.g., National Resources Conservation Service Plant Materials Center); Louisiana state restoration projects; the Louisiana Parish Coastal Wetland Restoration Program; Federal Emergency Management Agency restoration projects; public and private parties' initiatives, including those of non-governmental organizations and corporations; and private mitigation banks. It is expected that the trend of wetland loss would continue, the rate of which would be slowed by the previously mentioned wetland creation and restoration initiatives.

Human-induced impacts to wetlands have contributed the most to wetland loss in leveed areas. Most of these impacts have been associated with the conversion of wetland areas for agriculture and residential housing. These actions are regulated by the USACE CWA Section 404 regulatory program, and wetland losses are mitigated for through the program. It is expected that this historical trend of anthropogenic impacts would continue to impact non-protected leveed wetlands in the region.

Federal and non-Federal borrow activity has contributed to the loss of wetlands in the region. Historically, borrow material was taken from sources near levees, sometimes within wetland areas. At this time, it is the policy of the CEMVN not to impact wetlands when acquiring borrow for the proposed HSDRRS projects (section 2.1). Other Federal and non-Federal levee projects may incrementally impact wetlands for borrow acquisition and levee construction in the reasonably foreseeable future.

- *Tammany Holding*

Direct Impacts
No indirect impacts to jurisdictional wetlands would occur with use of the proposed Tammany Holding contractor-furnished borrow area. The landowner has excavated jurisdictional wetlands on the site; however, the wetland impacts from the landowner's excavation was a permitted activity associated with the landowner's planned residential development. Those wetland impacts have been mitigated by the landowner in accordance with his Clean Water Act Section 404 permit and are unrelated to the construction of the HSDRRS.

If the proposed contractor-furnished borrow area is excavated under the proposed action, the resulting area would be converted to large lakes if water is retained, or to a vegetated area if water is not retained. Additional potential direct impacts to jurisdictional wetlands depend on what the landowner decides to do with the Tammany Holding site following excavation.

Indirect Impacts
Use of the proposed Tammany Holding contractor-furnished borrow area may result in indirect wetland impacts. Excavation of the proposed borrow area may

affect nearby jurisdictional wetlands by changing the hydrology and nutrient dynamics in the vicinity. These changes have not been quantified.

If lakes form after excavation of the site, wetland habitat may form around them if the landowner allows. Wetland species from nearby habitat would be expected to colonize the area.

Additional potential indirect impacts to jurisdictional wetlands depend on what the landowner decides to do with the Tammany Holding site following excavation.

Cumulative Impacts

Excavation of the proposed Tammany Holding site would not contribute to cumulative wetland impacts because the site no longer contains jurisdictional wetlands. The landowner has mitigated for wetland impacts at the proposed Tammany Holding site associated with his permitted residential development. Additional potential cumulative impacts to jurisdictional wetlands depend on what the landowner decides to do with the Tammany Holding site following excavation.

Cumulative impacts to jurisdictional wetlands would continue in the project area under the no action alternative. Historical and present wetland loss and gain in southeastern Louisiana has been caused by a multitude of natural and anthropogenic actions (Barras et al., 2004). Coastal wetland loss has occurred for thousands of years in Louisiana, and has until the 20th century been balanced by various natural wetland building processes (LACOAST, 1997). Multiple factors have been associated with coastal land loss, including the inhibition of sediment movement into coastal systems due to levee systems along the Mississippi River; man-made canals and their associated hydrologic changes (i.e., saltwater intrusion); a decline of suspended sediments coming from the Mississippi River due to upriver dams and other projects; erosion caused by wave action and boating activity; geologic compaction and faulting; storm events, including hurricanes; and relative sea level rise (Boesch et al., 1994). Public and private wetland creation and restoration projects have contributed to wetland gain in southeastern Louisiana. Major programs and initiatives include the Coastal Wetlands Planning, Protection and Restoration Act program; the Beneficial Use of Dredged Material program; WRDA restoration projects (e.g., Davis Pond Freshwater Diversion, Caernarvon Freshwater Diversion); vegetation restoration projects (e.g., National Resources Conservation Service Plant Materials Center); Louisiana state restoration projects; the Louisiana Parish Coastal Wetland Restoration Program; Federal Emergency Management Agency restoration projects; public and private parties' initiatives, including those of non-governmental organizations and corporations; and private mitigation banks. It is expected that the trend of wetland loss would continue, the rate of which would be slowed by the previously mentioned wetland creation and restoration initiatives.

Human-induced impacts to wetlands have contributed the most to wetland loss in leveed areas. Most of these impacts have been associated with the conversion of wetland areas for agriculture and residential housing. These actions are regulated by the USACE CWA Section 404 regulatory program, and wetland losses are mitigated for through the program. It is expected that this historical trend of anthropogenic impacts would continue to impact non-protected leveed wetlands in the region.

Federal and non-Federal borrow activity has contributed to the loss of wetlands in the region. Historically, borrow material was taken from sources near levees, sometimes within wetland areas. At this time, it is the policy of the CEMVN not to impact wetlands when acquiring borrow for the proposed HSDRRS projects (section 2.1). Other Federal and non-Federal levee projects may incrementally impact wetlands for borrow acquisition and levee construction in the reasonably foreseeable future.

- *Willow Bend Phase II*

Direct Impacts
No direct impacts to jurisdictional wetlands would occur with use of the proposed Willow Bend Phase II contractor-furnished borrow area because the site does not contain jurisdictional wetlands. Any jurisdictional wetland areas outside of the proposed contractor-furnished borrow area would be avoided. The area would be converted to ponds and small lakes if water is retained, or to a vegetated area if water is not retained. Additional potential direct impacts to jurisdictional wetlands depend on what the landowner decides to do with the Willow Bend Phase II site following excavation.

Indirect Impacts
Use of the proposed Willow Bend Phase II contractor-furnished borrow area may result in indirect wetland impacts. Excavation of the proposed borrow area may affect nearby jurisdictional wetlands by changing the hydrology and nutrient dynamics in the vicinity. These changes have not been quantified.

If ponds or small lakes form after excavation of the site, wetland habitat may form around them. Wetland species from nearby habitat would be expected to colonize the area.

Additional potential cumulative impacts to jurisdictional wetlands depend on what the landowner decides to do with the Willow Bend Phase II site following excavation.

Cumulative Impacts
Excavation of the proposed Willow Bend Phase II borrow area would not contribute to cumulative wetland impacts because the site does not contain jurisdictional wetlands. The approved 64-acre Willow Bend Phase I contractor-furnished borrow area could be used for construction of the HSDRRS. Use of the approved Willow Bend Phase I contractor-furnished borrow area would not contribute to cumulative impacts to jurisdictional wetlands in the project area, because the site does not contain any jurisdictional wetlands. Any additional potential cumulative impacts to jurisdictional wetlands depend on what the landowner decides to do with the approved Willow Bend Phase I and proposed Willow Bend Phase II sites following excavation.

Cumulative impacts to jurisdictional wetlands would continue in the project area under the no action alternative. Historical and present wetland loss and gain in southeastern Louisiana has been caused by a multitude of natural and anthropogenic actions (Barras et al., 2004). Coastal wetland loss has occurred for thousands of years in Louisiana, and has until the 20th century been balanced by various natural wetland building processes (LACOAST, 1997). Multiple factors have been associated with coastal land loss, including the inhibition of sediment

movement into coastal systems due to levee systems along the Mississippi River; man-made canals and their associated hydrologic changes (i.e., saltwater intrusion); a decline of suspended sediments coming from the Mississippi River due to upriver dams and other projects; erosion caused by wave action and boating activity; geologic compaction and faulting; storm events, including hurricanes; and relative sea level rise (Boesch et al., 1994). Public and private wetland creation and restoration projects have contributed to wetland gain in southeastern Louisiana. Major programs and initiatives include the Coastal Wetlands Planning, Protection and Restoration Act program; the Beneficial Use of Dredged Material program; WRDA restoration projects (e.g., Davis Pond Freshwater Diversion, Caernarvon Freshwater Diversion); vegetation restoration projects (e.g., National Resources Conservation Service Plant Materials Center); Louisiana state restoration projects; the Louisiana Parish Coastal Wetland Restoration Program; Federal Emergency Management Agency restoration projects; public and private parties' initiatives, including those of non-governmental organizations and corporations; and private mitigation banks. It is expected that the trend of wetland loss would continue, the rate of which would be slowed by the previously mentioned wetland creation and restoration initiatives.

Human-induced impacts to wetlands have contributed the most to wetland loss in leveed areas. Most of these impacts have been associated with the conversion of wetland areas for agriculture and residential housing. These actions are regulated by the USACE CWA Section 404 regulatory program, and wetland losses are mitigated for through the program. It is expected that this historical trend of anthropogenic impacts would continue to impact non-protected leveed wetlands in the region.

Federal and non-Federal borrow activity has contributed to the loss of wetlands in the region. Historically, borrow material was taken from sources near levees, sometimes within wetland areas. At this time, it is the policy of the CEMVN not to impact wetlands when acquiring borrow for the proposed HSDRRS projects (section 2.1). Other Federal and non-Federal levee projects may incrementally impact wetlands for borrow acquisition and levee construction in the reasonably foreseeable future.

3.2.2 Non-Jurisdictional Bottomland Hardwood Forest

Existing Conditions

Bottomland hardwood forest (BLH) is a habitat that is found throughout southeastern Louisiana. The typically productive forests are found in low-lying areas, and are usually dominated by deciduous trees such as hackberry, Chinese tallow tree, pecan, American elm, live oak, water oak, green ash, bald cypress, black willow, box elder, and red maple. Typical understory plants include dewberry, elderberry, ragweed, Virginia creeper, and poison ivy. Hard mast (nuts) and soft mast (samaras, berries) provide a valuable nutritional food source for birds, mammals, and other wildlife species.

The USACE has regulatory authority over jurisdictional Waters of the United States, including wetlands, pursuant to Section 404 of the CWA, as discussed in section 3.2.1. Non-jurisdictional BLH are those habitats that do not meet all three wetland criteria (hydrophytic vegetation, hydric soils, and wetland hydrology), and thus are out of the USACE's jurisdiction (USACE, 1987). Section 906(b) of WRDA 1986 requires mitigation for impacts to BLH caused by an USACE project.

- *Eastover Phase II*
  The USFWS has determined that approximately 31.1 acres of the 113-acre proposed Eastover Phase II site is comprised of non-jurisdictional BLH.

- *Tammany Holding*
  The proposed Tammany Holding site has been cleared as part of a residential development plan, and does not presently include any BLH habitat.

- *Willow Bend Phase II*
  The USFWS has determined that approximately 76.2 acres of the 496-acre proposed Willow Bend Phase II borrow area is comprised of non-jurisdictional BLH, mostly as tree lines dividing parcels of unmaintained farmland and pastureland.

Staff from the CEMVN and the USFWS visited the proposed borrow areas to assess the value of these BLH habitats. Table 6 lists these values, as calculated by using a habitat evaluation model.

Discussion of Impacts

No Action

- *Eastover Phase II*

Direct Impacts
Under the no action alternative, no direct impacts to non-jurisdictional BLH would occur at the proposed Eastover Phase II contractor-furnished borrow area. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area under the no action alternative.

Indirect Impacts
Under the no action alternative, no indirect impacts to non-jurisdictional BLH would occur due to the proposed action. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area under the no action alternative.
Cumulative Impacts
Under the no action alternative, there would be no cumulative impacts to non-jurisdictional BLH at the proposed Eastover Phase II contractor-furnished borrow area. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area under the no action alternative.

Under the no action alternative, the proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The Eastover Phase I contractor-furnished borrow area was approved in IER #19 and could be used for construction of the HSDRRS. Use of the approved Eastover Phase I contractor-furnished borrow area would not contribute to the cumulative loss of non-jurisdictional BLH in the project area, because the Eastover Phase I borrow area does not contain any non-jurisdictional BLH.

Any additional potential cumulative impacts to non-jurisdictional BLH depend on what the landowner decides to do with the proposed Eastover Phase II site.

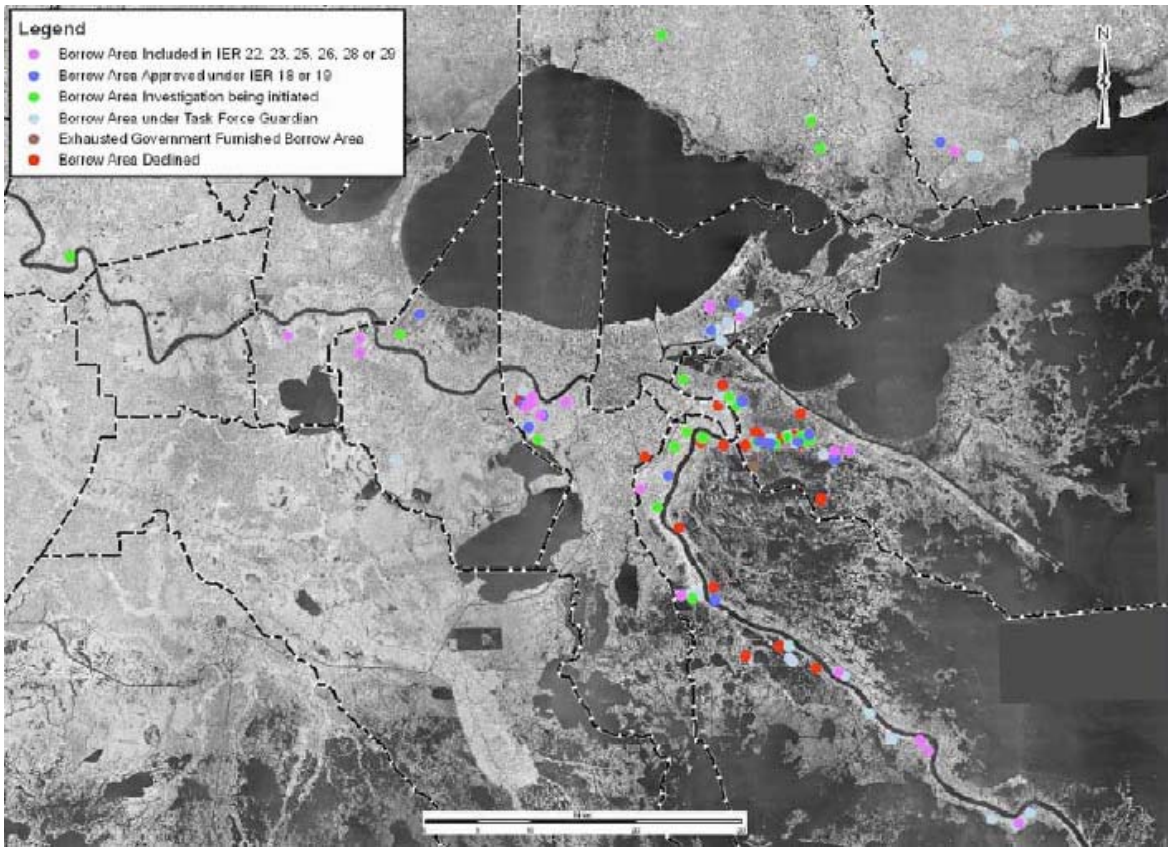

Figure 8: Potential HSDRRS Borrow Sources in Southeastern Louisiana

Cumulative impacts to non-jurisdictional BLH would continue in the project area under the no action alternative. The proposed action is one of several potential borrow areas in New Orleans East that were approved or are being investigated for use on the HSDRRS. The approved Eastover Phase I, Cummings North, Maynard, Stumpf Phase I, and Stumpf Phase II sites are located within three miles of the proposed action (figure 9). All but the Eastover Phase I site have non-jurisdictional BLH located on them. Additionally, the proposed Cummings South site, which contains non-jurisdictional BLH, is also in the vicinity. It is reasonably foreseeable that the approved sites could be used for construction of the HSDRRS, and their use would cumulatively impact non-jurisdictional BLH habitat in New Orleans East.

Other activities in New Orleans East have and will continue to change land use patterns, contributing to the cumulative loss of non-jurisdictional BLH habitat in the project area. Most of the area of New Orleans East was historically marsh and cypress, which was leveed and drained in the early 20th century. Major suburban and industrial development in New Orleans East began after World War II, and continued through the 1980s. The result was the conversion of most of the land, with the exception of the area that is now the Bayou Sauvage National Wildlife Refuge and the vacant land to the east of it, into higher density residential and commercial uses. New Orleans East is presently a residential and commercial area, with some industrial activity mostly located south of Chef Menteur Highway.

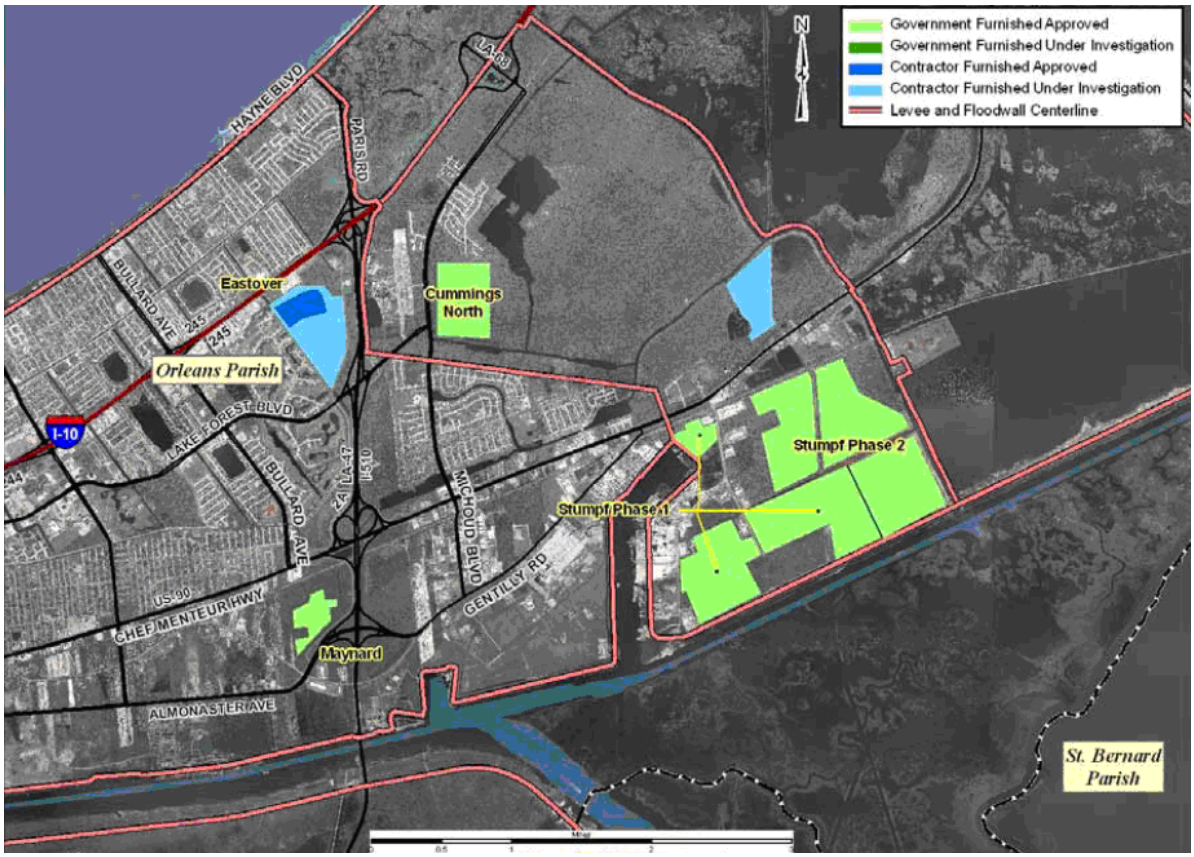

Figure 9: Potential HSDRRS Borrow Sources in New Orleans East

Non-jurisdictional BLH habitat in southeastern Louisiana has historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. It is expected that this historical trend would continue to impact non-jurisdictional BLH habitat in the region.

- *Tammany Holding*

Direct Impacts
Under the no action alternative, no direct impacts to non-jurisdictional BLH would occur at the proposed Tammany Holding contractor-furnished borrow area due to the proposed action. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area under the no action alternative.

Indirect Impacts
Under the no action alternative, no indirect impacts to non-jurisdictional BLH would occur at the proposed Tammany Holding contractor-furnished borrow area due to the proposed action. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area under the no action alternative.

Cumulative Impacts
Under the no action alternative, there would be no cumulative impacts to non-jurisdictional BLH at the proposed Tammany Holding contractor-furnished borrow area due to the proposed action. The proposed Tammany Holding site

would not be used as a contractor-furnished borrow area under the no action alternative.

Potential cumulative impacts to non-jurisdictional BLH associated with the landowner's planned residential development may occur. The cleared property may affect nearby non-jurisdictional BLH by changing the hydrology and nutrient dynamics in the vicinity. These changes have not been quantified.

The landowner of the proposed borrow area is currently developing it into a residential subdivision. Development of the site may cumulatively impact non-jurisdictional BLH in St. Tammany Parish. Features associated with increased population, including but not limited to roads, commercial districts, and schools to serve the new population could likely be built in the surrounding area. These activities may depend on the development of non-jurisdictional BLH areas.

Additional potential indirect impacts to non-jurisdictional BLH depend on what the landowner decides to do with the Tammany Holding site.

Under the no action alternative, the proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

Cumulative impacts to non-jurisdictional BLH would continue in the project area under the no action alternative. There are several potential borrow areas in St. Tammany Parish under investigation for use on the HSDRRS (figure 10). If these sites are approved for use in the HSDRRS, they could also contribute to cumulative non-jurisdictional BLH impacts in St. Tammany Parish.

Cumulative impacts to non-jurisdictional BLH would continue in the project area under the no action alternative. Other activities in St. Tammany Parish have and will continue to change land use patterns, contributing to the cumulative loss of non-jurisdictional BLH habitat in the project area. Areas near and including the proposed borrow area were historically marsh, which was leveed and drained at various points in the 20th century. Major development in the city of Slidell began after World War II, the result of which was the conversion of land into higher density residential and commercial uses. Slidell is presently a residential and commercial area, with areas of unleveed wetlands to the east and west. New residential and commercial development has increased since Hurricane Katrina in 2005 as the parish population increases (US Census, 2009). This continued expansion of the city would cumulatively contribute to non-jurisdictional BLH loss in the parish.

Non-jurisdictional BLH habitat in southeastern Louisiana has historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. It is expected that this historical trend would continue to impact non-jurisdictional BLH habitat in the region.

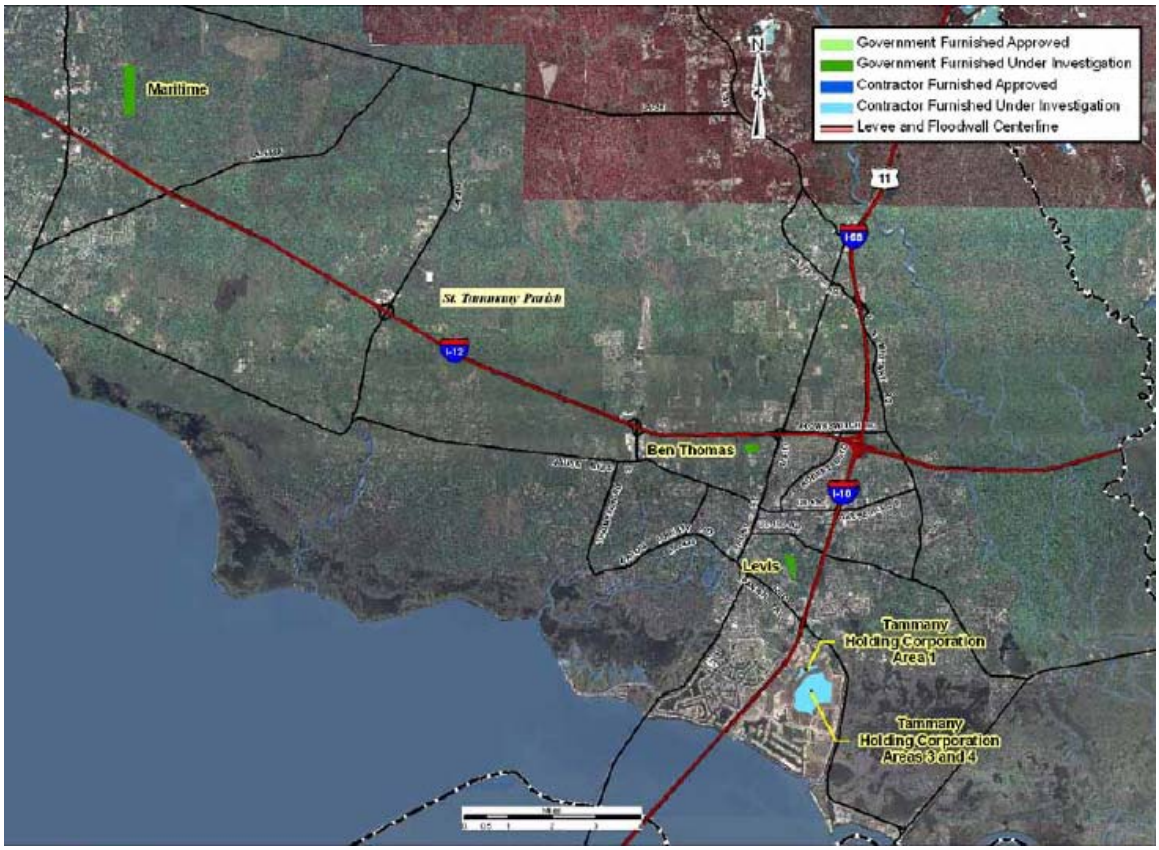

Figure 10: Potential HSDRRS Borrow Sources in St. Tammany Parish

- *Willow Bend Phase II*

  Direct Impacts
  Under the no action alternative, no direct impacts to non-jurisdictional BLH would occur at the proposed Willow Bend Phase II contractor-furnished borrow area due to the proposed action. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area under the no action alternative.

  Indirect Impacts
  Under the no action alternative, no indirect impacts would occur to non-jurisdictional BLH at the proposed Willow Bend Phase II contractor-furnished borrow area due to the proposed action. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area under the no action alternative.

  Cumulative Impacts
  Under the no action alternative, there would be no cumulative impacts to non-jurisdictional BLH from the proposed action. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The approved Willow Bend Phase I contractor-furnished borrow area could be used for construction of the HSDRRS. Use of the approved Willow Bend Phase I contractor-furnished borrow area would not contribute to the cumulative loss of non-jurisdictional BLH in the project area because it does not contain any non-jurisdictional BLH.

Potential cumulative impacts to non-jurisdictional BLH depend on what the landowner decides to do with the approved Willow Bend Phase I and proposed Willow Bend Phase II sites.

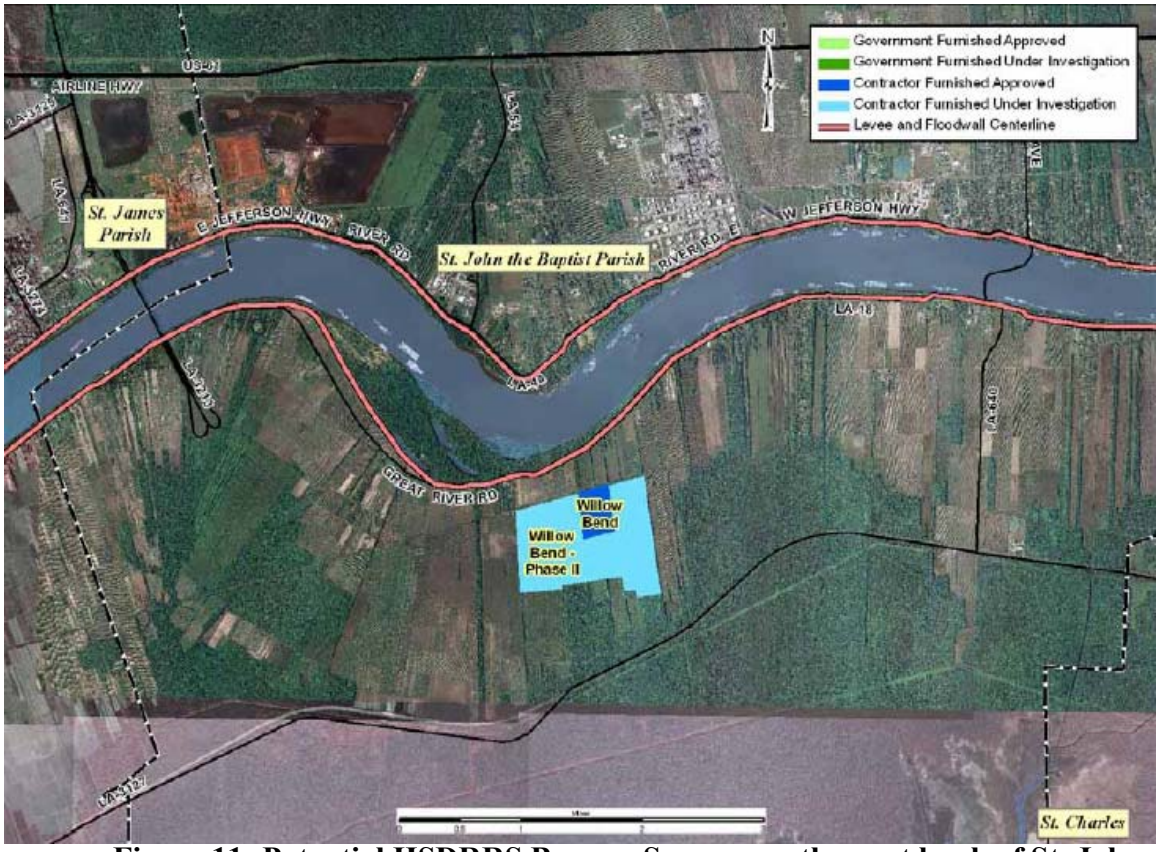

Figure 11: Potential HSDRRS Borrow Sources on the west bank of St. John the Baptist Parish

The approved 3C Riverside Phase I and Phase II sites are located within 5 miles of the approved Willow Bend Phase I and proposed Willow Bend Phase II sites (figure 11). It is reasonably foreseeable that use of the approved 3C Riverside Phase I and Phase II sites, which were historically farmed, could be used for construction of the HSDRRS, and their use would not cumulatively impact non-jurisdictional BLH habitat in the vicinity because none of the sites contain non-jurisdictional BLH.

Other activities in the vicinity have and will continue to change land use patterns, contributing to the cumulative loss of non-jurisdictional BLH habitat in the project area. Most of the area was once forested, and was converted to farmland and pastureland beginning in the 19th century. Most of the land in the vicinity between the Mississippi River and LA-3127 is presently under cultivation. Recent

residential and commercial developmental pressures may contribute to a decline in remaining non-jurisdictional BLH in the vicinity.

Land south of the proposed Willow Bend Phase II borrow area extends into extensive forested and wetland habitats, into the coastal communities and wetlands. These areas are experiencing developmental pressure and land loss, both of which would contribute to the decline of non-jurisdictional BLH in the region.

Non-jurisdictional BLH habitat in southeastern Louisiana has historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. It is expected that this historical trend would continue to impact non-jurisdictional BLH habitat in the region.

Proposed Action

The USFWS has assessed the environmental impacts of the proposed action, and has determined that the proposed action would have unavoidable impacts to a total of 107.3 acres and 48.6 Average Annualized Habitat Units (AAHUs) of non-jurisdictional BLH (table 6). Habitat Units (HU) represent a numerical combination of habitat quality (Habitat Suitability Index) and habitat quantity (acres) within a given area at a given point in time. AAHUs represent the average number of HUs within any given year over the project life for a given area. Mitigation for unavoidable impacts to non-jurisdictional BLH is discussed in section 7, and will be described under a separate IER.

- *Eastover Phase II*

Direct Impacts

Excavation of the proposed Eastover Phase II borrow area would directly impact approximately 31.1 acres of non-jurisdictional BLH. Approximately 31.1 acres of non-jurisdictional BLH at the proposed contractor-furnished site would be mechanically cleared. Mature trees would be cut down with the use of chainsaws or pushed down with bulldozers and excavators. Woody debris would be cleaned up and all berms would be leveled to eliminate hydrologic impacts. Mobile fauna would be expected to vacate the area during construction, most likely to similar habitat to the south of the site. All non-mobile fauna and flora would be destroyed. The area would be converted to ponds and small lakes if water is retained, or by vegetation and woody plants if water is not retained. Additional potential direct impacts to non-jurisdictional BLH depend on what the landowner decides to do with the Eastover Phase II site following excavation.

The landowner will complete mitigation for the loss of 31.1 acres of non-jurisdictional BLH if the proposed site is selected by a construction contractor for use on a HSDRRS project. Proof of mitigation for non-jurisdictional BLH impacts would be supplied to the CEMVN prior to excavation. If mitigation is completed by the landowner because the site is selected by a construction contractor for use on a HSDRRS project, the landowner's mitigation would be discussed in upcoming mitigation IERs and the CED.

Indirect Impacts

Use of the proposed Eastover Phase II borrow area may result in indirect impacts to non-jurisdictional BLH. The excavation of borrow material and the excavated borrow area at the proposed Eastover Phase II site may affect nearby non-

jurisdictional BLH by changing the hydrology and nutrient dynamics in the vicinity. These changes have not been quantified. Additional potential indirect impacts to non-jurisdictional BLH depend on what the landowner decides to do with the Eastover Phase II site following excavation.

Cumulative Impacts
Use of the proposed Eastover Phase II contractor-furnished borrow area would contribute to the cumulative loss of non-jurisdictional BLH in the project area.

The approved 36.6-acre Eastover Phase I contractor-furnished borrow area could be used for construction of the HSDRRS. However, use of the approved Eastover Phase I contractor-furnished borrow area would not contribute to cumulative impacts to non-jurisdictional BLH in the project area, because the Eastover Phase I borrow area does not contain any non-jurisdictional BLH. Additional potential cumulative impacts to non-jurisdictional BLH depend on what the landowner decides to do with the approved Eastover Phase I and proposed Eastover Phase II sites following excavation.

Cumulative impacts to non-jurisdictional BLH would continue in the project area under the proposed action. The proposed action is one of several potential borrow areas in New Orleans East that were approved or are being investigated for use on the HSDRRS. The approved Eastover Phase I, Cummings North, Maynard, Stumpf Phase I, and Stumpf Phase II sites are located within three miles of the proposed action (figure 9). All but the Eastover Phase I site have non-jurisdictional BLH located on them. Additionally, the proposed Cummings South site, which contains non-jurisdictional BLH, is also in the vicinity. It is reasonably foreseeable that the approved sites could be used for construction of the HSDRRS, and their use would cumulatively impact non-jurisdictional BLH habitat in New Orleans East.

Other activities in New Orleans East have and will continue to change land use patterns, contributing to the cumulative loss of non-jurisdictional BLH habitat in the project area. Most of the area of New Orleans East was historically marsh and cypress, which was leveed and drained in the early 20th century. Major suburban and industrial development in New Orleans East began after World War II, and continued through the 1980s. The result was the conversion of most of the land, with the exception of the area that is now the Bayou Sauvage National Wildlife Refuge and the vacant land to the east of it, into higher density residential and commercial uses. New Orleans East is presently a residential and commercial area, with some industrial activity mostly located south of Chef Menteur Highway.

Non-jurisdictional BLH habitat in southeastern Louisiana has historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. It is expected that this historical trend would continue to impact non-jurisdictional BLH habitat in the region.

- *Tammany Holding*

Direct Impacts
No direct impacts to non-jurisdictional BLH would occur with use of the proposed Tammany Holding contractor-furnished borrow area because the site does not contain any non-jurisdictional BLH.

Indirect Impacts
Use of the proposed Tammany Holding borrow area may result in indirect impacts to non-jurisdictional BLH. The excavation of borrow material and the excavated borrow site may affect nearby non-jurisdictional BLH by changing the hydrology and nutrient dynamics in the vicinity. These changes have not been quantified. Additional potential indirect impacts to non-jurisdictional BLH depend on what the landowner decides to do with the Tammany Holding site following excavation.

Cumulative Impacts
Use of the proposed Tammany Holding contractor-furnished borrow area would not contribute to the cumulative loss of non-jurisdictional BLH in the project area because the site does not contain any non-jurisdictional BLH.

Potential cumulative impacts to non-jurisdictional BLH associated with landowner's planned residential development may occur. The cleared property may affect nearby non-jurisdictional BLH by changing the hydrology and nutrient dynamics in the vicinity. These changes have not been quantified.

The landowner of the proposed borrow area is currently developing it into a residential subdivision. Development of the site may cumulatively impact non-jurisdictional BLH in St. Tammany Parish. Features associated with increased population, including but not limited to roads, commercial districts, and schools to serve the new population could likely be built in the surrounding area. These activities may depend on the development of non-jurisdictional BLH areas.

Additional potential indirect impacts to non-jurisdictional BLH depend on what the landowner decides to do with the Tammany Holding site following excavation.

Cumulative impacts to non-jurisdictional BLH would continue in the project area under the proposed action. There are several potential borrow areas in St. Tammany Parish under investigation for use on the HSDRRS (figure 10). If these sites are approved for use in the HSDRRS, they could also contribute to cumulative non-jurisdictional BLH impacts in St. Tammany Parish.

Other activities in St. Tammany Parish have and will continue to change land use patterns, contributing to the cumulative loss of non-jurisdictional BLH habitat in the project area. Areas near and including the proposed borrow area were historically marsh, which was leveed and drained at various points in the 20th century. Major development in the city of Slidell began after World War II, the result of which was the conversion of land into higher density residential and commercial uses. Slidell is presently a residential and commercial area, with areas of unleveed wetlands to the east and west. New residential and commercial development has increased since Hurricane Katrina in 2005 as the parish population increases (US Census, 2009). This continued expansion of the city would cumulatively contribute to non-jurisdictional BLH loss in the parish.

Non-jurisdictional BLH habitat in southeastern Louisiana has historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. It is expected that this historical trend would continue to impact non-jurisdictional BLH habitat in the region.

- *Willow Bend Phase II*

Direct Impacts
Excavation of the proposed Willow Bend Phase II contractor-furnished borrow area would directly impact approximately 76.2 acres of non-jurisdictional BLH. Mature trees would be cut down with the use of chainsaws or pushed down with bulldozers and excavators. Woody debris would be cleaned up and all berms would be leveled to eliminate hydrologic impacts. Mobile fauna would be expected to vacate the area during construction, most likely to similar habitat to the south of the site. All non-mobile fauna and flora would be destroyed.

The landowner will complete mitigation for the loss of 76.2 acres of non-jurisdictional BLH if the proposed site is selected by a construction contractor for use on a HSDRRS project. Proof of mitigation for non-jurisdictional BLH impacts would be supplied to the CEMVN prior to excavation. If mitigation is completed by the landowner because the site is selected by a construction contractor for use on a HSDRRS project, the landowner's mitigation will be discussed in upcoming mitigation IERs and the CED.

Indirect Impacts
Use of the proposed Willow Bend Phase II borrow area may result in indirect impacts to non-jurisdictional BLH. The excavation of borrow material and the excavated borrow area at the Willow Bend Phase II site may affect nearby non-jurisdictional BLH by changing the hydrology and nutrient dynamics in the vicinity. These changes have not been quantified. Additional potential indirect impacts to non-jurisdictional BLH depend on what the landowner decides to do with the Willow Bend Phase II site following excavation.

Cumulative Impacts
Use of the proposed Willow Bend Phase II contractor-furnished borrow area would contribute to the cumulative loss of non-jurisdictional BLH in the project area. In addition, the approved 64-acre Willow Bend Phase I contractor-furnished borrow area could be used for construction of the HSDRRS. Use of the approved Willow Bend Phase I contractor-furnished borrow area would not directly impact non-jurisdictional BLH in the project area, because the site does not contain any non-jurisdictional BLH. Additional potential cumulative impacts to non-jurisdictional BLH depend on what the landowner decides to do with the approved Willow Bend Phase I and proposed Willow Bend Phase II sites following excavation.

The approved 3C Riverside Phase I and Phase II sites are located within 5 miles of the approved Willow Bend Phase I and proposed Willow Bend Phase II sites (figure 11). It is reasonably foreseeable that use of the approved 3C Riverside Phase I and Phase II sites, which were historically farmed, could be used for construction of the HSDRRS, and their use would not cumulatively impact non-jurisdictional BLH habitat in the vicinity because none of the sites contain non-jurisdictional BLH.

Other activities in the vicinity have and will continue to change land use patterns, contributing to the cumulative loss of non-jurisdictional BLH habitat in the project area. Most of the area was once forested, and was converted to farmland and pastureland beginning in the 19th century. Most of the land in the vicinity between the Mississippi River and LA-3127 is presently under cultivation. Recent

residential and commercial developmental pressures may contribute to a decline in remaining non-jurisdictional BLH in the vicinity.

Land south of the proposed Willow Bend Phase II borrow area extends into extensive forested and wetland habitats, into the coastal communities and wetlands. These areas are experiencing developmental pressure and land loss, both of which would contribute to the decline of non-jurisdictional BLH in the region.

Non-jurisdictional BLH habitat in southeastern Louisiana has historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. It is expected that this historical trend would continue to impact non-jurisdictional BLH habitat in the region.

3.2.1 Upland Resources

For the purposes of this IER, upland resources are considered to be any non-wetland areas. Non-jurisdictional BLH habitat, although part of this definition, are discussed separately in section 3.2.2. Impacts to farmland and prime and unique farmland soils, which may be located in upland areas, are discussed in section 3.2.4. Upland areas include maintained and unmaintained pasture, and forested areas that are neither wetland nor non-jurisdictional BLH.

Existing Conditions

Some species identified in non-wet pasture areas include Johnson grass, yellow bristle grass, annual sumpweed, arrow-leaf sida, vasey grass, and Brazilian vervain. Scrub/ shrub areas may be comprised of Chinese tallow tree, eastern false-willow, wax myrtle, giant ragweed, dewberry, elderberry, red mulberry, pepper vine, and dog fennel.

- *Eastover Phase II*
  The proposed Eastover Phase II contractor-furnished borrow area is the site of a closed golf course. Approximately 69.8 acres are currently covered by grasses, with sporadic sand traps and ponds throughout the site. Approximately 31.1 acres is forested, as discussed in section 3.2.2. The proposed Eastover Phase II site borders and surrounds the approved Eastover Phase I site, which is also a part of the closed golf course and consists of 36.6 acres of uplands.

- *Tammany Holding*
  The proposed 291-acre Tammany Holding contractor-furnished borrow area is currently a leveed non-wetland upland area. The site has been cleared and is currently being developed into a residential subdivision.

- *Willow Bend Phase II*
  Approximately 419.8 acres of the 496-acre proposed Willow Bend Phase II contractor-furnished borrow area was recently used as farmland and pastureland. The proposed Willow Bend Phase II site borders and surrounds the approved Willow Bend Phase I site, which is currently 64 acres of cleared uplands.

Discussion of Impacts

No Action

- *Eastover Phase II*

Direct Impacts
Under the no action alternative, no direct impacts to upland areas would occur from the proposed action. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alternative, no indirect impacts to upland areas would occur from the proposed action. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, there would be no cumulative impacts to uplands from the proposed action. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The approved 36.6-acre Eastover Phase I contractor-furnished borrow area, approved in IER #19, could be used for construction of the HSDRRS. Use of the approved Eastover Phase I contractor-furnished borrow area would contribute to the cumulative loss of uplands in the project area. Additional potential cumulative impacts to upland areas depend on what the landowner decides to do with the approved Eastover Phase I borrow area following excavation.

Other cumulative impacts to upland resources would continue in the project area under the no action alternative. There are several potential borrow areas in New Orleans East that were approved or are being investigated for construction of the HSDRRS. The approved non-wetland Eastover Phase I, Cummings North, Maynard, Stumpf Phase I, and Stumpf Phase II sites are located within three miles of the proposed action (figure 9). Additionally, the proposed non-wetland Cummings South site is also in the vicinity. It is reasonably foreseeable that the approved sites could be used for construction of the HSDRRS, and their use would cumulatively impact upland areas in New Orleans East.

Upland areas in southeastern Louisiana have historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. It is expected that this historical trend would continue to impact upland areas in the region.

- *Tammany Holding*

Direct Impacts
Under the no action alternative, no direct impacts to upland areas would occur from the proposed action. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

Indirect Impacts
No indirect impacts to upland areas would occur under the no action alternative. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, there would be no cumulative impacts to uplands from the proposed action. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

Potential cumulative impacts to upland areas from the Tammany Holding site depend on what the landowner decides to do with the site.

The recent clearing of the Tammany Holding site has contributed to the cumulative loss of uplands in the project area. The landowner of the proposed borrow area is currently developing the surrounding property into a residential subdivision.

Development of the site, which was historically marsh and is now leveed and mostly cleared, would cumulatively impact upland resources in the project area. Additionally, development of the site may cumulatively impact non-developed upland areas in St. Tammany Parish. Features associated with increased population, including but not limited to roads, commercial districts, and schools to serve the new population would likely be built in the surrounding area. These activities may depend on the development of upland areas.

There are several potential borrow areas in St. Tammany Parish under investigation for use on the HSDRRS (figure 10). If these sites are approved for use in the HSDRRS, they could also contribute to cumulative upland impacts in St. Tammany Parish.

Upland areas in southeastern Louisiana have historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. It is expected that this historical trend would continue to impact upland areas in the region.

- *Willow Bend Phase II*

Direct Impacts
Under the no action alternative, no direct impacts to upland areas would occur from the proposed action. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

Indirect Impacts
No indirect impacts to upland areas would occur under the no action alternative. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, there would be no cumulative impacts to uplands from the proposed action. The proposed Willow Bend Phase II contractor-furnished borrow area would not be used. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-

approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The approved 64-acre Willow Bend Phase I contractor-furnished borrow area, which was approved in IER #26, could be used for construction of the HSDRRS. Use of the approved Willow Bend Phase I contractor-furnished borrow area would contribute to the cumulative loss of uplands in the project area.

Additional potential cumulative impacts to upland areas depend on what the landowner decides to do with proposed Willow Bend Phase II site. Other cumulative impacts to upland resources would continue in the project area under the no action alternative.

The approved 3C Riverside Phase I and Phase II sites are located within 5 miles of the approved Willow Bend Phase I and proposed Willow Bend Phase II sites (figure 11). It is reasonably foreseeable that use of the approved 3C Riverside Phase I and Phase II contractor-furnished sites could be used for construction of the HSDRRS, and their use would cumulatively impact non-wetland/upland resources in the vicinity.

Upland areas in southeastern Louisiana have historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. It is expected that this historical trend would continue to impact upland areas in the region.

Proposed Action

- *Eastover Phase II*

Direct Impacts
Approximately 69.8 acres of former golf course would be directly impacted by use of the proposed Eastover Phase II contractor-furnished borrow area. The proposed Eastover Phase II site would be mechanically cleared and borrow material would be excavated. Additional potential direct impacts to upland areas depend on what the landowner decides to do with the proposed Eastover Phase II site following excavation.

Indirect Impacts
No indirect impacts to upland areas would occur with implementation of the proposed action.

Cumulative Impacts
Use of the proposed Eastover Phase II contractor-furnished borrow area would contribute to the cumulative loss of uplands in the project area by directly impacting 69.8 acres of uplands. In addition, the approved 36.6-acre Eastover Phase I contractor-furnished borrow area could be used for construction of the HSDRRS. Use of the approved Eastover Phase I contractor-furnished borrow area would also contribute to cumulative impacts to uplands in the project area by directly impacting 36.6-acres of uplands. Additional potential cumulative impacts to upland areas depend on what the landowner decides to do with the approved Eastover Phase I and proposed Eastover Phase II sites following excavation.

Other cumulative impacts to upland resources would continue in the project area. There are several potential borrow areas in New Orleans East that were approved or are being investigated for construction of the HSDRRS. The approved non-wetland Eastover Phase I, Cummings North, Maynard, Stumpf Phase I, and Stumpf Phase II sites are located within three miles of the proposed action (figure 9). Additionally, the proposed non-wetland Cummings South site is also in the vicinity. It is reasonably foreseeable that the approved sites could be used for construction of the HSDRRS, and their use would cumulatively impact upland areas in New Orleans East.

Upland areas in southeastern Louisiana have historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. It is expected that this historical trend would continue to impact upland areas in the region.

- *Tammany Holding*

Direct Impacts
Approximately 291 acres of upland area would be directly impacted by use of the proposed Tammany Holding contractor-furnished borrow area. Borrow material would be excavated from the proposed site.

The landowner of the proposed Tammany Holding site is currently developing the surrounding property into a residential subdivision. Upland areas have been mechanically cleared for this purpose. Under the proposed action, the borrow area would be excavated and would be expected to fill with water over time. The landowner plans to build a residential community around the resulting water features.

Indirect Impacts
No indirect impacts to upland areas would occur with implementation of the proposed action.

Cumulative Impacts
Use of the proposed Tammany Holding contractor-furnished borrow area would contribute to the cumulative loss of uplands in the project area by directly impacting 291 acres of uplands. The recent clearing of the Tammany Holding site has contributed to the cumulative loss of uplands in the project area. The landowner of the proposed borrow area is currently developing a residential subdivision.

Development of the site, which was historically marsh and is now leveed and mostly cleared, would cumulatively impact upland resources. Additionally, development of the site may cumulatively impact non-developed upland areas in St. Tammany Parish. Features associated with increased population, including but not limited to roads, commercial districts, and schools to serve the new population could likely be built in the surrounding area. These activities may depend on the development of upland areas.

There are several potential borrow areas in St. Tammany Parish under investigation for use on the HSDRRS (figure 10). If these sites are approved for

use in the HSDRRS, they could also contribute to cumulative upland impacts in St. Tammany Parish.

Upland areas in southeastern Louisiana have historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. It is expected that this historical trend would continue to impact upland areas in the region.

- *Willow Bend Phase II*

Direct Impacts
Approximately 419.8 acres of former agricultural fields would be directly impacted with implementation of the proposed alternative. The site would be mechanically cleared, and borrow material would be excavated. Additional potential direct impacts to upland areas depend on what the landowner decides to do with the Willow Bend Phase II site following excavation.

Indirect Impacts
No indirect impacts to upland areas would occur with implementation of the proposed action.

Cumulative Impacts
Use of the proposed Willow Bend Phase II contractor-furnished borrow area would contribute to the cumulative loss of uplands in the project area by directly impacting 419.8 acres of uplands. In addition, the approved 64-acre Willow Bend Phase I contractor-furnished borrow area could be used for construction of the HSDRRS. Use of the approved Willow Bend Phase I contractor-furnished borrow area would also contribute to cumulative impacts to upland areas in the project area by directly impacting 64 acres of uplands. Additional potential cumulative impacts to upland areas depend on what the landowner decides to do with the approved Willow Bend Phase I and proposed Willow Bend Phase II sites following excavation.

The approved 3C Riverside Phase I and Phase II sites are located within 5 miles of the approved Willow Bend Phase I and proposed Willow Bend Phase II sites (figure 11). It is reasonably foreseeable that use of the approved 3C Riverside Phase I and Phase II contractor-furnished sites could be used for construction of the HSDRRS, and their use would cumulatively impact non-wetland/upland resources in the vicinity.

Upland areas in southeastern Louisiana have historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. It is expected that this historical trend would continue to impact upland areas in the region.

3.2.2 Farmland & Farmland Soils

Existing Conditions
The National Resources Conservation Service (NRCS) uses a land evaluation and site assessment system to establish a farmland conversion impact rating score on proposed sites. This score is used by Federal agencies in assessing potential impacts to farmland

and farmland soils in potential project areas. As identified by the NRCS, the proposed Tammany Holding and Willow Bend Phase II contractor-furnished borrow areas contain prime, unique, statewide, or locally important farmland. The proposed Eastover Phase II contactor-furnished borrow area does not contain prime, unique, statewide, or locally important farmland. None of the three proposed borrow areas contain any unique soils as identified by the NRCS.

Discussion of Impacts

No Action

- *Eastover Phase II*

Direct Impacts
No direct impacts to farmland or prime farmland soils at the proposed Eastover Phase II contractor-furnished borrow area would occur under the no action alternative. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

Indirect Impacts
No indirect impacts to farmland or prime farmland soils would occur under the no action alternative. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, there would be no cumulative impacts to farmland soils from the proposed action. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The approved Eastover Phase I contractor-furnished borrow area could be used for construction of the HSDRRS. The approved Eastover Phase I site is not currently and has not historically been farmland. Thus, use of the approved Eastover Phase I borrow area would not cumulatively affect farmland or prime farmland soils.

There are several potential borrow areas in New Orleans East that were approved or are being investigated for construction of the HSDRRS. The approved non-wetland Eastover Phase I, Cummings North, Maynard, Stumpf Phase I, and Stumpf Phase II sites are located within three miles of the proposed action (figure 9). Additionally, the proposed non-wetland Cummings South site is also in the vicinity. It is reasonably foreseeable that the approved sites could be used for construction of the HSDRRS, and their use would not cumulatively impact farmland or farmland soils in New Orleans East because none of the sites contain farmland or farmland soils.

Most of the area of New Orleans East was historically marsh and cypress, which was leveed and drained in the early 20th century. New Orleans East is presently a residential and commercial area, with some industrial activity located mostly south of Chef Menteur Highway.

Farmed areas in southeastern Louisiana have historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. It is expected that this historical trend would continue to impact farmland in the region.

- *Tammany Holding*

Direct Impacts
No direct impacts to farmland or prime farmland soils at the proposed Tammany Holding contractor-furnished borrow area would occur under the no action alternative. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

Indirect Impacts
No indirect impacts to farmland, or prime farmland soils would occur under the no action alternative. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, there would be no cumulative impacts to farmland or farmland soils from the proposed action. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

There are several potential borrow areas in St. Tammany Parish under investigation for use on the HSDRRS (figure 10). If these sites are approved for use in the HSDRRS, they could also contribute to cumulative farmland impacts in St. Tammany Parish.

Farmed areas in southeastern Louisiana have historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. It is expected that this historical trend would continue to impact farmland in the region, especially with the current rapid growth of the Slidell area.

- *Willow Bend Phase II*

Direct Impacts
Under the no action alternative, no direct impacts to farmland or prime farmland soils would occur at the proposed Willow Bend Phase II contractor-furnished borrow area. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

Indirect Impacts
No indirect impacts to farmland, or prime farmland soils would occur under the no action alternative. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

Cumulative Impacts

Under the no action alternative, there would be no cumulative impacts to farmland from the proposed action. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The approved 64-acre Willow Bend Phase I contractor-furnished borrow area, which was approved in IER #26, could be used for construction of the HSDRRS. The Willow Bend Phase I site was identified by the NRCS to contain prime farmland soils. It is reasonably foreseeable that use of the approved Willow Bend Phase I site could be used for construction of the HSDRRS, and its use would contribute to the cumulative loss of farmland and prime farmland soils in the project area. Additional potential cumulative impacts to farmland and farmland soils depend on what the landowner decides to do with the approved Willow Bend Phase I site following excavation.

The approved 3C Riverside Phase I and Phase II sites are located within 5 miles of the approved Willow Bend Phase I and proposed Willow Bend Phase II sites (figure 11). It is reasonably foreseeable that use of the approved 3C Riverside Phase I and Phase II sites, which contain prime farmland soils, could be used for construction of the HSDRRS. Their use would cumulatively impact prime and unique farmland in the vicinity.

Farmed areas in southeastern Louisiana have historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. It is expected that this historical trend would continue to impact farmland in the region.

Proposed Action

- *Eastover Phase II*

Direct Impacts
The excavation of the proposed Eastover Phase I contractor-furnished borrow area would not directly impact farmland or farmland soils because the proposed borrow area does not contain any farmland or farmland soils.

Indirect Impacts
No indirect impacts to farmland, or prime farmland soils would occur with due to excavation of the proposed Eastover Phase II contractor-furnished borrow area because the proposed borrow area does not contain any farmland or farmland soils.

Cumulative Impacts
Use of the proposed Eastover Phase II contractor-furnished borrow area would not contribute to the cumulative loss of farmland or farmland soils in the project area because the proposed borrow area does not contain any farmland or farmland soils. The approved 36.6-acre Eastover Phase I contractor-furnished borrow area could be used for construction of the HSDRRS. Use of the approved Eastover Phase I contractor-furnished borrow area would also not contribute to cumulative

impacts to farmland in the project area because the approved Eastover Phase I site does not contain any farmland or farmland soils.

There are several potential borrow areas in New Orleans East that were approved or are being investigated for construction of the HSDRRS. The approved non-wetland Eastover Phase I, Cummings North, Maynard, Stumpf Phase I, and Stumpf Phase II sites are located within three miles of the proposed action (figure 9). Additionally, the proposed non-wetland Cummings South site is also in the vicinity. It is reasonably foreseeable that the approved sites could be used for construction of the HSDRRS, and their use would not cumulatively impact farmland or farmland soils in New Orleans East because none of the sites contain farmland or farmland soils.

Most of the area of New Orleans East was historically marsh and cypress, which was leveed and drained in the early 20th century. New Orleans East is presently a residential and commercial area, with some industrial activity located mostly south of Chef Menteur Highway.

Farmed areas in southeastern Louisiana have historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. It is expected that this historical trend would continue to impact farmland in the region.

- *Tammany Holding*

Direct Impacts
The excavation of the proposed Tammany Holding contractor-furnished borrow area would directly impact prime farmland soils. The proposed contractor-furnished borrow area would be cleared and excavated. Removing soils from the proposed contractor-furnished borrow area would result in a direct permanent loss of prime and unique farmlands, and the area would no longer be available for farming. Additional potential direct impacts to farmland and farmland soils depend on what the landowner decides to do with the Tammany Holding site following excavation.

Indirect Impacts
No indirect impacts to farmland, or prime farmland soils would occur with implementation of the proposed action.

Cumulative Impacts
The excavation of prime farmland soils from the proposed Tammany Holding borrow area would contribute to the cumulative loss of farmland soils within the project area.

There are several potential borrow areas in St. Tammany Parish under investigation for use on the HSDRRS (figure 10). If these sites are approved for use in the HSDRRS, they could also contribute to cumulative farmland impacts in St. Tammany Parish.

Farmed areas in southeastern Louisiana have historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas

in the region. It is expected that this historical trend would continue to impact farmland in the region, especially with the current rapid growth of the Slidell area.

- *Willow Bend Phase II*

  Direct Impacts
  The excavation of the proposed Willow Bend Phase II contractor-furnished borrow area would directly impact prime farmland soils. The proposed contractor-furnished borrow area would be cleared and excavated. Removing soils from the proposed contractor-furnished borrow area would result in a direct permanent loss of prime and unique farmlands, and the area would no longer be available for farming. Additional potential direct impacts to farmland and farmland soils depend on what the landowner decides to do with the Willow Bend Phase II site following excavation.

  Indirect Impacts
  No indirect impacts to farmland, or prime farmland soils would occur with implementation of the proposed action.

  Cumulative Impacts
  The excavation of prime farmland soils from the proposed Willow Bend Phase II contractor-furnished borrow area would contribute to the cumulative loss of farmland soils in the project area.

  The approved 64-acre Willow Bend Phase I contractor-furnished borrow area could be used for construction of the HSDRRS. Use of the approved Willow Bend Phase I contractor-furnished borrow area would also contribute to the cumulative loss of farmland and farmland soils in the project area. Additional potential cumulative impacts to upland areas depend on what the landowner decides to do with the approved Willow Bend Phase I and proposed Willow Bend Phase II sites.

  The approved 3C Riverside Phase I and Phase II sites are located within 5 miles of the approved Willow Bend Phase I and proposed Willow Bend Phase II sites (figure 11). It is reasonably foreseeable that use of the approved 3C Riverside Phase I and Phase II sites, which contain prime farmland soils, could be used for construction of the HSDRRS. Their use would also cumulatively impact prime and unique farmland in the vicinity.

  Farmed areas in southeastern Louisiana have historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. It is expected that this historical trend would continue to impact farmland in the region.

3.2.3 Wildlife

Existing Conditions
The study area contains a great variety of mammals, birds, reptiles, and amphibians. Species inhabiting the area include nutria, muskrat, mink, otter, raccoon, white-tailed

deer, skunks, rabbits, squirrels, armadillos, and a variety of smaller mammals. Wood ducks and some migratory waterfowl may be present during winter.

Non-game wading birds, shore birds, and sea birds including egrets, ibis, herons, sandpipers, willets, black-necked stilts, gulls, terns, skimmers, grebes, loons, cormorants, and white and brown pelicans are found in the project vicinity. Various raptors such as barred owls, red-shouldered hawks, northern harriers (marsh hawks), American kestrel, and red-tailed hawks may be present. Passerine birds in the areas include sparrows, vireos, warblers, mockingbirds, grackles, red-winged blackbirds, wrens, blue jays, cardinals, and crows. Many of these birds are present primarily during periods of spring and fall migrations. The areas may also provide habitat for the American alligator, salamanders, toads, frogs, turtles, and several species of poisonous and nonpoisonous snakes. The area currently provides suitable breeding habitat for various species of mosquitoes.

The bald eagle is a raptor that is found in various areas throughout the United States and Canada as well as throughout the study area. Bald eagles are Federally protected under the Bald Eagle Protection Act of 1940. The bald eagle feeds on fish, rabbits, waterfowl, seabirds, and carrion (Ehrlich et al., 1988). The main basis of the bald eagle diet is fish, but they will feed on other items such as birds and carrion depending upon availability of the various foods. Eagles require roosting and nesting habitat, which in Louisiana consists of large trees in fairly open stands (Anthony et al., 1982). Bald eagles nest in Louisiana from October through mid-May. Eagles typically nest in bald cypress trees near fresh to intermediate marshes or open water in the southeastern parishes.

Discussion of Impacts

No Action

- *Eastover Phase II*

Direct Impacts
Under the no action alternative, no direct impacts to wildlife or wildlife habitat would occur from the proposed action. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alternative, no indirect impacts to wildlife or wildlife habitat would occur from the proposed action. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, there would be no cumulative impacts to wildlife or wildlife habitat from the proposed action. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The approved 36.6-acre Eastover Phase I contractor-furnished borrow area, approved in IER #19, could be used for construction of the HSDRRS. Use of the approved Eastover Phase I contractor-furnished borrow area could contribute to the cumulative loss of wildlife and wildlife habitat in the project area. Any

habitat at the site would be destroyed. However, the approved Eastover Phase I site, which is a portion of a former golf course, is not high quality wildlife habitat. Additional potential cumulative impacts to wildlife and wildlife habitat depend on what the landowner decides to do with the Eastover Phase I site following excavation.

Other cumulative impacts to wildlife and wildlife habitat would continue in the project area under the no action alternative. There are several potential borrow areas in New Orleans East that were approved or are being investigated for use on the HSDRRS. The approved Eastover Phase I, Cummings North, Maynard, Stumpf Phase I, and Stumpf Phase II sites are located within three miles of the proposed action (figure 9). Additionally, the proposed Cummings South site is also in the vicinity. It is reasonably foreseeable that the approved sites could be used for construction of the HSDRRS, and their use would cumulatively impact wildlife and wildlife habitat in New Orleans East.

Wildlife and wildlife habitat in southeastern Louisiana have historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. Additionally, the region is losing unleveed terrestrial wildlife habitat areas as coastal land loss continues. It is expected that this historical trend would continue to impact wildlife in the region. Additionally, the region is losing unleveed terrestrial wildlife habitat areas as coastal land loss continues.

- *Tammany Holding*

Direct Impacts
Under the no action alternative, no direct impacts to wildlife and wildlife habitat would occur from the proposed action. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alternative, no indirect impacts to wildlife and wildlife habitat would occur from the proposed action. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, there would be no cumulative impacts to wildlife and wildlife habitat from the proposed action. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The landowner's planned residential development on the site will contribute to cumulative impacts on wildlife and wildlife habitat in the project area. The site is currently cleared and provides little to no habitat value to wildlife. During construction of the planned residential development, mobile wildlife would be displaced during construction, and non-mobile wildlife would be destroyed. Habitat would be permanently altered to a human-dominated landscape that

would provide little to no value to wildlife. Lakes and other proposed subdivision features may provide some habitat for wildlife.

Other cumulative impacts to wildlife and wildlife habitat would continue in the project area under the no action alternative. There are several potential borrow areas in St. Tammany Parish under investigation for use on the HSDRRS (figure 10). If these sites are approved for use in the HSDRRS, they could also contribute to cumulative wildlife and wildlife impacts in St. Tammany Parish.

Wildlife and wildlife habitat in southeastern Louisiana have historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. Additionally, the region is losing unleveed terrestrial wildlife habitat areas as coastal land loss continues. It is expected that this historical trend would continue to impact wildlife in the region.

- *Willow Bend Phase II*

Direct Impacts
Under the no action alternative, no direct impacts to wildlife and wildlife habitat would occur from the proposed action. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alternative, no direct impacts to wildlife and wildlife habitat would occur from the proposed action. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, there would be no cumulative impacts to wildlife and wildlife habitat from the proposed action. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The approved 64-acre Willow Bend Phase I contractor-furnished borrow area, which was approved in IER #26, could be used for construction of the HSDRRS. Use of the approved Willow Bend Phase I contractor-furnished borrow area would contribute to the cumulative loss of wildlife and wildlife habitat in the project area. Additional potential cumulative impacts to wildlife and wildlife habitat depend on what the landowner decides to do with the approved Willow Bend Phase I site following excavation.

Other cumulative impacts to wildlife and wildlife habitat would continue in the project area under the no action alternative. The approved 3C Riverside Phase I and Phase II sites are located within 5 miles of the approved Willow Bend Phase I and proposed Willow Bend Phase II sites (figure 11). It is reasonably foreseeable that use of the approved 3C Riverside Phase I and Phase II sites could be used for construction of the HSDRRS. Their use would cumulatively impact wildlife in the vicinity. However, this impact would be temporary for mobile species. Wildlife would be expected to move temporarily or permanently into area habitat.

Wildlife and wildlife habitat in southeastern Louisiana have historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. Additionally, the region is losing unleveed terrestrial wildlife habitat areas as coastal land loss continues. It is expected that this historical trend would continue to impact wildlife in the region.

Proposed Action

- *Eastover Phase II*

Direct Impacts
Approximately 69.8 acres of former golf course would be directly impacted by use of the proposed Eastover Phase II contractor-furnished borrow area. The wildlife habitat value of the golfing greens is low. The approximately 31.1-acre forested area would provide higher habitat value than the upland golfing space. Both the upland and forested areas of the proposed Eastover Phase II borrow area would be directly impacted by mechanical clearing. Mobile wildlife are expected to vacate the area during construction, and return after borrow excavation is complete. Non-mobile wildlife would be destroyed by construction activities.

Habitat would be permanently changed from terrestrial to aquatic if borrow areas are not backfilled and are allowed to fill with water. Movement of wildlife, principally birds and small mammals, which currently inhabit the terrestrial habitat areas into surrounding, unimpacted habitats during construction would not be expected to result in exceedances of the carrying capacity of adjacent habitat, including the nearby Bayou Sauvage National Wildlife Refuge. Aquatic and semi-aquatic wildlife would be attracted to the sites, while terrestrial species would decline in numbers or, if mobile, travel to more suitable habitat. Additional potential direct impacts to wildlife and wildlife habitat depend on what the landowner decides to do with the Eastover Phase II site following excavation.

Indirect Impacts
Excavation of the proposed Eastover Phase II borrow area would indirectly impact wildlife and wildlife habitat in the project area. Following excavation, the proposed borrow area could become a pond or series of small lakes if water is retained, or a vegetated area if water is not retained. Aquatic and semi-aquatic species would be favored in the created lakes. Terrestrial species would be favored in vegetated areas.

Cumulative Impacts
Use of the proposed Eastover Phase II contractor-furnished borrow area would contribute to the cumulative loss of wildlife and wildlife habitat in the region. In addition, the approved 36.6-acre Eastover Phase I contractor-furnished borrow area could be used for construction of the HSDRRS. Use of the approved Eastover Phase I contractor-furnished borrow area would also contribute to cumulative impacts on wildlife and wildlife habitat in the project area. Because the excavated borrow site may provide habitat for wildlife, the detrimental cumulative impact to wildlife may be reduced.

Other cumulative impacts to wildlife and wildlife habitat would continue in the project area. There are several potential borrow areas in New Orleans East that

were approved or are being investigated for use on the HSDRRS. The approved Eastover Phase I, Cummings North, Maynard, Stumpf Phase I, and Stumpf Phase II sites are located within three miles of the proposed action (figure 9). Additionally, the proposed Cummings South site is also in the vicinity. It is reasonably foreseeable that the approved sites could be used for construction of the HSDRRS, and their use would cumulatively impact wildlife and wildlife habitat in New Orleans East.

Wildlife and wildlife habitat in southeastern Louisiana have historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. Additionally, the region is losing unleveed terrestrial wildlife habitat areas as coastal land loss continues. It is expected that this historical trend would continue to impact wildlife in the region.

- *Tammany Holding*

Direct Impacts
Excavation of the proposed Tammany Holding contractor-furnished borrow area would result in direct impacts to wildlife and wildlife habitat. Any wildlife habitat at the proposed borrow area would be directly impacted by mechanical clearing. Mobile wildlife are expected to vacate the area during construction, and return after borrow excavation is complete. Non-mobile wildlife would be destroyed by construction activities.

Habitat would be permanently changed from terrestrial to aquatic if borrow areas are not backfilled and are allowed to fill with water. Movement of wildlife, principally birds and small mammals, which currently inhabit the terrestrial habitat areas into surrounding, unimpacted habitats during construction would not be expected to result in exceedances of the carrying capacity of adjacent habitat. Aquatic and semi-aquatic wildlife would be attracted to the sites, while terrestrial species would decline in numbers or, if mobile, travel to more suitable habitat. Additional potential direct impacts to wildlife and wildlife habitat depend on what the landowner decides to do with the proposed Tammany Holding site following excavation.

Indirect Impacts
Excavation of the proposed Tammany Holding borrow area would indirectly impact wildlife and wildlife habitat in the project area. Following excavation, the proposed borrow area could become a pond or series of small lakes if water is retained, or a vegetated area if water is not retained. Aquatic and semi-aquatic species would be favored in the created lakes. Terrestrial species would be favored in vegetated areas.

Cumulative Impacts
Use of the proposed Tammany Holding contractor-furnished borrow area would contribute to the cumulative loss of wildlife and wildlife habitat in the region. Because the excavated borrow site may provide habitat for wildlife, the detrimental cumulative impact to wildlife may be reduced.

The landowner's planned residential development on the site would also contribute to cumulative impacts on wildlife and wildlife habitat in the project area. The Tammany Holding site is currently cleared and provides little to no habitat value to wildlife. During construction of the planned residential

development, mobile wildlife would be displaced during construction, and non-mobile wildlife would be destroyed. Habitat would be permanently altered to a human-dominated landscape that would provide little to no value to wildlife. Lakes and other proposed subdivision features may provide some habitat for wildlife.

There are several potential borrow areas in St. Tammany Parish under investigation for use on the HSDRRS (figure 10). If these sites are approved for use in the HSDRRS, they would also contribute to cumulative wildlife and wildlife habitat impacts in St. Tammany Parish.

Wildlife and wildlife habitat in southeastern Louisiana have historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. Additionally, the region is losing unleveed terrestrial wildlife habitat areas as coastal land loss continues. It is expected that this historical trend would continue to impact wildlife in the region.

- *Willow Bend Phase II*

Direct Impacts
Excavation of the proposed Willow Bend Phase II contractor-furnished borrow area would result in direct impacts to wildlife and wildlife habitat. Any wildlife habitat at the proposed borrow area would be directly impacted by mechanical clearing. Mobile wildlife are expected to vacate the area during construction, and return after borrow excavation is complete. Non-mobile wildlife would be destroyed by construction activities.

Habitat would be permanently changed from terrestrial to aquatic if borrow areas are not backfilled and are allowed to fill with water. Movement of wildlife, principally birds and small mammals, which currently inhabit the terrestrial habitat areas into surrounding, unimpacted habitats during construction would not be expected to result in exceedances of the carrying capacity of adjacent habitat. Semi-aquatic wildlife would be attracted to the sites, while terrestrial species would decline in numbers or, if mobile, travel to more suitable habitat. Additional potential direct impacts to wildlife and wildlife habitat depend on what the landowner decides to do with the proposed Willow Bend Phase II site following excavation.

Indirect Impacts
Excavation of the proposed Willow Bend Phase II borrow area would indirectly impact wildlife and wildlife habitat in the project area. Following excavation, the proposed borrow area could become a pond or series of small lakes if water is retained, or a vegetated area if water is not retained. Aquatic and semi-aquatic species would be favored in the created lakes. Terrestrial species would be favored in vegetated areas.

Cumulative Impacts
Use of the proposed Willow Bend Phase II contractor-furnished borrow area would contribute to the cumulative loss of wildlife and wildlife habitat in the region. The approved 64-acre Willow Bend Phase I contractor-furnished borrow area could be used for construction of the HSDRRS. Use of the approved Willow Bend Phase I contractor-furnished borrow area would also contribute to cumulative impacts on wildlife and wildlife habitat in the project area. Because

the excavated borrow sites may provide habitat for wildlife, the detrimental cumulative impact to wildlife may be reduced.

Other cumulative impacts to wildlife and wildlife habitat would continue in the project area. The approved 3C Riverside Phase I and Phase II sites are located within 5 miles of the approved Willow Bend Phase I and proposed Willow Bend Phase II sites (figure 11). It is reasonably foreseeable that use of the approved 3C Riverside Phase I and Phase II sites could be used for construction of the HSDRRS. Their use would cumulatively impact wildlife in the vicinity. However, this impact would be temporary for mobile species. Wildlife would be expected to move temporarily or permanently into area habitat.

Wildlife and wildlife habitat in southeastern Louisiana have historically been affected by residential, commercial, and industrial development. Land has been converted for residential, commercial, and industrial uses in a significant portion of leveed areas in the region. Additionally, the region is losing unleveed terrestrial wildlife habitat areas as coastal land loss continues. It is expected that this historical trend would continue to impact wildlife in the region.

3.2.4 Threatened and Endangered Species

Existing Conditions

Threatened and endangered species (T&E) are those recognized species that are legally protected in the United States through various conservation measures. The USFWS designates areas that have the physical and biological features that are essential to the conservation of T&E species or areas of habitat that are believed to be essential for a species' conservation as "critical habitat." Through this designation the USFWS is helping to manage the survival and proliferation of T&E species in the region. Although several Federal or state-listed T&E species are dependent on the habitat types present in the study areas, no endangered, threatened, or candidate species under USFWS jurisdiction presently occur in the proposed Eastover Phase II, Tammany Holding, or Willow Bend Phase II contractor-furnished borrow areas, as described below. No critical habitat for any T&E species was found in any of the proposed contractor-furnished borrow areas.

Discussion of Impacts

No Action

- *All Sites*

Direct Impacts
No direct impacts to T&E species or their critical habitat would occur under the no action alternative. The proposed Eastover Phase II, Tammany Holding, and Willow Bend Phase II sites would not be used as contractor-furnished borrow areas.

Indirect Impacts
No indirect impacts to T&E species or their critical habitat would occur under the no action alternative. The proposed Eastover Phase II, Tammany Holding, and Willow Bend Phase II sites would not be used as contractor-furnished borrow areas.

Cumulative Impacts
Under the no action alternative, there would be no cumulative impacts to T&E species or their critical habitat from the proposed action. The proposed Eastover Phase II, Tammany Holding, and Willow Bend Phase II sites would not be used as contractor-furnished borrow areas. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The approved Eastover Phase I and Willow Bend Phase I contractor-furnished borrow areas, which were approved in IER #19 and IER #26, respectively, could be used for construction of the HSDRRS. Use of the approved Eastover Phase I and Willow Bend Phase I sites would not contribute to the loss of T&E species or their critical habitat in the project area because neither of these approved sites contain any T&E species or critical habitat.

The region's T&E species depend on a variety of habitat that includes resources previously discussed in this IER, mainly jurisdictional wetlands and non-jurisdictional BLH. A discussion of the potential impacts to these resources can be found in, respectively, section 3.2.1 and section 3.2.2. Cumulative impacts to T&E species and wildlife habitat would continue in the project area under the no action alternative.

Proposed Action
No listed endangered, threatened, or candidate species are known to exist at the proposed sites. The USFWS concurred with the CEMVN that excavation of the proposed contractor-furnished borrow areas are not likely to adversely affect T&E species or their critical habitat, as described below.

- *Eastover Phase II*

Direct Impacts
No direct impacts to T&E species or their critical habitat would occur with excavation of the proposed Eastover Phase II borrow area. The USFWS concurred with the USACE's determination that implementation of the proposed action would not adversely affect any T&E species or their critical habitat in their letter dated 8 June 2009 (appendix D).

Indirect Impacts
No indirect impacts to T&E species or their critical habitat would occur with implementation of the proposed action.

Cumulative Impacts
Use of the proposed Eastover Phase II borrow area would not contribute to the loss of T&E species or their critical habitat in the project area because the proposed site does not contain any T&E species or critical habitat.

The approved Eastover Phase I contractor-furnished borrow area, which was approved in IER #19, could be used for construction of the HSDRRS. Use of the approved Eastover Phase I site would not contribute to the loss of T&E species or their critical habitat in the project area because the approved Eastover Phase I site does not contain any T&E species or critical habitat.

The region's T&E species depend on a variety of habitat that includes resources previously discussed in this IER, mainly jurisdictional wetlands and non-jurisdictional BLH. A discussion of the impacts to these resources can be found in, respectively, section 3.2.1 and section 3.2.2. Cumulative impacts to T&E species and wildlife habitat would continue in the project area.

- *Tammany Holding*

  Direct Impacts
  No direct impacts to T&E species or their critical habitat would occur with excavation of the proposed Tammany Holding borrow area. The USFWS concurred with the USACE's determination that implementation of the proposed action would not adversely affect any T&E species or their critical habitat in their letter dated 8 June 2009 (appendix D).

  Indirect Impacts
  No indirect impacts to T&E species or their critical habitat would occur with implementation of the proposed action.

  Cumulative Impacts
  Use of the proposed Tammany Holding borrow area would not contribute to the loss of T&E species or their critical habitat in the project area because the proposed site does not contain any T&E species or critical habitat.

  The region's T&E species depend on a variety of habitat that includes resources previously discussed in this IER, mainly jurisdictional wetlands and non-jurisdictional BLH. A discussion on the impacts to these resources can be found in, respectively, section 3.2.1 and section 3.2.2. Cumulative impacts to T&E species and wildlife habitat would continue in the project area.

- *Willow Bend Phase II*

  Direct Impacts
  No direct impacts to T&E species or their critical habitat would occur with excavation of the proposed Willow Bend Phase II borrow area. The USFWS concurred with the USACE's determination that implementation of the proposed action would not adversely affect any T&E species or their critical habitat in their letter dated 17 June 2009 (appendix D).

  Indirect Impacts
  No indirect impacts to T&E species or their critical habitat would occur with implementation of the proposed action.

  Cumulative Impacts
  Use of the proposed Willow Bend Phase II borrow area would not contribute to the loss of T&E species or their critical habitat in the project area because the proposed site does not contain any T&E species or critical habitat.

  The approved Willow Bend Phase I contractor-furnished borrow area, which was approved in IER #26, could be used for construction of the HSDRRS. Use of the approved Willow Bend Phase I site would not contribute to the loss of T&E

species or their critical habitat in the project area because the approved Willow Bend Phase I site does not contain any T&E species or critical habitat.

The region's T&E species depend on a variety of habitat that includes resources previously discussed in this IER, mainly jurisdictional wetlands and non-jurisdictional BLH. A discussion of potential the impacts to these resources can be found in, respectively, section 3.2.1 and section 3.2.2. Cumulative impacts to T&E species and wildlife habitat would continue in the project area.

3.2.5 Cultural Resources

Existing Conditions

The level of cultural resource investigations for each proposed contractor-furnished borrow area varies and depends on factors such as current and past land use, geomorphology, presence of known sites, and the probability of unknown sites located within the areas of potential effect (APE). This information is used to assess the likelihood that archaeological sites or historic structures could be affected by excavation or visual impacts of a proposed project. When sites are present within the APE, the project area boundaries may be adjusted to avoid impacts to historic properties, or sites may be investigated further to determine if they are eligible for inclusion on the National Register of Historic Places. Overall a range of cultural resource investigations were conducted for the three proposed contractor-furnished borrow areas including reconnaissance investigations, site identification (Phase I), and site evaluation (Phase II).

Section 106 of the National Historic Preservation Act of 1966, as amended, requires consideration of cultural resources prior to a federal undertaking and requires consultation with the State Historic Preservation Officer (SHPO) and Native Tribes that have an interest in the region, and in some cases the Advisory Council on Historic Preservation. Only sites, buildings, structures, or objects determined eligible for listing in or those listed in the National Register of Historic Places (NRHP) are afforded the safeguards of the National Historic Preservation Act. Table 2 summarizes the consultation efforts of the CEMVN for the proposed contractor-furnished borrow areas and the dates the organizations concurred with the CEMVN's findings and recommendations. The results of these investigations and consultation reveal that no known sites eligible for listing in or sites listed in the NRHP properties exist within the APE of each proposed contractor-furnished borrow area would be affected by the proposed actions. Section 106 consultation for the proposed actions is concluded. However, if any unrecorded cultural resources are determined to exist within the proposed project boundaries, then no work will proceed in the area containing these cultural resources until a CEMVN archaeologist has been notified and supplemental coordination with the SHPO and Indian Tribes has been completed.

In its evaluation of potential contractor-furnished borrow areas, the CEMVN seeks to avoid adverse impacts to historic properties. Cultural resource investigations have revealed the presence of both prehistoric and historic sites in the vicinity of the proposed contractor-furnished borrow areas. These prehistoric and historic sites are located outside the APEs for the proposed borrow areas. However, prehistoric archaeological sites, such as shell middens, hunting and gathering camps, habitation sites, villages, and mound sites tend to be located on active and abandoned distributary channel levee complexes, major beach ridges, and on older stable portions of the delta, and in association with freshwater marshes. Similarly, historic period sites, such as forts, plantations, and industrial features tend to be located on levees and waterways. The geologic processes associated with the Mississippi River including delta lobe formation, meander progressions, and alluvial sedimentation from floods greatly influence site location and preservation. For example,

the geological progression of the Mississippi River delta lobes suggests that the earliest archaeological sites near the proposed contractor-furnished borrow areas under consideration would date to approximately 5,000 years ago. In addition, flood sedimentation buries and preserves some sites, while channel erosion and subsidence obliterate other sites.

- *Eastover Phase II and Tammany Holding*
  Two of the proposed contractor-furnished borrow areas, Tammany Holding and Eastover Phase II, are located in reclaimed marsh environs. The proposed Tammany Holding site was initially drained in the early part of 20th century, then allowed to revert to marsh, and subsequently drained in the 1960s for residential and commercial development.

  The proposed Eastover Phase II site is located in Orleans Parish in an area locally known as New Orleans East. Portions of New Orleans East were converted to dry land following the completion of the LPV system in the late 1960s. The approved Eastover Phase I and proposed Eastover Phase II sites are on a portion of the closed Eastover golf course. The Eastover golf course was opened in the 1980s, and was flooded by Hurricane Katrina in 2005. While marsh habitats are rich in a variety of plants and animals and were likely exploited for subsistence during prehistoric and historic times, they are unlikely locations for habitation. Therefore the likelihood of archaeological sites predating the marsh reclamation activities remains low.

  Archaeological survey of the proposed Tammany Holding (Cain and Buchner, 2008) and Eastover Phase II (Bonnmarito, 2008) sites failed to locate any cultural resources within the APEs.

- *Willow Bend Phase II*
  The proposed Willow Bend Phase II contractor-furnished borrow area contains backswamp and natural levee soils. Backswamps were likely used for resource extraction during the prehistoric and historic periods; however, backswamps were not suitable for habitation. Forced drainage of the backswamps in the 19th century brought some areas into cultivation. Therefore, cultural resources in backswamps are expected to date to the 19th century or later and be related to agriculture. Natural levee deposits are typically the most elevated, driest, and arable sections of the river valley and served residential, agricultural, and industrial purposes. Levee soils are considered locations with a high probability for the presence of both prehistoric and historic period sites. The proposed Willow Bend Phase II contractor-furnished borrow area is also located in the vicinity of the "German Coast," a short-lived 19th century German immigrant settlement. Given the short term occupation, archaeological deposits of the German Coast are expected to be ephemeral. During the 19th century plantations flourished within these river parishes. Plantation organization generally included parcels with river frontage and deep extensions into the backswamps that were transformed to agricultural fields, particularly for sugar cane production. Plantation homes were established along the rivers on the natural levees, outbuildings, slave or worker quarters tended to be located behind the big house. Sugar mills, another common plantation structure, tended to be constructed near or within the cane fields.

  A cultural resource survey of the proposed Willow Bend Phase II borrow area revealed the remains of two sugar mills (16SJB14 and 16SJB15) within the Willow Bend property (McIntire, 1979; Rawls and Smith, 2008). A 290 foot buffer zone that incorporates a 3:1 slope will be placed around 16SJB15 as a

precautionary measure to avoid impacts to the site (Thorne, 2008). In 1979, the Shell Road site (16SJB14) was recommended as not eligible for inclusion in the National Register of Historic Places (McIntire, 1979), but a reconsideration of the site in 2008 led to the recommendation to either avoid the site or evaluate the site to determine its National Register status (Rawls and Smith, 2008). Additional excavations were conducted at the site between February and May 2008. Excavation of the Shell Road site revealed that this sugar mill began as an open-kettle sugar processing plant in the 1830s or 1840s and was quickly transformed into a mechanized, two-story steam sugar processing mill by the end of the 1840s or early 1850s. The results of the excavation contribute important information about antebellum sugar processing; however, the excavations also exhausted the future research potential of the site (Martin et al., 2008). The Shell Road site has been determined not eligible for the National Register of Historic Places through consultation with the SHPO (table 2), and there is no need to avoid the location of Shell Road site.

Discussion of Impacts

No Action

- *All Sites*

Direct Impacts
Under the no action alternative, no direct impacts to cultural resources at the proposed contractor-furnished borrow areas would be anticipated. Any undiscovered or unreported cultural resources or traditional cultural properties would remain intact and in their current state of preservation. The burial or subsidence of historic land surfaces would continue in the current pattern. All available information indicates that it is highly unlikely that under the no action alternative there would be any direct negative impacts to cultural resources.

Indirect Impacts
Under the no action alternative, no indirect impacts to cultural resources at the proposed contractor-furnished borrow areas are anticipated.

Cumulative Impacts
All available information indicates that it is highly unlikely that under the no action alternative there would be any cumulative negative impacts to cultural resources at the proposed contractor-furnished borrow areas.

Under the no action alternative, the proposed Eastover Phase II, Tammany Holding and Willow Bend Phase II sites would not be used. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.
The Eastover Phase I site and Willow Bend Phase I site are potential contractor-furnished borrow areas approved in, respectively, IER #19 and IER #26.

A cultural resource survey of the approved Eastover Phase I contractor-furnished borrow area was prepared and no cultural resources were identified within the site (Bommarito, 2007). A cultural resource survey of the approved Willow Bend Phase I contractor-furnished borrow area was prepared, and no cultural resources identified within the site (Rawls and Smith, 2008).

Use of the approved Eastover Phase I and Willow Bend Phase I sites are not likely to contribute to cumulative impacts to cultural resources in the project area because no cultural resources were identified within the approved borrow areas. Additionally, construction contractors are required to contact the CEMVN in the event that any apparent historical or archaeological properties are unearthed during excavation at an approved contractor-furnished borrow site.

Proposed Action
The results of recent cultural resources investigations revealed that no known historic properties eligible for listing on or currently listed on the National Register of Historic Places exist within the proposed contractor-furnished borrow areas or would be affected by the proposed actions. Consequently, the proposed excavation of borrow material from these three proposed contractor-furnished borrow areas would have no effect on historic properties.

- *Eastover Phase II*

Direct Impacts
All available information indicates that it is highly unlikely that cultural resources would be impacted by excavation of the proposed Eastover Phase II contractor-furnished borrow area. With implementation of the proposed action, any undiscovered cultural resources may be damaged during borrow excavation and construction operations. It is unlikely that such direct impacts would occur because cultural resource surveys have been completed in order to identify cultural resources within the proposed Eastover Phase II contractor-furnished borrow area and those surveys did not reveal the existence of any known historic properties that are eligible for the National Register of Historic Places within the proposed borrow site.

Construction contractors are required to contact the CEMVN in the event that any apparent historical or archaeological properties are unearthed during excavation of the proposed site. The items shall be carefully preserved, and the contractor shall leave the find undisturbed. Excavation would be halted until the SHPO is notified.

Indirect Impacts
With implementation of the proposed action, no indirect impacts to cultural resources would be anticipated.

Cumulative Impacts
If the proposed Eastover Phase II site is used as a contractor-furnished borrow area, it is highly unlikely that any cumulative negative impacts to cultural resources would occur from the site's excavation. Cultural resource surveys were completed for the proposed Eastover Phase II site and those surveys did not reveal the existence of any known historic properties that are eligible for the National Register of Historic Places within the proposed borrow site.

The approved Eastover Phase I borrow area was discussed in IER #19. A cultural resource survey of the Eastover Phase I borrow area was prepared and no cultural resources were identified within the approved borrow area (Bommarito, 2007). Use of the approved Eastover Phase I site is not likely to contribute to cumulative

impacts to cultural resources in the project area because no cultural resources were identified within the approved borrow area. Additionally, construction contractors are required to contact the CEMVN in the event that any apparent historical or archaeological properties are unearthed during excavation at an approved contractor-furnished borrow site.

- *Tammany Holding*

  Direct Impacts
  All available information indicates that it is highly unlikely that cultural resources would be impacted by excavation of the proposed Tammany Holding contractor-furnished borrow area. Cultural resource surveys were completed for the proposed Tammany Holding site and those surveys did not reveal the existence of any known historic properties that are eligible for the National Register of Historic Places within the proposed borrow site. With implementation of the proposed action, any undiscovered cultural resources may be damaged during borrow excavation and construction operations. It is unlikely that such direct impacts would occur because cultural resource surveys have been completed in order to identify cultural resources within the proposed contractor-furnished borrow area.

  Construction contractors are required to contact the CEMVN in the event that any apparent historical or archaeological properties are unearthed during excavation of the proposed site. The items shall be carefully preserved, and the contractor shall leave the find undisturbed. Excavation would be halted until the SHPO is notified.

  Indirect Impacts
  With implementation of the proposed action, no indirect impacts to cultural resources would be anticipated.

  Cumulative Impacts
  If the proposed Tammany Holding site is used as a contractor-furnished borrow area, it is highly unlikely that any cumulative negative impacts to cultural resources would occur from the site's excavation. Cultural resource surveys were completed for the proposed Tammany Holding site and those surveys did not reveal the existence of any known historic properties that are eligible for the National Register of Historic Places within the proposed borrow site.

- *Willow Bend Phase II*

  Direct Impacts
  All available information indicates that it is highly unlikely that cultural resources would be impacted by excavation of the proposed Willow Bend Phase II contractor-furnished borrow area. Cultural resource surveys were completed for the proposed Willow Bend Phase II site and those surveys did not reveal the existence of any known historic properties that are eligible for the National Register of Historic Places within the proposed borrow site. With implementation of the proposed action, any undiscovered cultural resources may be damaged during borrow excavation and construction operations. It is unlikely that such direct impacts would occur because cultural resource surveys have been completed in order to identify cultural resources within the proposed contractor-furnished borrow area.

Construction contractors are required to contact the CEMVN in the event that any apparent historical or archaeological properties are unearthed during excavation of the proposed site. The items shall be carefully preserved, and the contractor shall leave the find undisturbed. Excavation would be halted until the SHPO is notified.

Indirect Impacts
With implementation of the proposed action, no indirect impacts to cultural resources would be anticipated.

Cumulative Impacts
If the proposed Willow Bend Phase II site is used as a contractor-furnished borrow area, it is highly unlikely that any cumulative negative impacts to cultural resources would occur from the site's excavation. Cultural resource surveys were completed for the proposed Willow Bend Phase II site and those surveys did not reveal the existence of any known historic properties that are eligible for the National Register of Historic Places within the proposed borrow site.

The approved Willow Bend Phase I borrow area was discussed in IER #26, and no cultural resources were identified within the approximate 64-acre proposed borrow area (Rawls and Smith, 2008).

Use of the approved Willow Bend Phase I site is not likely to contribute to cumulative impacts to cultural resources in the project area, because no cultural resources were identified within the approved borrow area. Additionally, construction contractors are required to contact the CEMVN in the event that any apparent historical or archaeological properties are unearthed during excavation at an approved contractor-furnished borrow site.

Table 2: Summary of Section 106 of NHPA correspondence

Agency/Tribe	**Eastover Phase II**		**Tammany Holding**		**Willow Bend Phase II**	
	CEMVN Letter Date	*Response Date*	*CEMVN Letter Date*	*Response Date*	*CEMVN Letter Date*	*Response Date*
SHPO	4/18/2008	5/8/2008	8/12/2008	1/6/2009	9/26/2008	10/22/2008
Chitimacha Tribe of Louisiana	4/18/2008	NR	8/12/2008	NR	9/26/2008	NR
Mississippi Band of Choctaw Indians	4/18/2008	NR	8/12/2008	NR	9/26/2008	NR
Choctaw Nation of Oklahoma	4/18/2008	4/23/2008	8/12/2008	9/17/2008	9/26/2008	10/8/2008
Alabama Coushatta Tribe of TX	4/18/2008	NR	8/12/2008	NR	9/26/2008	NR
Caddo Nation of OK	4/18/2008	NR	8/12/2008	NR	9/26/2008	10/1/2008
Coushatta Tribe of LA	4/18/2008	NR	8/12/2008		9/26/2008	
Jena Band of Choctaw Indians	4/18/2008	NR	8/12/2008	NR	9/26/2008	NR
Quapaw Tribe of OK	4/18/2008	NR	8/12/2008	NR	9/26/2008	NR
Seminole Nation of OK	4/18/2008	NR	8/12/2008	NR	9/26/2008	NR
Seminole Tribe of FL	4/18/2008	NR	8/12/2008	10/20/2009	9/26/2008	NR
Tunica-Biloxi Tribe of LA	4/18/2008	NR	8/12/2008	NR	9/26/2008	NR

* Response date reflects the end of the 30 day comment period. No response (NR) implies concurrence with the Corps finding of "no historic properties affected" as per 36 CFR 800.4(d).

3.2.6 Recreational Resources

Existing Conditions

- *Eastover Phase II*
  There are no recreational resources in the immediate vicinity of the proposed Eastover Phase II borrow area. The proposed Eastover Phase II site and the approved Eastover Phase I site are located on a portion of the closed Eastover golf course. The Eastover golf course was originally opened in 1987 as 9 holes. A back nine holes opened in late 1987. In 2000, another 18 holes opened. Hurricane Katrina in August of 2005 rendered Eastover's two 18 hole courses unplayable. In late March of 2007, Eastover reopened nine holes to members with plans to open a back nine in the spring of 2008. However, operators said they were unable to re-establish membership levels, according to an interview with *The Times-Picayune* newspaper in October of 2007. The golf course. remains closed and as of June 2009, and the landowner has stated there is no intention of reopening the portion of the golf course where the approved Eastover Phase I and proposed Eastover Phase II borrow areas are located.

- *Tammany Holding*
  There are no recreational resources in the immediate vicinity of the proposed Tammany Holding borrow area. The Oak Harbor community is located to the south of the proposed borrow area, which includes homes on interior canals with boat access. Two marinas exist across I-10, well outside the immediate vicinity of the proposed borrow area.

- *Willow Bend Phase II*
  There are no recreational resources in the immediate vicinity of the proposed Willow Bend Phase II borrow area. The proposed borrow area is currently used agriculturally, as is the surrounding land.

Discussion of Impacts

No Action

- *All Sites*

  Direct Impacts
  Under the no action alternative, no direct impacts to recreational resources would occur from the proposed action. The proposed Eastover Phase II, Tammany Holding, and Willow Bend Phase II sites would not be used as contractor-furnished borrow areas.

  Indirect Impacts
  Under the no action alternative, no indirect impacts to recreational resources would occur from the proposed action. The proposed Eastover Phase II, Tammany Holding, and Willow Bend Phase II sites would not be used as contractor-furnished borrow areas.

  Cumulative Impacts
  Under the no action alternative, there are no reasonably foreseeable cumulative impacts to recreational resources at the proposed contractor-furnished borrow

areas. The proposed Eastover Phase II, Tammany Holding, and Willow Bend Phase II sites would not be used as contractor-furnished borrow areas. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The proposed sites would remain intact in their current states and would not be excavated for use in the HSDRRS. Any future changes or alterations to the sites would evolve in a natural process over the course of time. The recreational environment around the areas of study would continue to flourish and expand in relation to population growth. Potential cumulative impacts to recreational resources in the project vicinity depend on what the landowners decide to do with the sites.

The Eastover Phase I and Willow Bend Phase I contractor-furnished borrow areas were approved in IER #19 and IER #26, respectively. The Eastover Phase I borrow area is 36.6-acres located on a portion of the closed Eastover golf course. If the approved Eastover Phase I site is excavated, it could contribute to cumulative impacts on recreational resources in the project area. The proposed action would replace part of a currently closed golf course with a borrow area that could become a recreational resource if, over time, it becomes filled with water and potentially viable fisheries. Additionally, the area could be an aesthetically-pleasing lake, which would offer passive recreational use opportunities.

The approved Willow Bend Phase I contractor-furnished borrow area could potentially contribute to cumulative recreational resources in the area. If the Willow Bend Phase I site is excavated, the resulting borrow area could fill with water and the habitat may be suitable to support some recreational activities (e.g., wildlife viewing and fishing). These benefits are expected to be minimal and this site would remain private, restricting its recreational value to the public.

Proposed Action

- *Eastover Phase II*

Direct Impacts
Excavation of the proposed Eastover Phase II contractor-furnished borrow area could result in some positive direct impacts to recreational resources depending on what the landowner does with the site following excavation. The proposed action would replace part of a closed golf course with a borrow area that could become a recreational resource if, over time, it becomes filled with water and potentially viable fisheries. Additionally, the area could be an aesthetically-pleasing lake, which would offer passive recreational use opportunities. Additional potential direct impacts to recreation depend on what the landowner decides to do with the proposed Eastover Phase II site following excavation.

Indirect Impacts
Indirect impacts to recreational resources are expected to minimal. Construction activities could limit use of the surrounding area open space by joggers and walkers. This impact is expected to be temporary and occur during construction.

Cumulative Impacts

Excavation of the proposed Eastover Phase II borrow area would contribute to the completion of the HSDRRS, which would have beneficial cumulative impacts on recreational resources throughout the greater New Orleans metropolitan area. Both the approved Eastover Phase I borrow area and the proposed Eastover Phase II borrow area could be used by construction contractors in the ongoing Federal effort to reduce the risk to property posed by flooding through construction of the HSDRRS. The combined effects from construction of the multiple projects underway and planned for the HSDRRS reduce flood risk and storm damage to hundreds of recreation facilities and associated infrastructure and parks. Borrow areas needed for the HSDRRS could be converted to lakes following excavation and become viable recreational resources over time. However, decisions regarding the use of excavated contractor-furnished borrow areas rest with the owner of those sites.

- *Tammany Holding*

  Direct Impacts
  Excavation of the proposed Tammany Holding borrow area could result in some positive direct impacts to recreational resources depending on what the landowner does with the site following excavation. The landowner plans on incorporating the resulting borrow lakes into a planned community. Depending on how the end site is left, the habitat may be suitable to support some recreational activities (e.g., wildlife viewing and fishing). These benefits are expected to be minimal and this site would remain private, restricting its recreational value to the public. Additional potential direct impacts to recreation depend on what the landowner decides to do with the Tammany Holding site following excavation.

  Indirect Impacts
  No indirect impacts to recreational resources would occur with implementation of the proposed action.

  Cumulative Impacts
  Excavation of the proposed Tammany Holding borrow area would contribute to the completion of the HSDRRS, which would have beneficial cumulative impacts on recreational resources throughout the greater New Orleans metropolitan area. The proposed Tammany Holding borrow area could be used by construction contractors in the ongoing Federal effort to reduce the risk to property posed by flooding through construction of the HSDRRS. The combined effects from construction of the multiple projects underway and planned for the HSDRRS reduce flood risk and storm damage to hundreds of recreation facilities and associated infrastructure and parks. However, the proposed borrow area is not within the HSDRRS, and would not receive the benefits provided by completion of the HSDRRS. Borrow areas needed for the HSDRRS could become viable recreational resources over time. However, decisions regarding the use of excavated contractor-furnished borrow areas rest with the owner of the sites.

- *Willow Bend Phase II*

  Direct Impacts
  Excavation of the proposed Willow Bend Phase II borrow area could result in some positive direct impacts to recreational resources depending on what the landowner does with the site following excavation. Depending on how the end site is left, the habitat may be suitable to support some recreational activities (e.g., wildlife viewing and fishing). These benefits are expected to be minimal and this

site would remain private, restricting its recreational value to the public. Additional potential direct impacts to recreation depend on what the landowner decides to do with the Willow Bend Phase II site following excavation.

Indirect Impacts
No indirect impacts to recreational resources would occur with implementation of the proposed action.

Cumulative Impacts
Excavation of the proposed Willow Bend Phase II borrow area would contribute to the completion of the HSDRRS, which would have beneficial cumulative impacts on recreational resources throughout the greater New Orleans metropolitan area. Both the approved Willow Bend Phase I borrow area and the proposed Willow Bend Phase II borrow area could be used by construction contractors in the ongoing Federal effort to reduce the risk to property posed by flooding through the construction of the HSDRRS. The combined effects from construction of the multiple projects underway and planned for the HSDRRS reduce flood risk and storm damage to hundreds of recreation facilities and associated infrastructure and parks. However, the proposed borrow area is not within the HSDRRS, and would not receive these benefits. Borrow areas needed for the HSDRRS could become viable recreational resources over time. However, decisions regarding the use of excavated contractor-furnished borrow areas following excavation rest with the owner of those sites.

3.2.7 Noise Quality

Existing Conditions
Noise is generally described as unwanted sound, which can be based either on objective effects (hearing loss, damage to structures, etc.) or subjective judgments (such as community annoyance). Sound is usually represented on a logarithmic scale with a unit called the decibel (dBA). Sound on the decibel scale is referred to as the sound level. The threshold of discomfort or pain is around 120 dBA.

Noise levels are computed over a 24-hour period and adjusted for nighttime annoyances to produce the day-night average sound level (DNL). DNL is the community noise metric recommended by the USEPA and has been adopted by most Federal agencies (USEPA, 1974). A DNL of 65 weighted decibels is the level most commonly used for noise planning purposes and represents a compromise between community impact and the need for activities like construction. Areas exposed to a DNL above 65 dBA are generally not considered suitable for residential use. A DNL of 55 dBA was identified by USEPA as a level below which there is no adverse impact (USEPA, 1974).

- *Eastover Phase II*
  Noise levels at and surrounding the Eastover Phase II site are variable depending on the time of day and climatic conditions. The proposed Eastover Phase II borrow area borders and surrounds the approved 36.6-acre Eastover Phase I contractor-furnished borrow area. The area around the sites is an urban residential and commercial area with associated highways, commercial districts, and residential subdivisions. Undeveloped forest and wetlands are located to the east of the site.

I-10 and I-510 surround most of the site, and are expected to contribute to existing noise levels in the vicinity. The Eastover subdivision includes approximately 200 homes, and is located directly to the west of the site. Other residential subdivisions, and commercial areas are located in the vicinity. Noise associated with commercial and residential areas would be expected to come from vehicular traffic.

- *Tammany Holding*
  Noise levels at and surrounding the Tammany Holding site are variable depending on the time of day and climatic conditions. In the vicinity of the site are I-10, LA-433, Lake Pontchartrain, commercial development, residential housing, and undeveloped marsh. Some of the property is currently being developed into residential housing, the construction of which contributes to the noise levels in the vicinity.

  The six-lane I-10 is located approximately 1000 feet from Area 1, and is expected to contribute to existing noise levels in the vicinity. Traffic to and from local commercial and residential areas also impact noise levels. Noise associated with commercial and residential areas would be expected to come from vehicular traffic.

- *Willow Bend Phase II*
  Noise levels at and surrounding the Willow Bend Phase II site are variable depending on the time of day and climatic conditions. In the vicinity of the site are the approved Willow Bend Phase I contractor-furnished borrow area, farms, undeveloped forest, the Mississippi River, and some residential housing. The site is located north of LA-3127, which is traveled by car and truck traffic that contribute to noise level in the area. Most times of elevated noise levels associated with traffic would be expected to be during daylight hours. There is a residential area near the northwestern corner of the site. This includes about a half dozen homes abutting the boundary of the site on Favorite Lane, and another approximately 50 houses and mobile homes off of West 4th Street and Goldmine Plantation Road. Noise associated with residential areas would be expected to come from vehicular traffic.

  Local farms, forested areas, and traffic on the Mississippi River are not expected to greatly contribute to noise levels in the vicinity.

Discussion of Impacts

No Action

- *All Sites*

  Direct Impacts
  Under the no action alternative, there would be no direct impacts to noise quality due to the proposed actions. The proposed sites would not be used as contractor-furnished borrow areas.

  Indirect Impacts
  No indirect impacts to noise quality would occur under the no action alternative. The proposed sites would not be used as contractor-furnished borrow areas.

  Cumulative Impacts

No cumulative impacts to noise quality would occur under the no action alternative. The proposed sites would not be used as contractor-furnished borrow areas. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The approved Eastover Phase I and Willow Bend Phase I contractor-furnished borrow areas could be used for construction of the HSDRRS. Noise levels would be cumulatively impacted by existing and reasonably foreseeable activity in the vicinity of the sites, including the potential excavation of the approved Eastover Phase I and Willow Bend Phase I contractor-furnished borrow areas. Private construction activities would also incrementally impact noise levels in the area. Additionally, construction of the HSDRRS levees and floodwalls would also cumulatively impact noise quality in the project areas. Cumulative noise impacts related to the construction of the HSDRRS will be discussed in the CED.

Proposed Action

- *All Sites*

Direct Impacts
Under the proposed action, temporary noise would occur during construction and hauling activities. The noise would affect wildlife during construction, causing them to avoid the area and return once construction ends. Residents of nearby residential areas may be impacted by noise associated with construction equipment such as bulldozers, excavators, and dump trucks. Noise would also directly impact employees constructing the borrow area.

Table 3 describes possible noise emission levels for construction equipment expected to be used during the proposed construction activities. Typical noise levels range from 80 dBA to 88 dBA at 50 foot range (FHWA, 2006). Noise levels would decrease as distance from the noise source increases.

Table 3: Possible Construction Equipment Noise Emission

Noise Source	Typical Noise Level (dBA) 50 feet from Source
Backhoe	80 dBA
Dozer	85 dBA
Dump Truck	84 dBA
Excavator	85 dBA
Truck	88 dBA

Source: *FHWA 2006. "Highway Construction Noise Handbook"*

It is assumed that excavation and hauling would be limited to daylight hours (10 – 14 hours per day) seven days a week. However, this may change due to construction schedules, weather conditions, and project borrow needs. Residents of nearby residential areas may be impacted by elevated noise elevations due to excavation and hauling. Actual noise impacts depend on construction schedules, which are dependant on weather conditions and project borrow needs, which are not known at this time.

Indirect Impacts
No indirect impacts to noise quality would occur because of excavation of the proposed contractor-furnished borrow areas.

Cumulative Impacts
Excavation of the proposed contractor-furnished borrow areas could temporarily contribute to cumulatively impacts on noise levels in the vicinity of the proposed sites. Hauling of borrow material would add to existing traffic and its related noise in the vicinity. Most times of elevated noise levels associated with traffic would be expected to be during construction hours. Cumulative noise impacts will be further discussed in the CED.

The approved Eastover Phase I and Willow Bend Phase I contractor-furnished borrow areas could be used for construction of the HSDRRS. Use of these sites would also temporarily contribute to cumulative noise levels in the project areas.

Private construction activities would incrementally impact noise levels in the project area. Construction of the HSDRRS would also cumulatively impact noise quality in the project area. Cumulative noise impacts will be further discussed in the CED.

3.2.8 Air Quality

Existing Conditions
Under the Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for seven pollutants: carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), lead (Pb), ozone (O_3), particulate matter less than 10 microns in diameter (PM_{10}) and particulate matter less than 2.5 microns in diameter ($PM_{2.5}$). The NAAQS standards include primary and secondary standards. The primary standards were established at levels sufficient to protect public health with an adequate margin of safety. The secondary standards were established to protect the public welfare from the adverse effects associated with pollutants in the ambient air. The primary and secondary standards are presented in table 4.

Table 4: National Ambient Air Quality Standards

Pollutant and Averaging Time	Primary Standard		Secondary Standard	
	µg/m³	**parts per million (ppm)**	**µg/m³**	**ppm**
CO *8-hour concentration* *1-hour concentration*	10,000[1] 40,000[1]	9[1] 35[1]	N/A	N/A
NO_2 *Annual arithmetic mean*	100	0.053	same as primary standard	
SO_2 *Annual arithmetic mean* *24-hour concentration* *3-hour concentration*	80 365[1] -	0.03 0.14[1] -	- - 1300[1]	- - 0.50[1]
Pb *Quarterly arithmetic mean*	1.5	-	same as primary standard	
O_3 *8-hour concentration*	157	0.08[2]	same as primary standard	

PM_{10} *24-hour maximum*	150[1]	-	same as primary standard
$PM_{2.5}$ *Annual arithmetic mean* *24-hour maximum*	15[3] 35[4]	- -	same as primary standard

[1] Not to be exceeded more than once per year.
[2] 3-year average of the 4th highest daily maximum 8-hour concentration may not exceed 0.08 ppm.
[3] Based on 3-year average of annual averages.
[4] Based on 3-year average of annual 98th percentile values.
Source: *40 CFR 50*

Areas that meet the NAAQS for a criteria pollutant are designated as being "in attainment;" areas where a criteria pollutant level exceeds the NAAQS are designated as being "in "non attainment." The parishes the proposed action may occur in- Orleans, St. John the Baptist, and St. Tammany- are currently in attainment of all NAAQS (USEPA, 2009).

Discussion of Impacts

No Action

- *Eastover Phase II*

Direct Impacts
Under the no action alternative, no direct impacts to air quality would occur from the proposed action. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alternative, no indirect impacts to air quality would occur from the proposed action. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, there would be no cumulative impacts to air quality from the proposed action. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The approved 36.6-acre Eastover Phase I contractor-furnished borrow area, approved in IER #19, could be used for construction of the HSDRRS. Use of the approved Eastover Phase I contractor-furnished borrow area would contribute to the cumulative degradation of air quality in the project area. However, these impacts would be temporary and last through the period of excavation. Additional potential cumulative impacts to air quality depend on what the landowner decides to do with the approved Eastover Phase I site following excavation.

Other activities in the vicinity have and will continue to affect air quality in the project area. Most of these actions would be associated with emissions from vehicular traffic on local roads and residential energy emissions.

There are several potential borrow areas in New Orleans East that were approved or are being investigated for use on the HSDRRS. The approved Eastover Phase I, Cummings North, Maynard, Stumpf Phase I, and Stumpf Phase II sites are located within three miles of the proposed action (figure 9). It is reasonably foreseeable that the approved sites could be used for construction of the HSDRRS, and their use would cumulatively impact air quality in New Orleans East.

Other activities in New Orleans East have and will continue to impact air quality in the project area. New Orleans East is presently a residential and commercial area, with some industrial activity mostly located south of Chef Menteur Highway. The major activities that affect air quality in the project area are associated with emissions from vehicular traffic on local roads and residential energy emissions. It is expected that these impacts would continue in the project area.

Air quality in southeastern Louisiana has historically been affected by residential, commercial, and industrial development. It is expected that this historical trend would continue to impact air quality in the region.

Cumulative impacts to air quality will be further discussed in the CED.

- *Tammany Holding*

Direct Impacts
Under the no action alternative, no direct impacts to air quality would occur from the proposed action. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alternative, no indirect impacts to air quality would occur from the proposed action. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, there would be no cumulative impacts to air quality from the proposed action. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

Impacts to air quality at the site would occur under the no action alternative due to the construction of the planned residential subdivision. During construction of the subdivision, a temporary increase in air emissions is expected in the project vicinity. These emissions could include exhaust emissions from operations of diesel dump trucks, various types of construction equipment (e.g., loaders), and fugitive dust due to excavation and clearing.

Cumulative impacts to air quality would continue in the project area. Other activities in the vicinity have and will continue to affect air quality in the project area. Most of these actions would be associated with emissions from vehicular traffic on local roads and residential energy emissions.

There are several potential borrow areas in St. Tammany Parish under investigation for use on the HSDRRS (figure 10). If these sites are approved for use in the HSDRRS, they would also contribute to cumulative air quality impacts in St. Tammany Parish.

Air quality in southeastern Louisiana has historically been affected by residential, commercial, and industrial development. It is expected that this historical trend would continue to impact air quality in the region.

Cumulative impacts to air quality will be further discussed in the CED.

- *Willow Bend Phase II*

Direct Impacts
Under the no action alternative, no direct impacts to air quality would occur from the proposed action. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alternative, no indirect impacts to air quality would occur from the proposed action. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, there would be no cumulative impacts to air quality from the proposed action. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The approved 64-acre Willow Bend Phase I contractor-furnished borrow area, which was approved in IER #26, could be used for construction of the HSDRRS. Use of the approved Willow Bend Phase I contractor-furnished borrow area would contribute to the cumulative degradation of air quality in the project area. However, these impacts would be temporary and last through the period of excavation. Additional potential cumulative impacts to air quality depend on what the landowner decides to do with the approved Willow Bend Phase I site following excavation.

Other activities in the vicinity have and will continue to affect air quality in the project area. Most of these actions would be associated with emissions from vehicular traffic on local roads and residential energy emissions.

The approved 3C Riverside Phase I and Phase II sites are located within 5 miles of the approved Willow Bend Phase I and proposed Willow Bend Phase II sites (figure 11). It is reasonably foreseeable that use of the approved 3C Riverside Phase I and Phase II sites could be used for construction of the HSDRRS, and their use would cumulatively impact air quality in the vicinity.

Air quality in southeastern Louisiana has historically been affected by residential, commercial, and industrial development. It is expected that this historical trend would continue to impact air quality in the region.

Cumulative impacts to air quality will be further discussed in the CED.

Proposed Action

- *Eastover Phase II*

Direct Impacts
During excavation at the proposed Eastover Phase II borrow site, a temporary increase in air emissions is expected in the project vicinity. These emissions could include exhaust emissions from operations of diesel dump trucks, various types of construction equipment (e.g., loaders, excavators), and fugitive dust due to excavation and clearing.

The principal air quality concern associated with the proposed borrow site would be emission of fugitive dust near demolition and construction areas. The on-road trucks and private vehicles used to access the work area would also contribute to construction phase air pollution in the project vicinity when traveling along local roads and highways. Most instances of diminished air quality associated with excavation and truck hauling would be expected to be limited to daylight hours (10-14 hours a day) seven days a week. It is expected that these impacts would be temporary and limited to construction hours. Additional potential direct impacts to air quality depend on what the landowner decides to do with the site following excavation.

Indirect Impacts
Indirect impacts to air quality are not expected to occur with implementation of the proposed action.

Cumulative Impacts
Use of the proposed Eastover Phase II contractor-furnished borrow area would temporarily contribute to cumulative air quality impacts in the project area. In addition, the approved 36.6-acre Eastover Phase I contractor-furnished borrow area could be used for construction of the HSDRRS. Excavation of the approved Eastover Phase I contractor-furnished borrow area could also contribute to cumulative air quality impacts. However, these impacts would be temporary and would last through the excavation period. Additional potential cumulative impacts to air quality depend on what the landowner decides to do with the approved Eastover Phase I and proposed Eastover Phase II sites following excavation.

Other activities in the vicinity have and will continue to affect air quality in the project area. Most of these actions would be associated with emissions from vehicular traffic on local roads and residential energy emissions.

There are several potential borrow areas in New Orleans East that were approved or are being investigated for use on the HSDRRS. The approved Eastover Phase I, Cummings North, Maynard, Stumpf Phase I, and Stumpf Phase II sites are located within three miles of the proposed action (figure 9). It is reasonably foreseeable that the approved sites could be used for construction of the HSDRRS, and their use would cumulatively impact air quality in New Orleans East.

Other activities in New Orleans East have and will continue to impact air quality in the project area. New Orleans East is presently a residential and commercial area, with some industrial activity mostly located south of Chef Menteur Highway. The major activities that affect air quality in the project area are associated with emissions from vehicular traffic on local roads and residential energy emissions. It is expected that these impacts would continue in the project area.

Air quality in southeastern Louisiana has historically been affected by residential, commercial, and industrial development. It is expected that this historical trend would continue to impact air quality in the region.

Cumulative impacts to air quality will be further discussed in the CED.

- *Tammany Holding*

Direct Impacts
During excavation at the proposed Tammany Holding borrow site, a temporary increase in air emissions is expected in the project vicinity. These emissions could include exhaust emissions from operations of diesel dump trucks, various types of construction equipment (e.g., loaders, excavators), and fugitive dust due to excavation and clearing.

The principal air quality concern associated with the proposed borrow site would be emission of fugitive dust near demolition and construction areas. The on-road trucks and private vehicles used to access the work area would also contribute to construction phase air pollution in the project vicinity when traveling along local roads and highways. Most instances of diminished air quality associated with excavation and truck hauling would be expected to be limited to daylight hours (10-14 hours a day) seven days a week. It is expected that these impacts would be temporary and limited to construction hours. Additional potential direct impacts to air quality depend on what the landowner decides to do with the site following excavation.

Indirect Impacts
Indirect impacts to air quality are not expected to occur with implementation of the proposed action.

Cumulative Impacts
Use of the proposed Tammany Holding contractor-furnished borrow area would temporarily contribute to cumulative air quality impacts in the project area. However, these impacts would be temporary and would last through the excavation period. Additional potential cumulative impacts to air quality depend on what the landowner decides to do with the proposed Tammany Holding site following excavation.

Other activities in the vicinity have and will continue to affect air quality in the project area. Most of these actions would be associated with emissions from vehicular traffic on local roads and residential energy emissions.

There are several potential borrow areas in St. Tammany Parish under investigation for use on the HSDRRS (figure 10). If these sites are approved for use in the HSDRRS, they would also contribute to cumulative air quality impacts in St. Tammany Parish.

Air quality in southeastern Louisiana has historically been affected by residential, commercial, and industrial development. It is expected that this historical trend would continue to impact air quality in the region.

Cumulative impacts to air quality will be further discussed in the CED.

- *Willow Bend Phase II*

Direct Impacts
During excavation at the proposed Willow Bend Phase II borrow site, a temporary increase in air emissions is expected in the project vicinity. These emissions could include exhaust emissions from operations of diesel dump trucks, various types of construction equipment (e.g., loaders, excavators), and fugitive dust due to excavation and clearing.

The principal air quality concern associated with the proposed borrow site would be emission of fugitive dust near demolition and construction areas. The on-road trucks and private vehicles used to access the work area would also contribute to construction phase air pollution in the project vicinity when traveling along local roads and highways. Most instances of diminished air quality associated with excavation and truck hauling would be expected to be limited to daylight hours (10-14 hours a day) seven days a week. It is expected that these impacts would be temporary and limited to construction hours. Additional potential direct impacts to air quality depend on what the landowner decides to do with the site following excavation.

Indirect Impacts
Indirect impacts to air quality are not expected to occur with implementation of the proposed action.

Cumulative Impacts
Use of the proposed Willow Bend II contractor-furnished borrow area would temporarily contribute to cumulative air quality impacts in the project area. The approved 64-acre Willow Bend Phase I contractor-furnished borrow area could be used for construction of the HSDRRS. Excavation of the approved Willow Bend Phase I contractor-furnished borrow area could also contribute to cumulative air quality impacts. However, these impacts would be temporary and would last through the excavation period. Additional potential cumulative impacts to air quality depend on what the landowner decides to do with the approved Willow Bend Phase I and proposed Willow Bend Phase II sites following excavation.

Other activities in the vicinity have and will continue to affect air quality in the project area. Most of these actions would be associated with emissions from vehicular traffic on local roads and residential energy emissions. Additional cumulative impacts to air quality would be similar to those discussed for the no action alternative.

The approved 3C Riverside Phase I and Phase II sites are located within 5 miles of the approved Willow Bend Phase I and proposed Willow Bend Phase II sites (figure 11). It is reasonably foreseeable that use of the approved 3C Riverside Phase I and Phase II sites could be used for construction of the HSDRRS, and their use would cumulatively impact air quality in the vicinity.

Air quality in southeastern Louisiana has historically been affected by residential, commercial, and industrial development. It is expected that this historical trend would continue to impact air quality in the region.

Cumulative impacts to air quality will be further discussed in the CED.

3.2.9 Water Quality

Existing Conditions

The Louisiana Department of Environmental Quality (LADEQ) regulates both point and nonpoint source pollution. Most of the proposed contractor-furnished borrow areas are uplands with associated drainage features.

Discussion of Impacts

No Action

- *Eastover Phase II*

Direct Impacts

Under the no action alternative, no direct impacts to water quality would occur from the proposed action. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

Indirect Impacts

Under the no action alternative, no indirect impacts to water quality would occur from the proposed action. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

Cumulative Impacts

Under the no action alternative, there would be no cumulative decreases in water quality from the proposed action. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The approved 36.6-acre Eastover Phase I contractor-furnished borrow area, approved in IER #19, could be used for construction of the HSDRRS. Excavation of the approved Eastover Phase I contractor-furnished borrow area would contribute to the cumulative decline of water quality within the region. However, such impacts would be temporary and last through the period of excavation of the approved Eastover Phase I site. Additional potential cumulative impacts to water quality depend on what the landowner decides to do with the approved Eastover Phase I site following excavation

Other activities in the vicinity have and will continue to affect water quality in the project area. There are several potential borrow areas in New Orleans East that were approved or are being investigated for use on the HSDRRS. The approved Eastover Phase I, Cummings North, Maynard, Stumpf Phase I, and Stumpf Phase II sites are located within three miles of the proposed action (figure 9). It is reasonably foreseeable that the approved sites could be used for construction of

the HSDRRS, and their use would temporarily contribute to cumulative water quality impacts in New Orleans East.

Water quality in southeastern Louisiana has historically been affected by residential, commercial, and industrial development. Major contributors to decreases in water quality in the region include urban stormwater runoff, pollutants, sediment loading/runoff, nutrient loading, and dry weather flows. It is expected that this historical trend would continue to impact water quality in the region.

- *Tammany Holding*

Direct Impacts
Under the no action alternative, no direct impacts to water quality would occur from the proposed action. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alternative, no indirect impacts to water quality would occur from the proposed action. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, there would be no cumulative impacts to water quality from the proposed action. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

Construction of the planned subdivision would contribute to the cumulative decline of water quality within the region. Water quality may be impacted by the construction of the planned subdivision. Despite the use of BMPs, any construction activities could likely result in some temporary direct impacts from disturbances to water quality in the immediate vicinity. Most of these impacts would be associated with sediments getting around installed silt fencing during high rain events, which would cause surface water turbidity in the immediate vicinity. These impacts would be localized and temporary.

Other activities in the vicinity have and will continue to affect water quality in the project area. There are several potential borrow areas in St. Tammany Parish under investigation for use on the HSDRRS (figure 10). If these sites are approved for use in the HSDRRS, they would also contribute to cumulative water quality impacts in St. Tammany Parish.

Water quality in southeastern Louisiana has historically been affected by residential, commercial, and industrial development. Major contributors to decreases in water quality in the region include urban stormwater runoff, pollutants, sediment loading/runoff, nutrient loading, and dry weather flows. It is expected that this historical trend would continue to impact water quality in the region.

- *Willow Bend Phase II*

Direct Impacts
Under the no action alternative, no direct impacts to water quality would occur from the proposed action. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alternative, no indirect impacts to water quality would occur from the proposed action. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, there would be no cumulative impacts to water quality from the proposed action. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The approved Willow Bend Phase I contractor-furnished borrow area, which was approved for use in IER #26, could be used for construction of the HSDRRS. Excavation of the approved Willow Bend Phase I contractor-furnished borrow area would contribute to the cumulative decline of water quality within the region. However, such impacts would be temporary and last through the period of excavation of the approved Willow Bend Phase I site. Additional potential cumulative impacts to water quality depend on what the landowner decides to do with the approved Willow Bend Phase I site following excavation.

Other activities in the vicinity have and will continue to affect water quality in the project area. The approved 3C Riverside Phase I and Phase II sites are located within 5 miles of the approved Willow Bend Phase I and proposed Willow Bend Phase II sites (figure 11). It is reasonably foreseeable that use of the approved 3C Riverside Phase I and Phase II sites could be used for construction of the HSDRRS, and their use would temporarily contribute to cumulative water quality impacts in the vicinity.

Water quality in southeastern Louisiana has historically been affected by residential, commercial, and industrial development. Major contributors to decreases in water quality in the region include urban stormwater runoff, pollutants, sediment loading/runoff, nutrient loading, and dry weather flows. It is expected that this historical trend would continue to impact water quality in the region.

Proposed Action

- *Eastover Phase II*

Direct Impacts
Excavation of the proposed Eastover Phase II borrow area would result in some temporary direct water quality impacts from disturbances to water quality in the immediate vicinity of the proposed Eastover Phase II contractor-furnished borrow area. Most of these impacts would be associated with sediments getting around installed silt fencing during high rain events, which would cause surface water

turbidity in the immediate vicinity. Water quality in the Gannon Canal and connected water features would also potentially be negatively impacted during excavation. These impacts would be localized and temporary. If the borrow area is drained by use of a sump pump during construction water would be deposited outside of the borrow site, most likely into adjacent non-construction areas and the Gannon Canal. Depending on where water is directed, temporary impacts to water quality in these areas may occur.

The construction contractor would be required to secure all applicable Federal, state, and local permits required for potentially impacting water quality.

Indirect Impacts
Indirect impacts to water quality in adjacent areas depend on where water is directed during construction. These impacts would mostly be associated with increased turbidity, and would likely be temporary and confined to adjacent areas. Without additional action by the landowner following excavation of the site, it is expected that there will be no indirect impacts to water quality following excavation.

Cumulative Impacts
Excavation of the proposed Eastover Phase II contractor-furnished borrow area would temporarily contribute to the cumulative decline of water quality within the region. The approved 36.6-acre Eastover Phase I contractor-furnished borrow area could be used for construction of the HSDRRS. Use of the approved Eastover Phase I contractor-furnished borrow area would also temporarily contribute to the cumulative decline of water quality within the project area. However, such impacts would be temporary and last through the period of excavation of the approved Eastover Phase I and proposed Eastover Phase II borrow areas. Additional potential cumulative impacts to water quality depend on what the landowner decides to do with the approved Eastover Phase I and proposed Eastover Phase II sites following excavation.

Other activities in the vicinity have and will continue to affect water quality in the project area. There are several potential borrow areas in New Orleans East that were approved or are being investigated for use on the HSDRRS. The approved Eastover Phase I, Cummings North, Maynard, Stumpf Phase I, and Stumpf Phase II sites are located within three miles of the proposed action (figure 9). It is reasonably foreseeable that the approved sites could be used for construction of the HSDRRS, and their use would temporarily contribute to cumulative water quality impacts in New Orleans East.

Water quality in southeastern Louisiana has historically been affected by residential, commercial, and industrial development. Major contributors to decreases in water quality in the region include urban stormwater runoff, pollutants, sediment loading/runoff, nutrient loading, and dry weather flows. It is expected that this historical trend would continue to impact water quality in the region.

- *Tammany Holding*

Direct Impacts
Excavation of the proposed borrow area would result in some temporary direct water quality impacts from disturbances to water quality in the immediate vicinity of the proposed Tammany Holding contractor-furnished borrow area. Most of

these impacts would be associated with sediments getting around installed silt fencing during high rain events, which would cause surface water turbidity in the immediate vicinity. These impacts would be localized and temporary. If the borrow area is drained by use of a sump pump during construction water would be deposited outside of the borrow site, most likely into adjacent non-construction areas. Depending on where water is directed, temporary impacts to water quality in these areas may occur.

The construction contractor would be required to secure all applicable Federal, state, and local permits required for potentially impacting water quality.

Indirect Impacts
Indirect impacts to water quality in adjacent areas depend on where water is directed during construction. These impacts would mostly be associated with increased turbidity, and could likely be temporary and confined to adjacent areas. Without additional action by the landowner following excavation of the site, it is expected that there will be no indirect impacts to water quality following excavation.

Cumulative Impacts
Excavation of the proposed Tammany Holding contractor-furnished borrow area would temporarily contribute to the cumulative decline of water quality within the region.

Other activities in the vicinity have and will continue to affect water quality in the project area. Construction of the planned subdivision would contribute to the cumulative decline of water quality within the region. Water quality may be impacted by the construction of the planned subdivision. Despite the use of BMPs, any construction activities would likely result in some temporary direct impacts from disturbances to water quality in the immediate vicinity. Most of these impacts would be associated with sediments getting around installed silt fencing during high rain events, which would cause surface water turbidity in the immediate vicinity. These impacts would be localized and temporary.

There are several potential borrow areas in St. Tammany Parish under investigation for use on the HSDRRS (figure 10). If these sites are approved for use in the HSDRRS, they would also contribute to cumulative water quality impacts in St. Tammany Parish.

Water quality in southeastern Louisiana has historically been affected by residential, commercial, and industrial development. Major contributors to decreases in water quality in the region include urban stormwater runoff, pollutants, sediment loading/runoff, nutrient loading, and dry weather flows. It is expected that this historical trend would continue to impact water quality in the region.

- *Willow Bend Phase II*

Direct Impacts
Excavation of the proposed borrow site would result in some temporary direct water quality impacts from disturbances to water quality in the immediate vicinity of the proposed Willow Bend Phase II contractor-furnished borrow area. Most of these impacts would be associated with sediments getting around installed silt fencing during high rain events, which would cause surface water turbidity in the

immediate vicinity. These impacts would be localized and temporary. If the borrow areas is drained by use of a sump pump during construction water would be deposited outside of the borrow site, most likely into adjacent non-construction areas. Depending on where water is directed, temporary impacts to water quality in these areas may occur.

The construction contractor would be required to secure all applicable Federal, state, and local permits required for potentially impacting water quality.

Indirect Impacts
Indirect impacts to water quality in adjacent areas depend on where water is directed during construction. These impacts would mostly be associated with increased turbidity, and could likely be temporary and confined to adjacent areas. Without additional action by the landowner following excavation of the site, it is expected that there will be no indirect impacts to water quality following excavation.

Cumulative Impacts
Excavation of the proposed Willow Bend Phase II contractor-furnished borrow area would temporarily contribute to the cumulative decline of water quality within the region. In addition, the approved 64-acre Willow Bend Phase I contractor-furnished borrow area could be used for construction of the HSDRRS. Use of the approved Willow Bend Phase I contractor-furnished borrow area would also contribute to cumulative decline of water quality within the project area. However, such impacts would be temporary and last through the period of excavation of the approved Willow Bend Phase I and proposed Willow Bend Phase II borrow areas. Additional potential cumulative impacts to water quality depend on what the landowner decides to do with the approved Willow Bend Phase I and proposed Willow Bend Phase II sites following excavation

Other activities in the vicinity have and will continue to affect water quality in the project area. The approved 3C Riverside Phase I and Phase II sites are located within 5 miles of the approved Willow Bend Phase I and proposed Willow Bend Phase II sites (figure 11). It is reasonably foreseeable that use of the approved 3C Riverside Phase I and Phase II sites could be used for construction of the HSDRRS, and their use would temporarily contribute to cumulative water quality impacts in the vicinity.

Major contributors to decreases in water quality in the region include urban stormwater runoff, pollutants, sediment loading/runoff, nutrient loading, and dry weather flows. Water quality in southeastern Louisiana has historically been affected by residential, commercial, and industrial development It is expected that this historical trend would continue to impact water quality in the region.

3.2.10 Aesthetic (Visual) Resources

Existing Conditions

- *Eastover Phase II*
  The proposed Eastover Phase II contractor-furnished borrow area's landscape is heavily disturbed from the residential development master planning process in the immediate and adjacent areas. Currently, the proposed Eastover Phase II borrow area is a portion of a closed golf course with numerous man-made ponds, former golf fairways, and concrete paths. Other portions of the proposed borrow area are

disturbed by drainage, road-building, and other master planned community development infrastructure work, including the Gannon Canal. The proposed Eastover Phase II borrow area is visually remote and inaccessible to most as it is privately owned. However, the proposed borrow area is visually accessible to residents of the Eastover subdivision and to vehicles traveling on East Point Court.

- *Tammany Holding*
  The proposed Tammany Holding contractor-furnished borrow area's landscape is heavily disturbed from the residential development process in the immediate and adjacent areas. Large portions of the site are completely disturbed by drainage, road-building, and other residential development infrastructure work. In addition, a large private borrow site has been dug in the central portion of the proposed site. The landscape lacks distinct qualities that would make it visually significant.

- *Willow Bend Phase II*
  The proposed Willow Bend Phase II contractor-furnished borrow area's landscape contains cultivated land and forest in the immediate and adjacent areas, as well as the approved Willow Bend Phase I site, which has been cleared. As with Willow Bend Phase I, the proposed Willow Bend Phase II borrow area is visually remote and inaccessible to most as it is privately owned. The landscape lacks distinct qualities that would make it visually significant.

Discussion of Impacts

No Action

- *All Sites*

  Direct Impacts
  Under the no action alternative, no direct impacts to visual resources would occur at the proposed contractor-furnished borrow areas.

  Indirect Impacts
  Under the no action alternative, no indirect impacts to visual resources would occur at the proposed contractor-furnished borrow areas.

  Cumulative Impacts
  Under the no action alternative, there are no reasonably foreseeable cumulative impacts to visual resources at the proposed contractor-furnished borrow areas. The proposed Eastover Phase II, Tammany Holding and Willow Bend Phase II sites would not be used as a contractor-furnished borrow areas. The proposed sites would remain intact as in their current states and would not be excavated for use on the HSDRRS. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

  The Eastover Phase I and Willow Bend Phase I contractor-furnished borrow areas were approved in IER #19 and IER #26, respectively. The Eastover Phase I borrow area is 36.6-acres located on a portion of the closed Eastover golf course. If the approved Eastover Phase I site is excavated, it could contribute to cumulative impacts on visual resources in the project area. The excavation of the approved Eastover Phase I borrow area would produce a pond or body of water

that would be highly visible to the residents of the area, especially residents of the Eastover community, unless the landowner backfills the site.

The approved Willow Bend Phase I contractor-furnished borrow area could potentially contribute to cumulative visual resource impacts in the area. Excavation of the approved Willow Bend Phase I contractor-furnished borrow area would add to the number of borrow areas in the region. The visual impacts from excavation of the approved Willow Bend Phase I site are expected to be minimal and this site would remain private, restricting its recreational value to the public.

Any additional future changes or alterations to the site would evolve in a natural process over the course of time.

Proposed Action

- *Eastover Phase II*

Direct Impacts
With implementation of the proposed alternative, direct impacts to visual resources would occur at the proposed Eastover Phase II contractor-furnished borrow area. View sheds from the existing neighborhood, located to the west and southwest, would be altered from the implementation of the proposed action. The proposed borrow area also offers view sheds from East Point Court. These view sheds would be impacted by the proposed alternative.

Impacts from the excavation of the proposed borrow area would also impact the residents of the area, especially those closest to the proposed borrow area in the Eastover community. These visual impacts related to excavation would be temporary.

The end result of the proposed action would produce a pond or body of water that would be highly visible to the residents of the area unless the landowner backfills the site.

Indirect Impacts
With implementation of the no action alternative no indirect impacts to visual resources would occur.

Cumulative Impacts
Excavation of the proposed Eastover Phase II borrow area would add to the number of borrow areas in the region. In addition, the approved Eastover Phase I borrow area could be excavated. The excavation of the approved Eastover Phase I site and the proposed Eastover Phase II site could contribute to cumulative impacts on visual resources in the project area. The excavation of the approved Eastover Phase I and proposed Eastover Phase II borrow areas could produce a pond or body of water that will be highly visible to the residents of the area, especially residents of the Eastover community, unless the landowner backfills the site.

Other activities in the vicinity have and will continue to affect visual quality in the project area. Major contributors to decreases in visual quality in the region include other borrow sites, stockpile areas, and earthen levees blocking view sheds from major thoroughfares, backyards, and windows.

- *Tammany Holding*

  Direct Impacts
  With implementation of the proposed alternative no direct impacts to visual resources would occur at the proposed borrow area. The proposed borrow area's landscape lacks distinct qualities that would make it visually significant.

  Indirect Impacts
  With implementation of the no action alternative no indirect impacts to visual resources would occur.

  Cumulative Impacts
  Excavation of the proposed Tammany Holding borrow area would add to the number of borrow areas in the region. Cumulative impacts to the visual character would continue in the project area with implementation of the proposed alternative. Other activities in the vicinity have and will continue to affect visual quality in the project area. Major contributors to decreases in visual quality in the region include other borrow sites, stockpile areas, and earthen levees blocking view sheds from major thoroughfares, backyards, and windows.

- *Willow Bend Phase II*

  Direct Impacts
  With implementation of the proposed alternative no direct impacts to visual resources would occur at the proposed borrow area. The proposed borrow area is visually remote and inaccessible to most as it is privately owned.

  Indirect Impacts
  With implementation of the no action alternative no indirect impacts to visual resources would occur.

  Cumulative Impacts
  Excavation of the proposed Willow Bend Phase II borrow area would add to the number of borrow areas in the region. In addition, the approved Willow Bend Phase I borrow area could be excavated. The excavation of the approved Willow Bend Phase I site and the proposed Willow Bend Phase II site could contribute to cumulative impacts on visual resources in the project area. The excavation of the approved Willow Bend Phase I and proposed Willow Bend Phase II borrow areas could produce a pond or body of water that would not be highly visible because the borrow areas are visually remote and inaccessible to most.

  Other activities in the vicinity have and will continue to affect visual quality in the project area. Major contributors to decreases in visual quality in the region include other borrow sites, stockpile areas, and earthen levees blocking view sheds from major thoroughfares, backyards, and windows.

3.3 SOCIOECONOMIC RESOURCES

The focus of this section is to evaluate the relative socioeconomic impacts of construction activities associated with three proposed contractor-furnished borrow areas in the vicinity

of the New Orleans metropolitan area. This borrow material could be used to construct proposed HSDRRS projects.

The 'No Action' alternative in this case includes the potential use of government-furnished and/or contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified. The 'Proposed Action' is to approve the potential use of the three privately-owned sites discussed in this report as proposed contractor-furnished borrow areas.

As previously stated, the purpose of the NEPA Emergency Alternative Arrangements (40 CFR 1506.11) is to expeditiously complete environmental analyses of impacts arising from HSDRRS efforts by allowing decisions on smaller groups of proposed actions to move forward sooner than under the traditional NEPA process (72 FR 1137). Because of the exigency of the Emergency Alternative Arrangements and the need to complete the HSDRRS, each IER can identify areas where data is incomplete, unavailable, as well as areas of potential controversy (72 FR 11339). Therefore, it is expected that earlier IERs will not contain the same amount of information, data and analyses as later IERs. The analysis contained in each IER builds off of the analysis contained in previous IERs. As information becomes available, more detailed analysis is successively presented in the IERs. Ultimately, at the conclusion of the IER process, the full cumulative effects analysis will be presented in a CED (Emergency Alternative Arrangements, Page 10). This is why IER #29 may contain additional information, data or analyses not contained in earlier IERs.

3.3.1 Population and Housing

Existing Conditions

- *Eastover Phase II*
  The Eastover Phase II proposed borrow area is located in Orleans Parish near the Eastover subdivision. The Eastover Phase II site borders and surrounds the approved Eastover Phase I site, which was discussed in IER # 19. The proposed Eastover Phase II site was previously used as a golf course and includes the Gannon Canal, which is directly adjacent to several homes within the Eastover subdivision. It is located in census tract 17.32, group 5, block 5000. According to the 2000 U.S. Census, in 2000 there were 123 housing units with a population of 376 people in the vicinity of the proposed contractor-furnished borrow area.

- *Tammany Holding*
  The proposed Tammany Holding parcels (Area 1, Area 3, and Area 4) are located in St. Tammany Parish between Howze Beach Road and Route 433. The site is located in census tract 408.03, group 5, block 5000. It was previously used for various agricultural purposes until as recently as 2000. The property owner has indicated the intention to develop the parcels as a residential subdivision. There are several subdivisions in the area, but no residential development exists in the immediate vicinity of the proposed borrow site.

- *Willow Bend Phase II*
  The Willow Bend Phase II proposed area is located in St. John the Baptist Parish, between the towns of Wallace and Edgard. The Willow Bend Phase I site, which was approved as a potential contractor-furnished site and is discussed in IER # 26, is within the boundaries of the proposed Willow Bend Phase II site. The approved Willow Bend Phase I site and the proposed Willow Bend Phase II sites are located on land previously used for farming. The site is located in census

track 711, group 2, block 2023. There are some residences in the vicinity along West 4th Street and Goldmine Plantation Road, both off of River Road; though most of the houses lie on the other side of railroad tracks between the proposed borrow area and River Road. In 2000, according to the U.S. Census, there were 35 housing units with a population of 126 people within the vicinity of the proposed borrow area.

Discussion of Impacts

No Action

- *Eastover Phase II*

Direct Impacts
Under the no action alternative there would be no direct impacts to population and housing due to excavation of the proposed Eastover Phase II contractor-furnished borrow area. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alternative, there would be no indirect impacts to population and housing around this potential contractor-furnished borrow area. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, the proposed Eastover Phase II site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The approved Eastover Phase I site, which was approved in IER #19, could potentially be excavated for use on the HSDRRS. Potential cumulative impacts to population and housing associated with excavating the Eastover Phase I site are discussed in IER #19. These may include increased noise, degraded air quality, and increased congestion on neighboring roadways. All impacts would last only through the construction period. Additional potential cumulative impacts to population and housing depend on what the landowner decides to do with the approved Eastover Phase I site following excavation.

The effects of Hurricane Katrina on New Orleans East were extensive, with the area heavily flooded for weeks. As of September 2008 less than 60 percent of pre-Katrina residences were active. In the period between March and September 2008 the section of New Orleans East west of I-510 experienced the greatest increase of residences in the city (GNOCDC 2009). New Orleans East, to date, has the city's greatest number of properties that received Road Home funding to rebuild (GNOCDC 2009). Data for new residential construction permits without a corresponding demolition permit since Hurricane Katrina, suggesting new construction that is not a result of tear-downs and reconstruction of storm-damaged homes, was relatively low for the city (GNOCDC 2009). These data suggest that residential rebuilding efforts are likely confined to existing structures and neighborhoods. Because of the recent increase in population to the area, and

the lower flood risk to the New Orleans metropolitan area with completion of the HSDRRS, it is reasonable to assume that remaining non-developed parcels in New Orleans East would probably be impacted by new commercial or industrial activity, including potential use of the aforementioned approved borrow sites. This predicted trend is not inconsistent with the development trends experienced in New Orleans East, as well as most of the New Orleans metropolitan area.

Under the no action alternative, positive cumulative impacts to population and housing associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may enhance the desirability of living within the protected areas. As a result, a shift in the dispersion of population within the New Orleans Metropolitan Statistical Area, or beyond, may occur. Also, to the extent that the completion of the HSDRRS encourages regional economic growth, any additional jobs thus created may manifest itself in either in-migration to the area or an increase in commuting activity.

- *Tammany Holding*

Direct Impacts
There would be no direct impacts to population and housing around this proposed borrow area under the no action alternative. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

Indirect Impacts
There would be no indirect impacts to population and housing around this proposed borrow area under the no action alternative. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action scenario, the proposed Tammany Holding site would not be used as a contractor-furnished borrow area and would not contribute to cumulative impacts on population and housing in the project area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

Positive cumulative impacts to population and housing associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may enhance the desirability of living within the protected areas. As a result, a shift in the dispersion of population within the New Orleans Metropolitan Statistical Area, or beyond, may occur. Also, to the extent that the completion of the HSDRRS encourages regional economic growth, any additional jobs thus created may manifest itself in either in-migration to the area or an increase in commuting activity. This impact is not specific to the proposed Tammany Holding borrow area, since it lies outside the HSDRRS.

- *Willow Bend Phase II*

Direct Impacts

Under the no action alternative there would be no direct impacts to population and housing under this alternative. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

Indirect Impacts
There would be no indirect impacts to population and housing around this proposed borrow area under the no action alternative. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, the proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The approved Willow Bend Phase I site, which was approved in IER #26, could potentially be excavated for use in the HSDRRS. Potential impacts to population and housing associated with excavating the Willow Bend Phase I site are discussed in IER # 26. However, construction-related impacts to population and housing would be minimal and temporary, lasting only through the construction period.

Under the no action alternative, positive cumulative impacts to population and housing associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may enhance the desirability of living within the protected areas. As a result, a shift in the dispersion of population within the New Orleans Metropolitan Statistical Area, or beyond, may occur. Also, to the extent that the completion of the HSDRRS encourages regional economic growth, any additional jobs thus created may manifest itself in either in-migration to the area or an increase in commuting activity. This impact is not specific to the proposed Willow Bend Phase II borrow area, since it lies outside the HSDRRS.

Proposed Action

- *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.

The effects of Hurricane Katrina on New Orleans East were extensive, with the area heavily flooded for weeks. As of September 2008 less than 60 percent of pre-Katrina residences were active. In the period between March and September 2008 the section of New Orleans East west of I-510 experienced the greatest increase of residences in the city (GNOCDC 2009). New Orleans East, to date, has the city's greatest number of properties that received Road Home funding to rebuild (GNOCDC 2009). Data for new residential construction permits without a corresponding demolition permit since Hurricane Katrina, suggesting new construction that is not a result of tear-downs and reconstruction of storm-damaged homes, was relatively low for the city (GNOCDC 2009). These data suggest that residential rebuilding efforts are likely confined to existing structures and neighborhoods. Because of the recent increase in population to the area, and the lower flood risk to the New Orleans metropolitan area with completion of the HSDRRS, it is reasonable to assume that remaining non-developed parcels in New Orleans East would probably be impacted by new commercial or industrial activity, including use of the aforementioned approved borrow sites. This

predicted trend is not inconsistent with the development trends experienced in New Orleans East, as well as most of the New Orleans metropolitan area.

Positive cumulative impacts to population and housing associated with the completion of the HSDRRS in its entirety may also occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may enhance the desirability of living within the protected areas. As a result, a shift in the dispersion of population within the New Orleans Metropolitan Statistical Area, or beyond, may occur. Also, to the extent that the completion of the HSDRRS encourages regional economic growth, any additional jobs thus created may manifest itself in either in-migration to the area or an increase in commuting activity.

- *Tammany Holding*

  Direct Impacts
  Since there is no residential development in the immediate vicinity of the proposed Tammany Holding borrow area, there would be no direct impacts to population and housing in the vicinity of the proposed borrow area as a result of the proposed action.

  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
  Because there is no residential development in the immediate vicinity of the proposed Tammany Holding borrow area, the proposed borrow area would not contribute to cumulative impacts on population and housing in the project area.

  Positive cumulative impacts to population and housing associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may enhance the desirability of living within the protected areas. As a result, a shift in the dispersion of population within the New Orleans Metropolitan Statistical Area, or beyond, may occur. Also, to the extent that the completion of the HSDRRS encourages regional economic growth, any additional jobs thus created may manifest itself in either in-migration to the area or an increase in commuting activity. This impact is not specific to the proposed project area, since it lies outside the HSDRRS.

- *Willow Bend Phase II*

  Direct Impacts
  Residents along River Road may experience increased but temporary impacts with respect to the proposed Willow Bend II excavation. These may include degraded air quality, increased noise, and increased congestion on neighboring roadways. Congestion impacts will be discussed further in section 3.3.4.4. 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.

All impacts to population would last only through the excavation period, and there would be no displacement of any population.

The proposed Willow Bend 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. Although, 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. There is also a potential danger to children, in addition to automobiles if the proposed borrow area is very close to a roadway. 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
No indirect impacts related to displacement of population and housing are expected to occur.

Cumulative Impacts
Excavation of the proposed Willow Bend Phase II contractor-furnished borrow area could temporarily contribute to cumulative population and housing impacts in the project vicinity. In addition, the approved Willow Bend 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 be temporary, lasting only through the construction period. Additional potential cumulative impacts to population and housing depend on what the landowner decides to do with the approved Willow Bend Phase I and proposed Willow Bend Phase II borrow areas following excavation.

Positive cumulative impacts to population and housing associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may enhance the desirability of living within the protected areas. As a result, a shift in the dispersion of population within the New Orleans Metropolitan Statistical Area, or beyond, may occur. Also, to the extent that the completion of the HSDRRS encourages regional economic growth, any additional jobs thus created may manifest itself in either in-migration to the area or an increase in commuting activity. This impact is not specific to the proposed project area itself, since it lies outside the HSDRRS.

3.3.2 Impacts to Employment, Business, and Industry

Existing Conditions

- *Eastover Phase II*

The Eastover Phase II proposed borrow area was previously used as a part of a golf course, but has been closed since Hurricane Katrina. The proposed Eastover Phase II borrow area borders and surrounds the approved Eastover Phase I borrow area, which was also previously used as a part of the golf course. Currently, no specific, publicly available plan exists that would either revert the property to its former use as a golf course or redevelop the property for an alternative economic purpose.

- *Tammany Holding*
  The Tammany Holding parcels were previously used for grazing until as recently as 2000, but the site is now mostly disturbed by ditching, fill, and road building. The property owner has indicated the intention to develop the parcels as a residential subdivision.

- *Willow Bend Phase II*
  The Willow Bend Phase II proposed borrow area has been used exclusively as farmland for the last 130 years. It is presently used for sugar cane farming. Some of the site is forested.

Discussion of Impacts

No Action

- *Eastover Phase II*
  Under the no action alternative there would be no direct impacts to employment, business, and industry in the vicinity of the Eastover Phase II proposed borrow area. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

  Indirect Impacts
  There would be no indirect impacts to employment, business, and industry in the vicinity of the Eastover Phase II proposed borrow area under the no action alternative. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

  Cumulative Impacts
  Under the no action alternative, the proposed Eastover Phase II site would not be used as a contractor-furnished borrow area and would not contribute to cumulative impacts on employment, business and industry in the project area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

  The Eastover Phase I site, which was approved in IER #19, could potentially be excavated for use in the HSDRRS. Potential cumulative impacts to employment, business, and industry associated with excavating the Eastover Phase I site are discussed in IER # 19. No permanent impacts to business, employment, or industry are expected. Temporary impacts may occur to area businesses due to delays caused by increased traffic congestion.

  Under the no action alternative, cumulative impacts associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that

accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. As a result, an increase in the number of firms and the output of business and industry would likely manifest itself in such growth.

- *Tammany Holding*

  Direct Impacts

  There would be no direct impacts to employment, business, and industry in the vicinity of the Tammany Holding proposed borrow area under the no action alternative. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

  Indirect Impacts

  There would be no indirect impacts to employment, business, and industry in the vicinity of the Tammany Holding proposed borrow area under the no action alternative. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

  Cumulative Impacts

  Under the no action alternative, the proposed Tammany Holding site would not be used as a contractor-furnished borrow area and would not contribute to cumulative impacts to employment, business and industry in the project area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

  Under the no action alternative, cumulative impacts associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. As a result, an increase in the number of firms and the output of business and industry would likely manifest itself in such growth. This impact is not specific to the proposed project area itself, since it lies outside the HSDRRS.

- *Willow Bend Phase II*

  Direct Impacts

  Under the no action alternative, there would be no direct impacts to employment, business, and industry in the vicinity of the Willow Bend Phase II proposed borrow area. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

  Indirect Impacts

  There would be no indirect impacts to employment, business, and industry in the vicinity of the Willow Bend Phase II proposed borrow area under the no action alternative. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

  Cumulative Impacts

Under the no action alternative, the proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area and would not contribute to cumulative impacts to employment, business and industry in the project area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The approved Willow Bend Phase I site, which was approved in IER #26, could potentially be excavated for use in the HSDRRS. Potential cumulative impacts to employment, business, and industry associated with excavating the Willow Bend Phase I site are discussed in IER # 26. The Willow Bend Phase I site would be unavailable for further farming uses under this alternative.

Under the no action scenario, cumulative impacts associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. As a result, an increase in the number of firms and the output of business and industry would likely manifest itself in such growth. This impact is not specific to the proposed project area itself, since it lies outside the HSDRRS.

Proposed Action

- *Eastover Phase II*

Direct Impacts
As a result of the proposed action, the proposed Eastover Phase II site would no longer be available for alternative business-related uses, unless the landowner performs an appropriate amount of backfilling. If the owner performs the appropriate amount of backfilling, then the site can be used for alternative business-related purposes.

Temporary impacts may occur to area businesses due to delays caused by increased traffic congestion.

Indirect Impacts
There would be no indirect impacts to business, employment, or industry in the vicinity of the proposed Eastover Phase II area under the proposed action.

Cumulative Impacts
Excavation of the proposed Eastover Phase II borrow area could contribute to temporary cumulative impacts to area businesses due to delays caused by increased traffic congestion. The approved Eastover Phase I borrow area could also be used in the construction of the HSDRRS and could contribute to temporary cumulative impacts to area business due to delays caused by increased traffic congestion during the excavation period.

No permanent cumulative impacts to business, employment, or industry are expected from the possible excavation of the proposed Eastover Phase II contractor-furnished borrow area. As a result of the proposed action, the proposed Eastover Phase II borrow area would no longer be available for alternative business-related uses, unless the landowner performs an appropriate amount of

backfilling. If the owner performs the appropriate amount of backfilling, then the site can again be used for business purposes.

If the approved Eastover Phase I contractor-furnished borrow area is used in the construction of the HSDRRS, it would no longer be available for alternative business-related uses, unless the landowner performs an appropriate amount of backfilling. If the owner performs the appropriate amount of backfilling, then the site could be used for alternative business-related purposes.

Additional cumulative impacts to business, employment and industry are associated with the completion of the HSDRRS. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. As a result, an increase in the number of firms and the output of business and industry would likely manifest itself in such growth.

- *Tammany Holding*

Direct Impacts
As a result of the proposed action, the proposed Tammany Holding borrow area would no longer be available for alternative business-related uses, unless the landowner performs an appropriate amount of backfilling. If the owner performs the appropriate amount of backfilling, then the site could again be used for business purposes.

Temporary impacts may occur to area businesses due to delays caused by increased traffic congestion.

Indirect Impacts
There would be no indirect impacts to business, employment, or industry in the vicinity of the proposed Tammany Holding area under the proposed action.

Cumulative Impacts
Excavation of the proposed Tammany Holding borrow area could contribute to temporary cumulative impacts to area businesses due to delays caused by increased traffic congestion.

No permanent cumulative impacts to business, employment, or industry are expected from the possible excavation of the proposed Tammany Holding contractor-furnished borrow area. As a result of the proposed action, the proposed Tammany Holding borrow area would no longer be available for alternative business-related uses, unless the landowner performs an appropriate amount of backfilling. If the owner performs the appropriate amount of backfilling, then the site could again be used for business purposes.

Additional cumulative impacts to business, employment and industry are associated with the completion of the HSDRRS. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. As a result, an increase in the number of

firms and the output of business and industry would likely manifest itself in such growth. This impact is not specific to the proposed project area itself, since it lies outside the HSDRRS.

- *Willow Bend Phase II*

  Direct Impacts
  As a result of the proposed action, the Willow Bend Phase II site would no longer be available for alternative uses, such as farmland, unless the owner performs an appropriate amount of backfilling. If the owner performs the appropriate amount of backfilling, then the site could again be used for business purposes.

  Temporary impacts may occur to area businesses due to delays caused by increased traffic congestion.

  Indirect Impacts
  There would be no indirect impacts to business, employment, or industry in the vicinity of the proposed Willow Bend Phase II area under the proposed action.

  Cumulative Impacts
  Excavation of the proposed Willow Bend Phase II borrow area could contribute to temporary cumulative impacts to area businesses due to delays caused by increased traffic congestion. The approved Willow Bend Phase I borrow area could also be used in the construction of the HSDRRS and could also contribute to temporary cumulative impacts to area business due to delays caused by increased traffic congestion during the excavation period.

  No permanent cumulative impacts to business, employment, or industry are expected from the possible excavation of the proposed Willow Bend Phase II contractor-furnished borrow area. As a result of the proposed action, the proposed Willow Bend Phase II borrow area would no longer be available for alternative business-related uses, unless the landowner performs an appropriate amount of backfilling. If the owner performs the appropriate amount of backfilling, then the site can again be used for business purposes.

  If the approved Willow Bend Phase I contractor-furnished borrow area is used in construction of the HSDRRS, it would no longer be available for alternative business-related uses, unless the landowner performs an appropriate amount of backfilling. If the owner performs the appropriate amount of backfilling, then the site could again be used for business purposes.

  Additional cumulative impacts to business, employment and industry are associated with the completion of the HSDRRS. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. As a result, an increase in the number of firms and the output of business and industry would likely manifest itself in such growth. This impact is not specific to the proposed project area itself, since it lies outside the HSDRRS.

3.3.3 Availability of Public Facilities and Services

Existing Conditions

- *Eastover Phase II*
  There are no public facilities in the vicinity of the proposed borrow area.

- *Tammany Holding*
  There are no public facilities in the vicinity of the proposed borrow area.

- *Willow Bend Phase II*
  There are no public facilities in the vicinity of the proposed borrow area.

Discussion of Impacts

No Action

- *All Sites*

Direct Impacts
There would be no direct impacts to the availability of public facilities and services under the no action alternative. The proposed sites would not be used as contractor-furnished borrow areas.

Indirect Impacts
There would be no indirect impacts to the availability of public facilities and services under the no action alternative. The proposed sites would not be used as contractor-furnished borrow areas.

Cumulative Impacts
Under the no action alternative, the proposed sites would not be used as a contractor-furnished borrow areas and would not contribute to cumulative impacts on public facilities in the project area. The approved Eastover Phase I and Willow Bend Phase I sites could be used in the construction of the HSDRRS. However, the approved Eastover Phase I and Willow Bend Phase I sites would not contribute to cumulative impacts on public facilities because there are no public facilities in the vicinity of the approved Eastover Phase I and Willow Bend Phase I borrow areas.

Cumulative impacts associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may enhance the desirability of living within the protected areas. As a result, a shift in the dispersion of population within the New Orleans Metropolitan Statistical Area, or beyond, may occur. Also, to the extent that the completion of the HSDRRS encourages regional economic growth, any additional jobs thus created may manifest itself in either in-migration to the area or an increase in commuting activities. An increase in the demand for public facilities and services would follow the migration patterns of residents and workers in the region. This impact is not specific to the proposed Tammany Holding and Willow Bend Phase II project areas, because those proposed borrow areas lie outside the HSDRRS.

Proposed Action

- *All Sites*

Direct Impacts

There would be no direct impacts to public facilities and services under the proposed action, since there are no public facilities or services in the immediate vicinity of the proposed Eastover Phase II, Tammany Holding and Willow Bend Phase II borrow areas.

Indirect Impacts
There would be no indirect impacts to public facilities and services under the proposed action.

Cumulative Impacts
Excavation of the proposed Eastover Phase II, Tammany Holding and Willow Bend Phase II borrow areas would not contribute to cumulative impacts on public facilities because there are no public facilities in the vicinity of the proposed borrow areas. The approved Eastover Phase I and Willow Bend Phase I sites could also be used in the construction of the HSDRRS. However, the approved Eastover Phase I and Willow Bend Phase I sites would not contribute to cumulative impacts on public facilities because there are no public facilities in the vicinity of the approved Eastover Phase I and Willow Bend Phase I borrow areas.

Cumulative impacts associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may enhance the desirability of living within the protected areas. As a result, a shift in the dispersion of population within the New Orleans Metropolitan Statistical Area, or beyond, may occur. Also, to the extent that the completion of the HSDRRS encourages regional economic growth, any additional jobs thus created may manifest itself in either in-migration to the area or an increase in commuting activities. An increase in the demand for public facilities and services would follow the migration patterns of residents and workers in the region. This impact is not specific to the proposed Tammany Holding and Willow Bend Phase II project areas, because those proposed borrow areas lie outside the HSDRRS.

3.3.4 Effects on Transportation

The CEMVN is currently developing information for an analysis of the transportation impacts associated with the HSDRRS project. A transportation report is being developed and will be released publicly once it is completed. Estimates on numbers of truckloads necessary to complete the HSDRRS borrow mission are provided in this section. These estimates were developed as a part of CEMVN's continuing analysis of the potential transportation impacts associated with the HSDRRS mission.

Existing Conditions

- *Eastover Phase II*
  The Eastover Phase II site is located on East Point Court, which also serves as the I-10 East service road. Roads near the site that would also likely be used by truck using the proposed Eastover Phase II borrow area are I-510 and Lake Forest Blvd. Access to the site would not be provided from any of the residential streets inside the Eastover subdivision.

- *Tammany Holding*
  The Tammany Holding parcels are located off of I-10 near Oak Harbor Boulevard. The sites are accessible using Oak Harbor Boulevard to Harbor Center Boulevard and Lakeshore Boulevard North, Howze Beach Road, or LA-433.

- *Willow Bend Phase II*
  The Willow Bend Phase II proposed borrow area is located off of River Road in St. John the Baptist Parish. It is also located to the north of Highway 3127 and to the east of West 4th Street, Goldmine Plantation Road, and Highway 639.

Discussion of Impacts

No Action

- *Eastover Phase II*

Direct Impacts
Under the no action alternative there would be no direct impacts to transportation in the vicinity of the Eastover Phase II proposed borrow area. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alternative there would be no indirect impacts to transportation in the vicinity of the Eastover Phase II proposed borrow area. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, the proposed Eastover Phase II site would not be used as a contractor-furnished borrow area and would not contribute to cumulative transportation impacts in the project area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

There are several approved borrow sites in the vicinity of the proposed Eastover Phase II site that could be used in the construction of the HSDRRS. These include the approved Eastover Phase I (approximately 75,600 truckloads of material), Cummings North (approximately 4,000,000 truckloads), Maynard (approximately 41,412 truckloads) and Stumpf Phases I and II (approximately 356,224 truckloads). The cumulative impact to transportation of these borrow sites would likely be moderate to severe congestion, decreases in levels of service, and degradation of local and major roadways around the borrow sites, including Chef Menteur Highway, I-510, and I-10.

Congestion impacts to the greater metropolitan area are likely to be moderate to severe as a result of HSDRRS construction. Decreases in levels of service on local roads could result due to the high number of truck trips required to transport the required amounts of construction material. Additionally, there could be a higher risk of traffic accidents and resulting damage to property as a result of the higher number of truck trips occurring on major transportation arteries within the metropolitan area.

There is also likely to be moderate to severe degradation of infrastructure as a result of wear and tear from transporting HSDRRS construction materials. These

impacts are likely to occur on local and feeder roads, as well as on local bridges. As a result of HSDRSS construction, rehabilitation to area infrastructure could be required sooner than would normally be expected.

On the other hand, there may emerge cumulative impacts associated with the completion of the HSDRRS in its entirety. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. An increase in the demand for transportation resources usually follows gains in economic activity and would thus be expected given any additional economic growth in the region.

- *Tammany Holding*

Direct Impacts
Under the no action alternative there would be no direct impacts to transportation in the vicinity of the Tammany Holding proposed borrow area. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alternative there would be no indirect impacts to transportation in the vicinity of the Tammany Holding proposed borrow area. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, the proposed Tammany Holding borrow area would not be used as a contractor-furnished borrow area and would not contribute to cumulative transportation impacts in the project area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

Congestion impacts to the greater metropolitan area are likely to be moderate to severe as a result of HSDRRS construction. Decreases in levels of service on local roads could result due to the high number of truck trips required to transport the required amounts of construction material. Additionally, there is a higher risk of traffic accidents and resulting damage to property as a result of the higher number of truck trips occurring on major transportation arteries within the metropolitan area.

There is also likely to be moderate to severe degradation of infrastructure as a result of wear and tear from transporting HSDRRS construction materials. These impacts are likely to occur on local and feeder roads, as well as on local bridges. As a result of HSDRSS construction, rehabilitation to area infrastructure could be required sooner than would normally be expected.

On the other hand, there may emerge cumulative impacts associated with the completion of the HSDRRS in its entirety. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. An increase in the demand for transportation resources

usually follows gains in economic activity and would thus be expected given any additional economic growth in the region. This impact is not specific to the proposed Tammany Holding borrow area, since it lies outside the HSDRRS.

- *Willow Bend Phase II*

Direct Impacts
Under the no action alternative there would be no direct impacts to transportation in the vicinity of the Willow Bend Phase II proposed borrow area. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alternative there would be no indirect impacts to transportation in the vicinity of the Willow Bend Phase II proposed borrow area. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, the proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area and would not contribute to cumulative transportation impacts in the project area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The approved Willow Bend Phase I site could potentially be excavated for use on the HSDRRS. Potential impacts to transportation associated with excavating the Willow Bend Phase I site are discussed in IER # 26. The site contains approximately 1,600,000 cubic yards of borrow material, and excavating it would require approximately 134,000 truckloads. Additionally, the previously approved 3C Riverside Phases I and II sites are also in the vicinity, and these could require up to 562,800 truckloads to excavate.

Impacts from Willow Bend Phase I may include increased congestion, decreased levels of service, accelerated wear and tear, and increased risk of traffic accidents on neighboring roadways such as Goldmine Plantation Road, River Road, Highway 3127. Due to the frequent heavy loads the projects could necessitate, local roadways around the project area would likely suffer degradation requiring rehabilitation that is sooner than would normally be expected.

Congestion impacts to the greater metropolitan area are likely to be moderate to severe as a result of HSDRRS construction. Decreases in levels of service on local roads could result due to the high number of truck trips required to transport the required amounts of construction material. Additionally, there is a higher risk of traffic accidents and resulting damage to property as a result of the higher number of truck trips occurring on major transportation arteries within the metropolitan area.

There is also likely to be moderate to severe degradation of infrastructure as a result of wear and tear from transporting HSDRRS construction materials throughout the Greater New Orleans area. These impacts are likely to occur on local and feeder roads, as well as on local bridges. As a result of HSDRSS

construction, rehabilitation to area infrastructure could be required sooner than would normally be expected.

On the other hand, there may emerge cumulative impacts associated with the completion of the HSDRRS in its entirety. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. An increase in the demand for transportation resources usually follows gains in economic activity and would thus be expected given any additional economic growth in the region. This impact is not specific to the proposed Willow Bend Phase II borrow area, since it lies outside the HSDRRS.

Proposed Action

- *Eastover Phase II*

Direct Impacts
Under the proposed action, there may be temporary, congestion-related impacts to the I-10 (East Point Court) and I-510 service roads, Lake Forest Boulevard, Chef Menteur Highway, as well as to I-10 and I-510 in Orleans Parish near the Eastover Phase II proposed borrow area due to an increased presence of construction vehicles. Congestion impacts and decreases in levels of service around the excavation area could be moderate to severe.

Excavation of the proposed Eastover Phase II site (approximately 4,000,000 cubic yards of borrow material) would require approximately 336,000 truckloads during the construction period. While it is uncertain which, if any, HSDRRS project the material will be delivered to, the material will be hauled out of the borrow area using the access roads leading to East Point Court. Roads inside the Eastover gated community would not be used for transportation of material out of the proposed borrow area.

Indirect Impacts
There could be increased congestion, decreased levels of service, accelerated wear and tear, and increased risk of traffic accidents on other major and local roads in the project area and throughout the Greater New Orleans area as borrow and other construction materials are transported to construction sites for use within the HSDRRS.

Cumulative Impacts
Approximately 336,000 truckloads would be required to complete excavation of the proposed Eastover Phase II contractor-furnished borrow area. The addition of approximately 336,000 truckloads contributes to the cumulative transportation impacts in the HSDRRS project area.

It is estimated that it would require approximately 4,000,000 truckloads to complete excavation of the borrow areas needed for completion of the HSDRRS. If the proposed Eastover Phase II site is used as a contractor-furnished borrow area for completion of the HSDRRS, the Eastover Phase II site could account for approximately 8.4 percent of the total amount of truckloads required to complete the HSDRRS borrow mission.

The approved Eastover Phase I site could require approximately 75,600 truckloads to complete excavation. If the approved Eastover Phase I site is used

as a contractor-furnished borrow area for completion of the HSDRRS, the Eastover Phase I site could account for approximately 1.9 percent of the total amount of truckloads required to complete the HSDRRS borrow mission.

If both the approved Eastover Phase I and proposed Eastover Phase II sites are used as contractor-furnished borrow areas for completion of the HSDRRS, those two sites would account for approximately 10.3 percent of the total amount of truckloads required to complete the HSDRRS borrow mission.

There are several other approved borrow sites in the vicinity of the proposed Eastover Phase II site that could be used in the construction of the HSDRRS. These include the approved Cummings North (approximately 4,000,000 truckloads), Maynard (approximately 41,412 truckloads) and Stumpf Phases I and II (approximately 356,224 truckloads). The cumulative impact to transportation of these borrow sites could likely be moderate to severe congestion, decreases in levels of service, and degradation of local and major roadways around the borrow sites, including Chef Menteur Highway, I-510, and I-10.

Congestion impacts to the greater metropolitan area are likely to be moderate to severe as a result of HSDRRS construction. Decreases in levels of service on local roads could result due to the high number of truck trips required to transport the required amounts of construction material. Additionally, there is a higher risk of traffic accidents and resulting damage to property as a result of the higher number of truck trips occurring on major transportation arteries within the metropolitan area.

There also could be moderate to severe degradation of infrastructure as a result of wear and tear from transporting HSDRRS construction materials. These impacts are likely to occur on local and feeder roads, as well as on local bridges. As a result of HSDRSS construction, rehabilitation to area infrastructure could be required sooner than would normally be expected.

On the other hand, there may emerge cumulative impacts associated with the completion of the HSDRRS in its entirety. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. An increase in the demand for transportation resources usually follows gains in economic activity and would thus be expected given any additional economic growth in the region.

- *Tammany Holding*

<u>Direct Impacts</u>
Under the proposed action, there may be temporary, congestion-related impacts Oak Harbor Boulevard, Harbor Center Boulevard, Lakeshore Boulevard North, Howze Beach Road, LA 433, and I-10 in the vicinity of the proposed borrow areas due to an increased presence of construction vehicles. Congestion impacts and decreases in levels of service around the excavation area could likely be moderate to severe. This site contains approximately 10,000,000 cubic yards of borrow material, and excavating it could require up to 840,000 truckloads. Due to the increased levels of truck traffic, and the movement of many truckloads of material, there could likely be increased wear and tear on these roads. Due to frequent heavy loads, local roadways around the project area could likely suffer degradation requiring rehabilitation that is sooner than would normally be

expected. Lastly, because of increased levels of truck traffic, there could be a higher risk of accidents, with resulting injuries, fatalities, and damage to property.

Indirect Impacts
There could be increased congestion, decreased levels of service, accelerated wear and tear, and increased risk of traffic accidents on other major and local roads in the project area and throughout the Greater New Orleans area as borrow and other construction materials are transported to construction sites for use within the HSDRRS. The roads used for HSDRRS construction may include I-10 and Highway 11.

Cumulative Impacts
Approximately 840,000 truckloads could be required to complete excavation of the proposed Tammany Holding contractor-furnished borrow area. The addition of approximately 840,000 truckloads contributes to the cumulative transportation impacts in the HSDRRS project area.

It is estimated that it could require approximately 4,000,000 truckloads to complete excavation of the borrow areas needed for completion of the HSDRRS. If the proposed Tammany Holding site is used as a contractor-furnished borrow area for completion of the HSDRRS, the Tammany Holding site could account for approximately 21 percent of the total amount of truckloads required to complete the HSDRRS borrow mission.

Congestion impacts to the greater metropolitan area are likely to be moderate to severe as a result of HSDRRS construction. Decreases in levels of service on local roads could result due to the high number of truck trips required to transport the required amounts of construction material. Additionally, there is a higher risk of traffic accidents and resulting damage to property as a result of the higher number of truck trips occurring on major transportation arteries within the metropolitan area.

There could likely be moderate to severe degradation of infrastructure as a result of wear and tear from transporting HSDRRS construction materials. These impacts are likely to occur on local and feeder roads, as well as on local bridges. As a result of HSDRSS construction, rehabilitation to area infrastructure could likely be required sooner than would normally be expected.

On the other hand, there may emerge cumulative impacts associated with the completion of the HSDRRS in its entirety. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. An increase in the demand for transportation resources usually follows gains in economic activity and would thus be expected given any additional economic growth in the region. This impact is not specific to the proposed Tammany Holding borrow area, since it lies outside the HSDRRS.

- *Willow Bend Phase II*

Direct Impacts
Under the proposed action, there may be temporary, congestion-related impacts to River Road, Highway 3127, West 4th Street, Goldmine Plantation Road, and Highway 639 due to an increased presence of construction vehicles. The magnitude of these impacts would be proportionally greater for the proposed

action as compared to the no action alternative. The Willow Bend Phase II site is about 10 times the size of the approved Willow Bend Phase I site, and may require up to 1,300,000 truckloads to excavate.

Congestion impacts and decreases in level of service around the excavation area could likely be moderate to severe. Additionally, due to the increased levels of truck traffic, and require the movement of many truckloads of material over the same local roads, there could likely be increased wear and tear on these same roads. Due to frequent heavy loads, local roadways around the project area could likely suffer degradation requiring rehabilitation that is sooner than would normally be expected. Lastly, because of increased levels of truck traffic, there would be a higher risk of accidents, with resulting injuries, fatalities, and damage to property.

Indirect Impacts

There would be increased congestion, decreased levels of service, accelerated wear and tear, and increased risk of traffic accidents on other major and local roads in the project area and throughout the Greater New Orleans area as borrow and other construction materials are transported to construction sites for use within the HSDRRS.

Cumulative Impacts

Approximately 1,300,000 truckloads are required to complete excavation of the proposed Willow Bend Phase II contractor-furnished borrow area. The addition of approximately 1,300,000 truckloads contributes to the cumulative transportation impacts in the HSDRRS project area.

It is estimated that it would require approximately 4,000,000 truckloads to complete excavation of the borrow areas needed for completion of the HSDRRS. If the proposed Willow Bend Phase II site is used as a contractor-furnished borrow area for completion of the HSDRRS, the Willow Bend Phase II site could account for approximately 32.5 percent of the total amount of truckloads required to complete the HSDRRS borrow mission.

The approved Willow Bend Phase I site could require approximately 134,000 truckloads to complete excavation. If the approved Willow Bend Phase I site is used as a contractor-furnished borrow area for completion of the HSDRRS, the Willow Bend Phase I site could account for approximately 3.3 percent of the total amount of truckloads required to complete the HSDRRS borrow mission.

If both the approved Willow Bend Phase I and proposed Willow Bend Phase II sites are used as contractor-furnished borrow areas for completion of the HSDRRS, those two sites could account for approximately 35.8 percent of the total amount of truckloads required to complete the HSDRRS borrow mission.

Congestion impacts to the greater metropolitan area are likely to be moderate to severe as a result of HSDRRS construction. Decreases in levels of service on local roads could result due to the high number of truck trips required to transport the required amounts of construction material. Additionally, there is a higher risk of traffic accidents and resulting damage to property as a result of the higher number of truck trips occurring on major transportation arteries within the metropolitan area.

There could likely be moderate to severe degradation of infrastructure as a result of wear and tear from transporting HSDRRS construction materials throughout the Greater New Orleans area. These impacts are likely to occur on local and feeder roads, as well as on local bridges. As a result of HSDRSS construction, rehabilitation to area infrastructure could likely be required sooner than would normally be expected.

On the other hand, there may emerge cumulative impacts associated with the completion of the HSDRRS in its entirety. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. An increase in the demand for transportation resources usually follows gains in economic activity and would thus be expected given any additional economic growth in the region. This impact is not specific to the approved Willow Bend Phase I borrow area and the proposed Willow Bend Phase II borrow area, since they lie outside the HSDRRS.

3.3.5 Disruption of Community and Regional Growth

Existing Conditions

Community and regional growth are generally influenced by national trends, but otherwise depend significantly upon relatively local attributes that allow it to be evaluated apart from the national economy. For the purposes of socioeconomic impact analysis, the project area is first described in summary terms with respect to prevailing trends in the growth of population, housing, income, and employment.

- *Eastover Phase II*
  According to U.S. Census data from 1990 and 2000, the following trends were observed in Orleans Parish: population fell from 496,938 to 484,674; employment grew from 186,036 to 191,739; and median household income grew from $18,477 to $27,133.

  Preliminary 2010 U.S. Census data will be available in 2011 at the earliest. However, intermediate estimates by the Greater New Orleans Data Center suggested decline in Orleans Parish since the 2005 storm events: 141,208 households in the parish are actively receiving mail, compared with 198,232 in July 2005. Population was estimated by the U.S. Census Bureau at 288,113 in 2007, as compared to 453,726 in July 2005.

- *Tammany Holding*
  According to U.S. Census data from 1990 and 2000, the following trends were observed in St. Tammany Parish: population grew from 144,508 to 191,268; employment grew from 61,735 to 88,044; and median household income grew from $30,656 to $47,883.

  Preliminary 2010 Census data will be available in 2011 at the earliest. However, intermediate census estimates reported by the Greater New Orleans Data Center indicated a population in St. Tammany Parish of 226,625 in 2007.

- *Willow Bend Phase II*
  According to U.S. Census data from 1990 and 2000, the following trends were observed in St. John the Baptist Parish: population grew from 39,996 to 43,044; employment grew from 15,928 to 17,864; and median household income grew from $29,035 to $39,456.

Preliminary 2010 Census data will be available in 2011 at the earliest. However, intermediate estimates reported by the Greater New Orleans Data Center indicated a population in St. John the Baptist Parish of 47,684 in 2007.

Discussion of Impacts

No Action

- *Eastover Phase II*

Direct Impacts
Under the no action alterative, there would be no direct impact to community and regional growth in the vicinity of the proposed Eastover Phase II contractor-furnished borrow area. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alterative, there would be no indirect impact to community and regional growth in the vicinity of the proposed Eastover Phase II contractor-furnished borrow area. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, the proposed Eastover Phase II site would not be used as a contractor-furnished borrow area and would not contribute to cumulative community and regional growth impacts in the project area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The proposed Eastover Phase II site borders and surrounds the Eastover Phase I site, which was approved as a potential contractor-furnished borrow area in IER # 19. The Eastover Phase I site could potentially be excavated for use in the HSDRRS. Potential cumulative impacts to community and regional growth associated with excavating the Eastover Phase I site are discussed in IER # 19. The approved Eastover Phase I site would be unavailable for further development following excavation unless the owner performs an appropriate amount of backfill. If the site is backfilled, no negative impact on community growth is expected.

There would be cumulative impacts associated with the completion of the HSDRRS in its entirety. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. In addition, the lower incidence of flooding that the HSDRRS is designed to achieve would reduce the propensity for disruption of community life.

- *Tammany Holding*

Direct Impacts
Under the no action alternative, there would be no direct impacts to community and regional growth in the vicinity of the Tammany Holding proposed borrow

area. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alternative, there would be no indirect impacts to community and regional growth in the vicinity of the Tammany Holding proposed borrow area. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
The proposed Tammany Holding site would not be used as a contractor-furnished borrow area and would not contribute to cumulative community and regional growth impacts in the project area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

There would be cumulative impacts associated with the completion of the HSDRRS in its entirety. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. In addition, the lower incidence of flooding that the HSDRRS is designed to achieve would reduce the propensity for disruption of community life. This impact is not specific to the proposed project area itself, since it lies outside the HSDRRS.

- *Willow Bend Phase II*

Direct Impacts
Under the no action alternative there would be no direct impacts to community and regional growth in the vicinity of the Willow Bend Phase II proposed borrow area. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alternative there would be no indirect impacts to community and regional growth in the vicinity of the Willow Bend Phase II proposed borrow area. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
Under the no action alternative, the proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area and would not contribute to cumulative community and regional growth impacts in the project area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The proposed Willow Bend Phase II area borders and surrounds the Willow Bend Phase I site, which was approved as a potential contractor-furnished borrow area in IER #26. The Willow Bend Phase I site could potentially be excavated for use in the HSDRRS. Potential impacts to community and regional growth associated with excavating the Willow Bend Phase I site are discussed in IER #26. The

approved Willow Bend Phase I site would be unavailable for further development following excavation unless the owner performs an appropriate amount of backfill. If the site is backfilled, no negative impact on community growth is expected. Using land for borrow purposes prevents it from being used for alternative, more productive purposes, unless the owner performs an appropriate amount of backfilling.

There would be cumulative impacts associated with the completion of the HSDRRS in its entirety. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. In addition, the lower incidence of flooding that the HSDRRS is designed to achieve would reduce the propensity for disruption of community life. This impact is not specific to the proposed Willow Bend Phase II borrow area, since it lies outside the HSDRRS.

Proposed Action

- *Eastover Phase II*

Direct Impacts
As a result of the proposed action, excavated land at the proposed Eastover Phase II site would not be available for future alternative uses normally associated with economic development, unless the owner performs the appropriate amount of backfill.

Indirect Impacts
Future community and regional growth may be negatively impacted by the proposed Eastover Phase II contractor-furnished borrow area being excavated as opposed to being available for other economic uses, unless the landowner performs an appropriate amount of backfilling. If the landowner performs that amount of backfilling, then the site will be available for further use contributing towards community and regional growth.

Cumulative Impacts
Under the proposed action, the proposed Eastover Phase II site could be used as contractor-furnished borrow area and could contribute to cumulative impacts on community growth. The proposed Eastover Phase II borrow area would be unavailable for further development unless the landowner backfills the site. If the sites are backfilled, no negative impact on community growth is expected. Using land for borrow purposes prevents it from being used for alternative, more productive purposes, unless the owner performs an appropriate amount of backfilling.

There would be cumulative impacts associated with the completion of the HSDRRS in its entirety. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. In addition, the lower incidence of flooding that the HSDRRS is designed to achieve would reduce the propensity for disruption of community life.

- *Tammany Holding*

Direct Impacts

As a result of the proposed action, excavated land at the proposed Tammany Holding borrow area would not be available for future alternative uses normally associated with economic development, unless the owner performs the appropriate amount of backfill. Excavation of the proposed Tammany Holding borrow area may encourage additional growth of the community around the proposed Tammany Holding borrow area by advancing the site further toward its intended use as part of a residential subdivision

Indirect Impacts
The proposed action may encourage additional growth of the community around the proposed borrow area by advancing the site further toward its intended use as part of a residential subdivision.

Cumulative Impacts
There would be cumulative impacts associated with the completion of the HSDRRS in its entirety. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. In addition, the lower incidence of flooding that the HSDRRS is designed to achieve would reduce the propensity for disruption of community life.
This impact is not specific to the proposed project area itself, since it lies outside the HSDRRS.

- *Willow Bend Phase II*

Direct Impacts
If the proposed Willow Bend Phase II site is used as contractor-furnished borrow area, the site would be unavailable for further development unless the landowner backfills the sites. This could have a negative impact on community growth. If the site is backfilled, no negative impact on community growth is expected.

Indirect Impacts
Future community and regional growth may be negatively impacted by the proposed Willow Bend Phase II contractor-furnished borrow area being excavated as opposed to being used for other purposes.

Cumulative Impacts
Under the proposed action, the proposed Willow Bend Phase II site and could be used as contractor-furnished borrow area and could contribute to cumulative impacts on community growth. The proposed Willow Bend Phase II borrow area would be unavailable for further development unless the landowner backfills the site. The approved Willow Bend Phase I could also be used a contractor furnished borrow area and could contribute to cumulative impacts on community growth. Using land for borrow purposes prevents it from being used for alternative, more productive purposes, unless the owner performs an appropriate amount of backfilling.

There would be cumulative impacts associated with the completion of the HSDRRS in its entirety. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. In addition, the lower incidence of flooding that the HSDRRS is designed to achieve would reduce the propensity for disruption of community life. This

impact is not specific to the approved Willow Bend Phase I and proposed Willow Bend Phase II areas, since it lies outside the HSDRRS.

3.3.6 Impacts to Tax Revenues and Property Values

Existing Conditions

- *Eastover Phase II*
  The Eastover Phase II proposed borrow area is located in census tract 17.32, group 5, where the median value for specified owner-occupied housing units was $163,800 in 2000; values ranged from $40,000 to $750,000.

- *Tammany Holding*
  The Tammany Holding proposed borrow areas are located in census tract 408.03, group 5, where the median value for specified owner-occupied housing units was $191,900 in 2000; values ranged from $60,000 to $750,000.

- *Willow Bend Phase II*
  The Willow Bend Phase II proposed borrow area is located in census tract 711, group 2, where the median value for specified owner-occupied housing units was $79,400 in 2000; values ranged from $10,000 to $200,000.

Discussion of Impacts

No Action

- *Eastover Phase II*

Direct Impacts
Under the no action alternative, there would be no direct impacts to tax revenues and property values in the vicinity of the Eastover Phase II proposed borrow area. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alternative, there would be no indirect impacts to tax revenues and property values in the vicinity of the Eastover Phase II proposed borrow area. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area and would not contribute to cumulative tax revenue and property value impacts in the project area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The proposed Eastover Phase II borrow area borders and surrounds the Eastover Phase I site, which was approved as a potential contractor-furnished borrow area in IER # 19. The approved Eastover Phase I site could potentially be excavated for use in the HSDRRS. Potential impacts to tax revenues and property values associated with excavating the Eastover Phase I site are discussed in IER #19.

The approved Eastover Phase I 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. At present there is no information about what engineering practices will be followed, or their potential impacts on nearby residences.

Under the no action alternative, cumulative impacts associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. It follows that increases in tax revenues would ensue given additional economic growth. In addition, the lower incidence of flooding that the HSDRRS is designed to achieve would have the effect of preserving, if not enhancing, property values within the protected areas.

- *Tammany Holding*

Direct Impacts
Under the no action alternative, there would be no direct impacts to tax revenues and property values in the vicinity of the Tammany Holding proposed borrow area. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alternative, there would be no indirect impacts to tax revenues and property values in the vicinity of the Tammany Holding proposed borrow area. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
The proposed Tammany Holding site would not be used as a contractor-furnished borrow area and would not contribute to cumulative tax revenue and property value impacts in the project area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

Under the no action alternative, cumulative impacts associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. It follows that increases in tax revenues would ensue given additional economic growth. In addition, the lower incidence of flooding that the HSDRRS is designed to achieve would have the effect of preserving, if not enhancing, property values within the protected areas. This impact is not specific to the proposed Tammany Holding area, since it lies outside the HSDRRS.

- *Willow Bend Phase II*

Direct Impacts
Under the no action alternative, there would be no direct impacts to tax revenues and property values in the vicinity of the Willow Bend Phase II proposed borrow

area. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

Indirect Impacts
Under the no action alternative, there would be no indirect impacts to tax revenues and property values in the vicinity of the Willow Bend Phase II proposed borrow area. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

Cumulative Impacts
The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area and would not contribute to cumulative tax revenue and property value impacts in the project area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The proposed Willow Bend Phase II area borders and surrounds the Willow Bend Phase I site, which was approved as a potential contractor-furnished borrow area in IER # 26. The Willow Bend Phase I site could potentially be excavated for use in the HSDRRS. Potential impacts to tax revenues and property values associated with excavating the Willow Bend Phase I site are discussed in IER # 26.

The 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 area design. At present, there is no information about what engineering practices will be followed, or their impacts on nearby residences.

Cumulative impacts associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. It follows that increases in tax revenues would ensue given additional economic growth. In addition, the lower incidence of flooding that the HSDRRS is designed to achieve would have the effect of preserving, if not enhancing, property values within the protected areas. This impact is not specific to the proposed Willow Bend Phase II area, since it lies outside the HSDRRS.

Proposed Action

- *Eastover Phase II*

Direct Impacts
The excavation of borrow material from the proposed Eastover Phase II site has the potential to impact property values of nearby residences, and is an issue about which members of the Eastover subdivision have expressed concern.

The temporary nature of construction activities translates into temporary adverse impacts, if any, to sellers of properties in terms of lower asking prices and more days on the market, and, correspondingly, positive impacts, if any, to buyers of such properties. The short-term nature of construction is not expected to change property values whatsoever for the purposes of property tax assessments, as the

appraisal methods used are currently highly generalized and use comparables that can extend beyond the affected areas.

Under the most likely future condition, the proposed Eastover Phase II borrow site would be excavated and afterwards left empty. There may be a decrease in property value for the borrow site itself as a result of land being excavated as opposed to being used for alternative, more productive uses. For adjacent properties, the market response with respect to property values is undetermined, although there would appear to be no likelihood that property value could be enhanced due to this action. Factors that could negatively impact property value on a temporary basis include the presence of construction-related activities, such as additional truck traffic on nearby roads, noise from excavating equipment (in any propagate to populated areas), or any degradation in air quality that may be observed at nearby residential or commercial locations.

Over the long-term, any perceived negative aesthetic attribute of a non-backfilled borrow area by the real estate market may have a negative effect on selling prices and property values. The degree of impact cannot be determined in advance and with any degree of confidence. However, the expectation is that any negative impact on selling prices attributable to undesirable aesthetics would be relatively small in comparison with the most significant drivers of real estate prices: property characteristics such as square footage, floor plan, lot size, condition, taxes, and insurance, and such neighborhood characteristics such as stability, historical significance, access to major thoroughfares, street condition, schools, lighting, and the absence of crime.

Depending on the choices and course of action that is taken by the landowner, there is the possibility that aesthetic treatments could be made to the proposed borrow area after excavation. The canal could be breached in order to form a pond or lake in the empty borrow area, around which a walking path could be constructed to add recreational value to the site. In this case, the proposed action has the potential to enhance the value of adjacent properties.

In either case, positive or negative impacts to nearby properties would most likely be more pronounced for those that are directly adjacent to the Gannon Canal and proposed Eastover Phase II borrow area.

The 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 area design. At present there is no information about what engineering practices would be followed by the landowner or his contractor, or their impacts on nearby residences.

Indirect Impacts

Tax revenues for Orleans Parish may marginally decrease by a higher degree as compared to the no action alternative. Under the proposed action, it is possible that the proposed Eastover Phase II site would be used as contractor-furnished borrow area. The property values for the site could likely be lower due to excavation instead of the site being used for more productive purposes that would generate greater tax revenue.

Cumulative Impacts

Under the proposed action, it is possible that both the approved Eastover Phase I and proposed Eastover Phase II sites could be used as contractor-furnished borrow areas. If both sites are used as contractor-furnished borrow areas and the landowner does not backfill the sites, there may be a decrease in property value for the borrow sites as a result of land being excavated as opposed to being used for alternative, more productive uses.

For adjacent properties, the market response with respect to property values is undetermined, although there would appear to be no likelihood that property value could be enhanced due to this action.

Cumulative impacts associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. It follows that increases in tax revenues would ensue given additional economic growth. In addition, the lower incidence of flooding that the HSDRRS is designed to achieve would have the effect of preserving, if not enhancing, property values within the protected areas.

- *Tammany Holding*

  Direct Impacts
  Property value for the borrow site itself could decrease as a result of borrow excavation. This is due to the lack of potential alternative uses once borrow material has been removed. Tax revenues may also marginally decrease as a result.

  Indirect Impacts
  The landowner has stated an intention to develop the site into a residential subdivision. In this case, if the landowner completes the residential subdivision, the property values of the new homes surrounding the excavated borrow sites, and tax revenues as a result, would increase.

  Cumulative Impacts
  Cumulative impacts associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. It follows that increases in tax revenues would ensue given additional economic growth. In addition, the lower incidence of flooding that the HSDRRS is designed to achieve would have the effect of preserving, if not enhancing, property values within the protected areas. This impact is not specific to the proposed Tammany Holding borrow area, since it lies outside the HSDRRS.

- *Willow Bend Phase II*

  Direct Impacts
  Property values for the borrow site itself may decrease as its potential for use for alternative purposes are diminished in the future if the landowner backfills the site. For adjacent properties, the market response with respect to property values

is undetermined, although there would appear to be no likelihood that property value could be enhanced due to this action.

The 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 area design. At present there is no information about what engineering practices would be followed by the landowner and his contractor, or their impacts on nearby residences.

Indirect Impacts
Tax revenues for St. John the Baptist Parish may marginally decrease, but by a higher degree compared to the no action alternative. Under the proposed action, it is possible that both the approved Willow Bend Phase I and proposed Willow Bend Phase II sites would be used as contractor-furnished borrow areas. The property values for the sites could likely be lower due to excavation instead of the sites being used for more productive purposes that would generate greater tax revenue.

Cumulative Impacts
Under the proposed action, it is possible that proposed Willow Bend Phase II site could be used as contractor-furnished borrow area. In addition, the approved Willow Bend Phase I borrow area could be used in construction of the HSDRRS. If both sites are used as contractor-furnished borrow areas and the landowner does not backfill the sites, there may be a decrease in property value for the borrow sites as a result of land being excavated as opposed to being used for alternative, more productive uses.

For adjacent properties, the market response with respect to property values is undetermined, although there would appear to be no likelihood that property value could be enhanced due to this action.

Cumulative impacts associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of spurring additional economic growth in the region than would otherwise occur. It follows that increases in tax revenues would ensue given additional economic growth. In addition, the lower incidence of flooding that the HSDRRS is designed to achieve would have the effect of preserving, if not enhancing, property values within the protected areas. This impact is not specific to the approved Willow Bend Phase I and proposed Willow Phase II areas, since they lie outside the HSDRRS.

3.3.7 Changes in Community Cohesion

Existing Conditions
Community cohesion refers to the common vision and sense of belonging within a community that is created and sustained by the extensive development of individual relationships that are social, economic, cultural, and historical in nature. The degree to which these relationships are facilitated and made effective is contingent upon the physical and spatial configuration of the community itself: the functionality of the community owes much to the physical landscape within which it is set. The viability of community cohesion is compromised to the extent to which these physical features are exposed to interference from outside sources.

- *Eastover Phase II*
  The Eastover neighborhood is an enclosed subdivision and is characteristic of a private community that is separated from the rest of the area. As such, the community exists as a high-density, residential development. The uniform land use pattern of Eastover contributes to a strong identity.

- *Tammany Holding*
  There are no homes in the immediate vicinity of the proposed borrow area whose patterns of interactions would be interrupted by borrow excavation.

- *Willow Bend Phase II*
  While there are some homes in the vicinity of the proposed borrow area, most are separated from the site by railroad tracks. While there is a trailer park directly adjacent to the site, borrow excavation is not expected to encroach upon the park's boundaries.

Discussion of Impacts

No Action

- *Eastover Phase II*
  Under the no action alternative, there would be no direct impacts to community cohesion in the vicinity of the Eastover Phase II proposed borrow area. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

  Indirect Impacts
  Under the no action alternative, there would be no indirect impacts to community cohesion in the vicinity of the Eastover Phase II proposed borrow area. The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area.

  Cumulative Impacts
  The proposed Eastover Phase II site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

  The proposed Eastover Phase II area borders and surrounds the Eastover Phase I site, which was approved for use on the HSDRRS as described in IER #19. The Eastover Phase I site could potentially be excavated for use on the HSDRRS. Potential impacts to community cohesion associated with excavating the Eastover Phase I site are discussed in IER #19.

  Construction-related impacts can be distinguished from project-related outputs, that is, the economic and social consequences that are specifically intended from the project design and that make it worthwhile to pursue. An increase in community cohesion can be seen as a specifically intended output from the project, as represented by the HSDRRS. This occurs since storm surge protection measures are designed to protect the community from the catastrophic effects of flooding, preserving the physical integrity of the developed landscape that promotes patterns of social interchange.

Under the no action alternative, cumulative impacts associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of enhancing community cohesion. The reason for this is that the lower incidence of flooding reduces the likelihood that patterns of social interaction and communication within the community are interrupted or permanently altered.

- *Tammany Holding*

  Direct Impacts
  Under the no action alternative, there would be no direct impacts to community cohesion in the vicinity of the Tammany Holding proposed borrow area. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

  Indirect Impacts
  Under the no action alternative, there would be no indirect impacts to community cohesion in the vicinity of the Tammany Holding proposed borrow area. The proposed Tammany Holding site would not be used as a contractor-furnished borrow area.

  Cumulative Impacts
  The proposed Tammany Holding site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

  Under the no action scenario, cumulative impacts associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of enhancing community cohesion. The reason for this is that the lower incidence of flooding reduces the likelihood that patterns of social interaction and communication within the community are interrupted or permanently altered. This impact is not specific to the proposed Tammany Holding area, since it lies outside the HSDRRS.

- *Willow Bend Phase II*

  Direct Impacts
  Under the no action alternative, there would be no direct impacts to community cohesion in the vicinity of the Willow Bend Phase II proposed borrow area. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

  Indirect Impacts
  Under the no action alternative, there would be no indirect impacts to community cohesion in the vicinity of the Willow Bend Phase II proposed borrow area. The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area.

  Cumulative Impacts

The proposed Willow Bend Phase II site would not be used as a contractor-furnished borrow area. The proposed HSDRRS projects would be built to authorized levels using potential government-furnished and/or pre-approved contractor-furnished borrow areas described in IER #18, IER #19, IER #22, IER #23, IER #25, IER #26, or IER #28, or other sources yet to be identified.

The proposed Willow Bend Phase II area is adjacent to the Willow Bend Phase I site, which was approved for use on the HSDRRS as described in IER #26. Willow Bend Phase I site could potentially be excavated for use on the HSDRRS. Potential impacts to community cohesion associated with excavating the Willow Bend Phase I site are discussed in IER #26.

Under the no action alternative, cumulative impacts associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of enhancing community cohesion. The reason for this is that the lower incidence of flooding reduces the likelihood that patterns of social interaction and communication within the community are interrupted or permanently altered. This impact is not specific to the proposed Willow Bend Phase II area, since it lies outside the HSDRRS.

Proposed Action

- *Eastover Phase II*

Direct Impacts
The impacts of excavation of the proposed Eastover Phase II contractor-furnished borrow area are typically adverse, such as noise and traffic congestion. But, some impacts have both negative and positive impacts. Yet, it is difficult to foresee any temporary construction-related impact that enhances community cohesion: such impacts are expected to be either adverse or, at a minimum, neutral.

Impacts on community cohesion are contingent upon the degree to which project construction is expected to encroach upon the physical landscape that directly or indirectly affects the patterns of social interrelationships. In the current analysis, the borrow sites are sufficiently distant from areas of development such that no spatial element of the community is impinged upon and the shared identity of the community materially threatened. This does not mean that adverse impacts, such as degraded aesthetic qualities or foregone economic opportunities, do not occur. Rather, the adverse impacts in other resource areas are not sufficiently large to affect community cohesion. The impact on community cohesion is first demonstrated by identifying a change in the pattern of social interaction, such as diminished contact due to physical separation, impediments to contact, interference in communication, dislocation, or voluntary migration. None of these conditions are present with the proposed action.

Indirect Impacts
There would be no indirect impacts to community cohesion under the proposed action.

Cumulative Impacts
Excavation of the proposed Eastover Phase II borrow area would not contribute to cumulative impacts on community cohesion. It is possible that the approved

Eastover Phase I borrow area may also be used in the construction of the HSDRRS. The approved Eastover Phase I borrow area would not contribute to cumulative impacts on community cohesion.

Impacts on community cohesion are contingent upon the degree to which project construction is expected to encroach upon the physical landscape that directly or indirectly affects the patterns of social interrelationships. In the current analysis, the borrow sites are sufficiently distant from areas of development such that no spatial element of the community is impinged upon and the shared identity of the community materially threatened. This does not mean that adverse impacts, such as degraded aesthetic qualities or foregone economic opportunities, do not occur. Rather, the adverse impacts in other resource areas are not sufficiently large to affect community cohesion. The impact on community cohesion is first demonstrated by identifying a change in the pattern of social interaction, such as diminished contact due to physical separation, impediments to contact, interference in communication, dislocation, or voluntary migration. None of these conditions are present with the proposed action.

Construction-related impacts can be distinguished from project-related outputs, that is, the economic and social consequences that are specifically intended from the project design and that make it worthwhile to pursue. An increase in community cohesion can be seen as a specifically intended output from the project, as represented by the HSDRRS. This occurs since storm surge protection measures are designed to protect the community from the catastrophic effects of flooding, preserving the physical integrity of the developed landscape that promotes patterns of social interchange.

Additional cumulative impacts associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of enhancing community cohesion. The reason for this is that the lower incidence of flooding reduces the likelihood that patterns of social interaction and communication within the community are interrupted or permanently altered.

- *Tammany Holding*

Direct Impacts
The impacts of excavation of the proposed Tammany Holding contractor-furnished borrow area are typically adverse, such as noise and traffic congestion. But, some impacts have both negative and positive impacts. Yet, it is difficult to foresee any temporary construction-related impact that enhances community cohesion: such impacts are expected to be either adverse or, at a minimum, neutral.

Impacts on community cohesion are contingent upon the degree to which project construction is expected to encroach upon the physical landscape that directly or indirectly affects the patterns of social interrelationships. In the current analysis, the borrow sites are sufficiently distant from areas of development such that no spatial element of the community is impinged upon and the shared identity of the community materially threatened. This does not mean that adverse impacts, such as degraded aesthetic qualities or foregone economic opportunities, do not occur. Rather, the adverse impacts in other resource areas are not sufficiently large to affect community cohesion. The impact on community cohesion is first demonstrated by identifying a change in the pattern of social interaction, such as

diminished contact due to physical separation, impediments to contact, interference in communication, dislocation, or voluntary migration. None of these conditions are present with the proposed action.

Indirect Impacts
There would be no indirect impacts to community cohesion under the proposed action.

Cumulative Impacts
Excavation of the proposed Tammany Holding borrow area would not contribute to cumulative impacts on community cohesion.

Impacts on community cohesion are contingent upon the degree to which project construction is expected to encroach upon the physical landscape that directly or indirectly affects the patterns of social interrelationships. In the current analysis, the borrow sites are sufficiently distant from areas of development such that no spatial element of the community is impinged upon and the shared identity of the community materially threatened. This does not mean that adverse impacts, such as degraded aesthetic qualities or foregone economic opportunities, do not occur. Rather, the adverse impacts in other resource areas are not sufficiently large to affect community cohesion. The impact on community cohesion is first demonstrated by identifying a change in the pattern of social interaction, such as diminished contact due to physical separation, impediments to contact, interference in communication, dislocation, or voluntary migration. None of these conditions are present with the proposed action.

Construction-related impacts can be distinguished from project-related outputs, that is, the economic and social consequences that are specifically intended from the project design and that make it worthwhile to pursue. An increase in community cohesion can be seen as a specifically intended output from the project, as represented by the HSDRRS. This occurs since storm surge protection measures are designed to protect the community from the catastrophic effects of flooding, preserving the physical integrity of the developed landscape that promotes patterns of social interchange.

Additional cumulative impacts associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of enhancing community cohesion. The reason for this is that the lower incidence of flooding reduces the likelihood that patterns of social interaction and communication within the community are interrupted or permanently altered. This impact is not specific to the proposed Tammany Holding area, since it lies outside the HSDRRS.

- *Willow Bend Phase II*

Direct Impacts
The impacts of excavation of the proposed Willow Bend Phase II contractor-furnished borrow area are typically adverse, such as noise and traffic congestion. But, some impacts have both negative and positive impacts. Yet, it is difficult to foresee any temporary construction-related impact that enhances community cohesion: such impacts are expected to be either adverse or, at a minimum, neutral.

Impacts on community cohesion are contingent upon the degree to which excavation of the proposed Willow Bend Phase II contractor-furnished borrow area is expected to encroach upon the physical landscape that directly or indirectly affects the patterns of social interrelationships. In the current analysis, the borrow sites are sufficiently distant from areas of development such that no spatial element of the community is impinged upon and the shared identity of the community materially threatened. This does not mean that adverse impacts, such as degraded aesthetic qualities or foregone economic opportunities, do not occur. Rather, the adverse impacts in other resource areas are not sufficiently large to affect community cohesion. The impact on community cohesion is first demonstrated by identifying a change in the pattern of social interaction, such as diminished contact due to physical separation, impediments to contact, interference in communication, dislocation, or voluntary migration. None of these conditions are present with the proposed action.

Indirect Impacts

There would be no indirect impacts to community cohesion under the proposed action.

Cumulative Impacts

Excavation of the proposed Willow Bend Phase II borrow area would not contribute to cumulative impacts on community cohesion. It is possible that the approved Willow Bend Phase I borrow area may also be used in the construction of the HSDRRS. The approved Willow Bend Phase I borrow area would not contribute to cumulative impacts on community cohesion.

Impacts on community cohesion are contingent upon the degree to which project construction is expected to encroach upon the physical landscape that directly or indirectly affects the patterns of social interrelationships. In the current analysis, the borrow sites are sufficiently distant from areas of development such that no spatial element of the community is impinged upon and the shared identity of the community materially threatened. This does not mean that adverse impacts, such as degraded aesthetic qualities or foregone economic opportunities, do not occur. Rather, the adverse impacts in other resource areas are not sufficiently large to affect community cohesion. The impact on community cohesion is first demonstrated by identifying a change in the pattern of social interaction, such as diminished contact due to physical separation, impediments to contact, interference in communication, dislocation, or voluntary migration. None of these conditions are present with the proposed action.

Construction-related impacts can be distinguished from project-related outputs, that is, the economic and social consequences that are specifically intended from the project design and that make it worthwhile to pursue. An increase in community cohesion can be seen as a specifically intended output from the project, as represented by the HSDRRS. This occurs since storm surge protection measures are designed to protect the community from the catastrophic effects of flooding, preserving the physical integrity of the developed landscape that promotes patterns of social interchange.

Additional cumulative impacts associated with the completion of the HSDRRS in its entirety may occur. The lower flood risk that accrues to the much of the New Orleans metropolitan area upon completion of the HSDRRS may have the effect of enhancing community cohesion. The reason for this is that the lower incidence of flooding reduces the likelihood that patterns of social interaction and

communication within the community are interrupted or permanently altered. This impact is not specific to the approved Willow Bend Phase I and proposed Willow Bend Phase II borrow areas, since they lie outside the HSDRRS.

3.4 ENVIRONMENTAL JUSTICE

Environmental Justice (EJ) is institutionally significant because of Executive Order 12898 of 1994 and the Department of Defense's Strategy on Environmental Justice of 1995, which direct Federal agencies to identify and address any disproportionately high adverse human health or environmental effects of Federal actions to minority and/or low-income populations. The U.S. Environmental Protection Agency (USEPA) defines EJ as the fair and equitable treatment (fair treatment and meaningful involvement) of all people with respect to environmental and human health consequences of federal laws, regulations, policies, and actions.

The methodology to accomplish this includes identifying low-income and minority populations within the HSDRRS project area using up to date economic statistics, aerial photographs, the 2000 U.S. Census, ESRI estimates, as well as conducting community outreach activities such as small neighborhood focus meetings.

The HSDRRS project, of which this IER study area is a subset, is considered the reference community of comparison, whose population is therefore considered the EJ reference population for comparison purposes. A potential disproportionate impact may occur when the percent minority and/or percent low-income population in an EJ study area are greater than those in the reference community. For purposes of this analysis, all Census Block Groups within a 1-mile radius of the project footprint are defined as the EJ study area.

The sources for the data used in the analysis include the 2000 U.S. Census and estimates from Environmental Systems Research Institute, Inc. (ESRI). Despite the 2000 U.S. Census being eight years old, it serves as a logical baseline of information for the following reasons:

- Census 2000 data is the most accurate source of data available due to the sample size of the Census decennial surveys. With one of every six households surveyed, the margin of error is negligible.

- The Census reports data at a much smaller geographic level than other survey sources, providing a more defined and versatile option for data reporting.

- Census information sheds light upon the demographic and economic framework of the area pre-Hurricane Katrina. By accounting for the absent population, the analysis does not exclude potentially low-income and minority families that wish to return home.

Due to the considerable impact of Hurricane Katrina upon the New Orleans metropolitan area, and the likely shift in demographics and income, the 2000 Census data are supplemented with more current data, including 2008 estimates and 2013 projections provided by ESRI.

<u>Existing Conditions</u>

For purposes of this analysis, portions of Census Block Groups located within 1-mile of the borrow area project footprint are defined as the EJ study area. Since the borrow areas

under this IER are located in multiple parishes the EJ study areas are described separately as follows.

- *Eastover Phase II*
  The proposed Eastover Phase II contractor-furnished borrow area is located within Block Group 17.325 in Orleans Parish, which extends from the I-10 Service Road to Dwyer Road, and from I-510 to Read Boulevard. According to the 2000 U.S. Census, this area was a minority community in 2000, with 89.4 percent of the population a minority. This figure is higher than state and parish figures. The area was not a low-income community, with 9.8 percent of the population low-income, which is less than state or parish figures. According to 2008 estimates, the low-income and minority population increased slightly from 2000 to 2008. Therefore, it is probable the study area is a potential environmental justice area of interest. The proposed borrow area footprint is adjacent to a residential area within the Eastover community.

- *Tammany Holding*
  The proposed Tammany Holding contractor-furnished borrow area is located within Block Group 408.035 in St. Tammany Parish, located between I-10 and Highway 433, south of Slidell and northeast of Howze Beach. According to the 2000 U.S. Census, this area was not a low-income or minority area in 2000, with 8 percent of the population a minority and 5.2 percent of the population low-income. These figures are less than parish or state figures. According to 2008 estimates, the minority population increased slightly and the low-income population decreased slightly from 2000 to 2008. Because estimated changes to the area's low-income and minority population were nominal, the area likely remains a non-minority, non-low income area. Therefore, it is probable the study area is not a potential environmental justice area of interest. The proposed borrow area footprint is not adjacent to any residential areas.

- *Willow Bend Phase II*
  The proposed Willow Bend Phase II contractor-furnished borrow area is located within Block Group 711.02 in St. John the Baptist Parish, which extends from Goldmine Plantation Road to East 3rd Street, and from the Mississippi River to Highway 3127. According to the 2000 U.S. Census, this area was a low-income, minority area in 2000, with 93.6 percent of the population a minority and 34.7 percent of the population low-income. These figures are greater than parish and state figures. According to 2008 estimates, the minority population and low-income population changed little from 2000 to 2008, and the area likely remains a low-income, minority area. Therefore, it is probable the study area is a potential environmental justice area of interest. The northwest corner of the proposed borrow area footprint is adjacent to a small residential area along 4th Street.

<u>Discussion of Impacts</u>

<u>No Action</u>

- *Eastover Phase II*
  The proposed contractor-furnished borrow area is adjacent to the non-low income, minority community of Eastover. Under the no action alternative, this community would not be impacted. The proposed Eastover Phase II contractor-furnished borrow area would not be excavated.

- *Tammany Holding*

Under the no action alternative, no minority or low-income populations would be adversely impacted by the proposed project. Under the no action alternative, the proposed Tammany Holding contractor-furnished borrow area would not be excavated.

- *Willow Bend Phase II*
  The proposed Willow Bend Phase II borrow area is located near a low-income and minority community. Under the no action alternative, this community would not be impacted by the proposed action. The proposed Willow Bend Phase II contractor-furnished borrow area would not be excavated.

Proposed Action

- *Eastover Phase II*

  The proposed Eastover Phase II contractor-furnished borrow area is adjacent to the approved Eastover Phase I borrow site. Analysis shows that the proposed borrow site could have an impact on the nearby non-low income and minority community of Eastover. With excavation of the approved Eastover Phase I and proposed Eastover Phase II borrow areas, temporary impacts from borrow site activities such as air quality, noise, and traffic could occur, but are usually limited to within 1-mile of the project area and are temporary in nature.

  Open borrow areas may also pose a potential safety hazard to the neighboring populations should they remain undeveloped and if no barrier is erected around them. Pedestrians as well as persons operating motor vehicles along roads bordering proposed borrow sites should use caution at all times. It is the responsibility of the landowner and his contractor, not the CEMVN, to secure the borrow areas to reduce the risk of accidents at the sites. .

  Long-term or permanent adverse impacts from the proposed site are undetermined at this time and depend on what the landowner decides to with the approved Eastover Phase I and proposed Eastover Phase II sites following excavation.

  Any additional impacts would be the combination of impacts to minority and/or low-income communities by this and other Federal, state, local, and private efforts. All population groups inside the HSDRRS system would benefit equally from the completed risk reduction system.

- *Tammany Holding*
  Analysis shows that no minority and/or low-income communities are located within 1-mile of the proposed borrow location. Use of the proposed Tammany Holding contractor-furnished borrow area would not impact low-income and/or minority communities. With implementation of the proposed action, adverse impacts from borrow site activities such as air quality, noise, and traffic could occur, but are usually limited to within 1-mile of the project area, are temporary in nature.

  Open borrow areas may also pose a potential safety hazard to neighboring populations should they remain undeveloped and if no barrier is erected around them. Pedestrians as well as persons operating motor vehicles along roads bordering proposed borrow sites should use caution at all times. It is the responsibility of the landowner and their contractor, not the CEMVN, to secure the borrow areas to reduce the risk of accidents at the sites.

Long-term or permanent adverse impacts from the proposed site are undetermined at this time and depend on what the landowner decides to do with the Tammany Holding site following excavation.

Any additional impacts would be the combination of impacts to minority and/or low-income communities by this and other Federal, state, local, and private efforts.

- *Willow Bend Phase II*
  The proposed Willow Bend Phase II contractor-furnished borrow area is located to the south of the Missouri Pacific Railroad and adjacent to the approved Willow Bend Phase I borrow site. The proposed Willow Bend Phase II borrow area could have an impact on low-income and/or minority communities. Analysis shows that the northwest corner of the proposed borrow area is adjacent to a small minority and/or low-income residential community along 4th Street. With excavation of the approved Willow Bend Phase I and proposed Willow Bend Phase II borrow areas, temporary impacts from borrow site activities such as air quality, noise, and traffic could occur, but are usually limited to within 1-mile of the project area, and are temporary in nature.

  Open borrow areas may also pose a potential safety hazard to the neighboring populations should they remain undeveloped and if no barrier is erected around them. Pedestrians as well as persons operating motor vehicles along roads bordering proposed borrow sites should use caution at all times. It is the responsibility of the landowner and their contractor, not the CEMVN, to secure the borrow areas to reduce the risk of accidents at the sites.

  Long-term or permanent adverse impacts from the proposed site are undetermined at this time and depend on what the landowner decides to do with the approved Willow Bend Phase I and proposed Willow Bend Phase II borrow areas following excavation.

  Any additional impacts would be the combination of impacts to minority and/or low-income communities by this and other Federal, state, local, and private efforts.

3.5 HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE

USACE is obligated under Engineer Regulation 1165-2-132 to assume responsibility for the reasonable identification and evaluation of all Hazardous, Toxic, and Radioactive Waste (HTRW) contamination within the vicinity of the proposed action. ER 1165-2-132 identifies the CEMVN HTRW policy to avoid the use of project funds for HTRW removal and remediation activities. Costs for necessary special handling or remediation of wastes (e.g., Resource Conservation and Recovery Act [RCRA] regulated), pollutants and other contaminants, which are not regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), will be treated as project costs if the requirement is the result of a validly promulgated Federal, state or local regulation.

An ASTM E 1527-05 Phase I ESA was completed for each proposed borrow area. The Phase I ESA documented the Recognized Environmental Conditions (REC) for each proposed project areas. If a REC cannot be avoided, due to construction requirements, the CEMVN may further investigate the REC to confirm the presence or absence of contaminants and to recommend actions to avoid possible contaminants. Federal, state,

or local coordination may be required. Because the CEMVN plans to avoid RECs, the probability is low for encountering HTRW in the project area.

Copy of the Phase I Environmental Site Assessment (ESA) studies referenced below will be maintained on file at the CEMVN office, and is incorporated herein by reference. Copies of these reports are available by requesting them from the CEMVN, or accessing them at www.nolaenvironemtal.gov.

Phase I HTRW ESAs have been completed for the following proposed borrow areas:

- The Phase I ESA for the proposed Eastover Phase II borrow area, entitled "Phase I Environmental Site Assessment Update, Eastover Country Club, Phase II, New Orleans, Orleans Parish, Louisiana," was completed in January 2008. No RECs were identified.

- The Phase I ESA for the proposed Tammany Holding borrow area, entitled "Phase I Environmental Site Assessment - Tammany Place," was completed on 23 July 2008. No RECs were identified.

- The Phase I ESA for the proposed Willow Bend Phase II borrow area, entitled "Hazardous, Toxic, and Radioactive Waste Assessment, Willow Bend Property Edgard, St. John the Baptist Parish, Louisiana," was dated 12 February 2009. No RECs were identified.

4. CUMULATIVE IMPACTS

NEPA requires a Federal agency to consider not only the direct and indirect impacts of a proposed action, but also the cumulative impacts of the action. A cumulative impact is defined as the “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions (40 §CFR 1508.7).” Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. These actions include projects conducted by government agencies, businesses, or individuals that are within the spatial and temporal boundaries of the actions that are considered in this IER.

As indicated previously, in addition to this IER, the CEMVN is preparing a draft CED that will describe all HSDRRS work completed and the work remaining to be constructed, including borrow sources for the system. The purpose of the draft CED will be to document the work completed by the USACE on a system-wide scale. The draft CED will describe the integration of individual IERs into a systematic planning effort. Additionally, the draft CED will contain updated information for any IER that had incomplete or unavailable data at the time it was posted for public review. Overall cumulative impacts and future operations and maintenance requirements will also be included.

The discussion provided below describes an overview of Federal and non-Federal actions, projects, and occurrences that may contribute to the cumulative impacts previously discussed as it relates to matters of borrow source excavation. Projects that occur within the greater New Orleans area and southeastern Louisiana were considered collectively (as appropriate) for the evaluation of cumulative impacts. For a more in-depth discussion of cumulative impacts from structural HSDRRS projects (i.e., levee, floodwall, and pumping stations) please refer to IERs #1 through #17, and the CED.

Cumulative Impacts due to HSDRRS Projects

Borrow material has been obtained in the past by the CEMVN for HSDRRS and other projects in southeastern Louisiana. The CEMVN has been working at an accelerated schedule to rehabilitate and complete the HSDRRS system after Hurricanes Katrina and Rita, and has a goal of building the system to authorized levels by June 2011. Over 60,000,000 cubic yards of borrow material is estimated to be needed to complete authorized levels of protection. Borrow material will also be needed to perform levee lifts and maintenance for at least 50 years after construction is completed. The CEMVN is in the process of implementing construction projects to raise the hurricane protection levees associated with the Federal LPV, WBV, and New Orleans to Venice (NOV) projects to authorized elevations. This includes modifications to risk reduction projects covered in IERs #1 through #17. Levee and floodwall improvements throughout the area would require substantial amounts of borrow material, and some of the borrow areas needed have been identified in this document to provide adequate material in proximity to proposed risk reduction projects. Other potential borrow areas were identified and approved for use in IER #18, IER #19, IER #22, IER #23, #25, IER #26, and IER #28, (table 6). Depending on time, cost, and other factors, these and other potential borrow sources not yet identified may or may not be used for HSDRRS construction.

To date, there are 35 borrow sites approved for construction of the HSDRRS, and more than 20 sites under investigation in southeastern Louisiana (figure 1 and 12). HSDRRS borrow activity would cumulatively impact the significant resources discussed in this IER in southeastern Louisiana. Currently unidentified borrow sources may also incrementally impact the significant resources discussed in this IER in the project area.

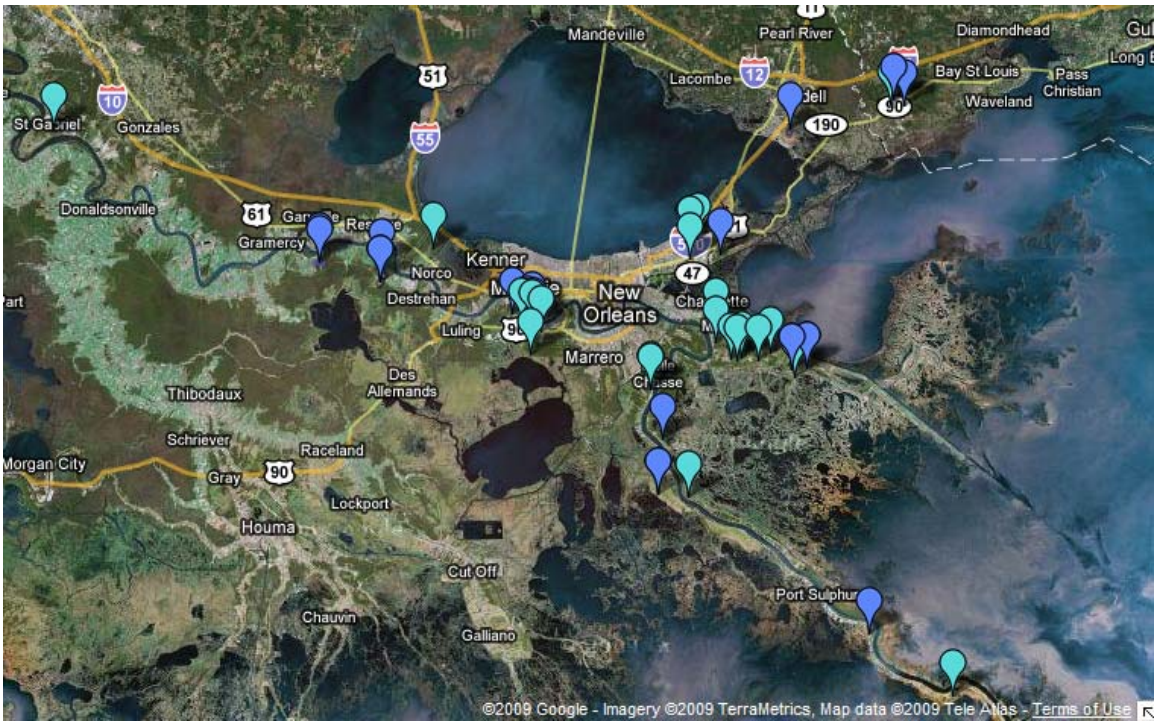

Figure 12: Potential approved borrow areas for use on the HSDRRS

IERs #18, IER #19, IER #22, IER #23, #25, IER #26, and IER #28. IER #29 also shown on this map.

Cumulative Impacts due to Borrow Needs for Other CEMVN Projects

Multiple current and upcoming CEMVN projects are expected to need suitable borrow material. Major civil works projects that may have a great requirement for borrow

material include the Morganza to the Gulf project, Donaldsonville to the Gulf project, Larose to Golden Meadow project, Alexandria to the Gulf project, Plaquemines Parish West Bank non-Federal levee construction, Grand Isle non-Federal levee construction, and Mississippi River levee maintenance. Additional projects authorized by the Water Resources Development Act (WRDA) of 2007 could also contribute to resource impacts, either adversely or with long-term positive impacts. It is expected that borrow material would be needed for a majority of these projects. However, needed quantities and location of potential borrow areas are not know at this time.

Other CEMVN projects, including most coastal restoration and mitigation projects, should not require "levee grade" borrow material from terrestrial sources.

Cumulative Impacts due to Borrow Needs for Non-Federal Projects
State and local levee and floodwall construction efforts are continuously being repaired, maintained, and upgraded. These include most of the local levee systems found in southeast Louisiana. It is expected that borrow material would be needed for a majority of these projects. However, needed quantities and location of potential borrow areas are not know at this time.

4.1 SUMMARY OF CUMULATIVE IMPACTS

The magnitude and significance of cumulative impacts were evaluated in section 3 of this IER by comparing the existing environment with the expected impacts of the proposed action when combined with the impacts of other proximate actions. As stated above, various Federal, state, and local ongoing and proposed actions may increase the need for borrow excavation in the study area. The potential borrow areas approved for use in IER #18, IER #19, IER #22, IER #23, #25, IER #26, and IER #28, (figure 1), and proposed for use in this IER could cumulatively impact land use patterns and transportation resources in southeastern Louisiana. Use of these potential borrow areas should not cumulatively impact jurisdictional wetlands, cultural resources, or T&E species and their critical habitat, as the CEMVN is currently avoiding direct or indirect impacts to these resources. The extent of potential cumulative impacts to other resources because of HSDRRS construction are not known at this time, and may be discussed in the CED.

The extent of land directly and indirectly affected by previous development activities, in combination with the excavation and use of the proposed borrow material for HSDRRS construction, would contribute cumulatively to land alteration and loss in southeastern Louisiana. Most of the proposed borrow areas described in IER #18, IER #19, IER #22, IER #23, #25, IER #26, IER #28, and IER #29 are upland areas. Over 1,500 acres of non-jurisdictional BLH, which provides habitat for a variety of wildlife, may be adversely impacted due to HSDRRS borrow activities.

After borrow area excavation, land may be converted to ponds and small lakes if not backfilled by the landowner. The landowner may be required to backfill per local ordinances in some areas. If the sites are not backfilled, the excavated sites would be unsuitable for farming, forestry, or urban development in the reasonably foreseeable future. Habitat would be changed to favor aquatic and semi-aquatic plant and animal species over the terrestrial ones that now occupy the areas. Borrow areas that do not retain water would be colonized by herbaceous vegetation and woody terrestrial plant species, which would favor terrestrial animal species. This would attract the same species that are currently found in the areas.

The construction of the proposed borrow areas would have short-term cumulative effects on transportation. It is anticipated that over 60,000,000 cubic yards of material would be needed to raise levee elevations regionally to meet the needs of the HSDRRS. The total number of truck trips required or haul routes for the movement of this quantity of material is currently unknown, but cumulative short-term impacts to transportation are expected to occur. The CEMVN is currently developing information for an analysis of the transportation impacts associated with the HSDRRS project. A transportation report is being developed and will be released publicly once it is completed. Estimates on numbers of truckloads necessary to complete the HSDRRS borrow mission are provided in this IER. These estimates were developed as a part of CEMVN's continuing analysis of the potential transportation impacts associated with the HSDRRS mission. The current estimate for the total number of truckloads necessary to complete the HSDRRS borrow mission is approximately 4,000,000. Additional information related to transportation impacts is being collected and will be discussed in the CED.

Based on historical human activities and land use trends in southeastern Louisiana, it is reasonable to anticipate that future activities would further contribute to cumulative degradation of land resources. It is anticipated that through the efforts taken to avoid and minimize effects on the project area and the mandatory implementation of a mitigation plan that functionally compensates unavoidable remaining impacts, the proposed borrow areas would not result in substantial direct, secondary or cumulative adverse impact on the environment. The mitigation plan is discussed in section 7.

Quantitative cumulative impacts to recreational resources, noise quality, air quality, water quality, and aesthetic resources are not fully known at this time, and will be discussed in the CED. Details on cumulative environmental justice impacts will be analyzed at the conclusion of environmental justice small-group meetings and will be included in the CED.

5. SELECTION RATIONALE

The proposed action consists of excavating the proposed Eastover Phase II, Tammany Holding, and Willow Bend Phase II contractor-furnished borrow areas. There is an identified need for over 60,000,000 cubic yards of borrow material to complete the HSDRRS, and the proposed action meets some of this demand. Because of this need, the CEMVN will continue to investigate all potentially viable borrow areas for the next few years. Government-Furnished borrow is an option that was explored in IER #18, IER #22, IER #25, and IER #28, and more potential areas may be discussed in future IERs. Other Contractor furnished borrow areas were investigated in IER #19, IER #23, IER #26, and more potential sites may be discussed in future IERs. Supply Contract borrow options will be discussed in IER #30. All of this identified borrow material may be used to complete the HSDRRS, which would lower the risk of harm to citizens and damage to infrastructure during a storm event.

6. COORDINATION AND CONSULTATION

6.1 PUBLIC INVOLVEMENT

Extensive public involvement has been sought in preparing this IER. The HSDRRS projects, including the proposed borrow areas analyzed in this IER, were publicly disclosed and described in the Federal Register on 13 March 2007, and on the website www.nolaenvironmental.gov. Scoping for HSDRRS projects were initiated on 12 March 2007, through placing advertisements and public notices in *USA Today* and *The New Orleans Times-Picayune*. Nine public scoping meetings were held throughout the New

Orleans metropolitan area to explain the scope and process of the Alternative Arrangements for implementing NEPA between 27 March and 12 April 2007, after which a 30-day scoping period was open for public comment submission. Additionally, the CEMVN has been hosting multiple monthly public meetings since March 2007 to keep the stakeholders advised of project status. Public input will be provided in appendix B.

Public meetings related to borrow started in July 2007, and will be continuing until the borrow quantities needed are fulfilled.

6.2 AGENCY COORDINATION

Preparation of this IER has been coordinated with appropriate Congressional, Federal, state, and local interests, as well as environmental groups and other interested parties. An interagency environmental team was established for this project in which Federal and state agency staff played an integral part in the project planning and alternative analysis phases of the project. Members of this team are listed in appendix C, and correspondence between governmental agencies and the CEMVN will be found in appendix D. This interagency environmental team was integrated with the CEMVN PDT to assist in the planning of this project and to complete a mitigation determination of the potential direct and indirect impacts of the proposed action. Monthly meetings with resource agencies were also held concerning this and other proposed IER projects. The following agencies, as well as other interested parties, received copies of the draft IER:

U.S. Department of the Interior, Fish and Wildlife Service
U.S. Department of the Interior, National Park Service
U.S. Environmental Protection Agency, Region VI
U.S. Department of Commerce, National Marine Fisheries Service
U.S. Natural Resources Conservation Service
Louisiana Advisory Council on Historic Preservation
Governor's Executive Assistant for Coastal Activities
Louisiana Department of Wildlife and Fisheries
Louisiana Department of Natural Resources, Coastal Management Division
Louisiana Department of Natural Resources, Coastal Restoration Division
Louisiana Department of Environmental Quality
Louisiana State Historic Preservation Officer

LADNR reviewed the proposed action for consistency with the Louisiana Coastal Resource Program. All proposed borrow activities discussed in this document were found by LADNR to be consistent with their Programs (table 5).

Table 5: LADNR Coastal Zone Consistency Determination Concurrence

Proposed Borrow Area	LADNR LACRP Consistency Permit Number
Eastover Phase II	P20070642
Tammany Holding	P20021241
Willow Bend Phase II	P20080242

The CEMVN received a draft Coordination Act Report (CAR) from the USFWS on 29 May 2009 and a final CAR on 03 September 2009 (appendix D). Recommendations of the USFWS, in accordance with the Fish and Wildlife Coordination Act, include:

Recommendation 1: "The private contractor shall provide… [mitigation] to compensate for the unavoidable, project-related loss of forested lands. Such mitigation 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."

CEMVN Response 1: Concur.

Recommendation 2: "The protocol to identify and prioritize borrow sources provided in our August 7, 2006, Planning-aid letter… should be utilized as a guide for locating future borrow-sites and expanding existing sites."

CEMVN Response 2: Concur.

Recommendation 3: "Any proposed change in borrow site features, locations or plans shall be coordinated in advance with [the USFWS], [the National Marine Fisheries Service], LAWLF, and LADNR."

CEMVN Response 3: The CEMVN will coordinate with these agencies.

Recommendation 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 lease 100 feet be designated between the borrow site and any jurisdictional wetlands in which no excavation would be allowed."

CEMVN Response: The CEMVN will work with the USWFS and Louisiana Department of Wildlife and Fisheries to resolve this issue.

Recommendation 5: "If a proposed borrow site is changed significantly or excavation is not implemented within one year, we recommend that [the CEMVN] notify the contractor to 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."

CEMVN Response 5: Concur.

7. MITIGATION

Mitigation for unavoidable impacts to the human and natural environment described in this and other IERs will be addressed in separate mitigation IERs. The CEMVN has partnered with Federal and state resource agencies to form an interagency mitigation team that is working to assess and verify these impacts, and to look for potential mitigation sites in the appropriate hydrologic basin. This effort is occurring concurrently with the IER planning process in an effort to complete mitigation work and construct mitigation projects expeditiously. As with the planning process of all other IERs, the public will have the opportunity to give input about the proposed work. These mitigation IERs will, as described in section 1 of this IER, be available for a 30-day public review and comment period.

All potential borrow areas described in this IER were assessed by the USFWS and the CEMVN under NEPA, the Fish and Wildlife Coordination Act, and under Section 906(b) WRDA 1986 requirements. It has been determined that use of the proposed borrow areas would not directly impact jurisdictional wetlands, and therefore no mitigation for this resource is necessary. Approximately 107.3 acres (48.6 AAHUs) of non-jurisdictional BLH would be impacted with use of the proposed borrow areas, and would be mitigated for by the landowners if the proposed sites are selected by construction contractors for use in building the HSDRRS.

Table 6 shows the cumulative impacts of all IERs which have been completed as of the date of publication. Further information on mitigation efforts will be available in forthcoming IERs.

Table 6. HSDRRS Impacts and Compensatory Mitigation to be Completed

IER	Parish		Non-wet	Non-wet	BLH	BLH	Swamp	Swamp	Marsh	Marsh	EFH
			acres	*AAHUs*	*acres*	*AAHUs*	*acres*	*AAHUs*	*acres*	*AAHUs*	*acres*
1 LPV, La Branch Wetlands Levee	St. Charles	Protected Side	-	-	-	-	137.05	73.99	-	-	-
		Flood Side	-	-	11.33	8.09	143.57	110.97	-	-	-
2 LPV, West Return Floodwall	St. Charles, Jefferson	Protected Side	-	-	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	33.40	9.00	-	-	-
3 LPV, Jefferson Lakefront Levee	Jefferson	Protected Side	-	-	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	26.00
4 LPV, Orleans Lakefront Levee	Orleans	Protected Side	-	-	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
5 LPV, Lakefront Pump Stations	Jefferson, Orleans	Protected Side	-	-	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	3.29
6 LPV, Citrus Lands Levee	Orleans	Protected Side	-	-	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
7 LPV, Lakefront Levee	Orleans	Protected Side	-	-	151.70	79.30	-	-	100.40	36.80	-
		Flood Side	-	-	30.00	11.90	-	-	70.00	37.20	-
8 LPV, Bayou Dupre Control Structure	St. Bernard	Protected Side	-	-	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	0.30
11 Tier 2 Borgne IHNC Protection	Orleans, St. Bernard	Protected Side	-	-	-	-	-	-	-	-	-
		Flood Side	-	-	15.00	2.59	-	-	186.00	24.33	-
12 GIWW, Harvey, Algiers	Jefferson, Orleans, Plaquemines	Protected Side	-	-	251.70	177.3	-	-	-	-	-
		Flood Side	-	-	2.30	1.90	74.90	38.50	-	-	-
14 WBV, Westwego to Harvey Levee	Jefferson	Protected Side	-	-	45.00	30.00	-	-	-	-	-
		Flood Side	-	-	45.50	18.58	29.75	17.02	-	-	-
15 WBV, Lake Cataouatche Levee	Jefferson	Protected Side	-	-	23.50	6.13	-	-	-	-	-
		Flood Side	-	-	3.60	1.35	-	-	-	-	-
16 WBV, Western Tie-in	Jefferson, St. Charles	Protected Side	-	-	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	62.00	29.85	-
17 Company Canal Floodwall	Jefferson	Protected Side	-	-	5.50	2.69	-	-	-	-	-
		Flood Side	-	-	-	-	19.00	17.09	-	-	-
18 GFBM	Jefferson, Plaquemines, St. Charles	Protected Side	-	-	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
18 GFBM	Orleans	Protected Side	226.00	68.79	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-

IER	Parish		Non-wet	Non-wet	BLH	BLH	Swamp	Swamp	Marsh	Marsh	EFH
			acres	*AAHUs*	*acres*	*AAHUs*	*acres*	*AAHUs*	*acres*	*AAHUs*	*acres*
18 GFBM	St. Bernard	Protected Side	74.30	43.59	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
19 CFBM	Hancock County, MS; Iberville, Orleans, Plaquemines, St.	Protected Side	-	-	-	-	-	-	-		-
		Flood Side	-	-	-	-	-	-	-	-	-
19 CFBM	Jefferson	Protected Side	-	-	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
22 GFBM	Jefferson	Protected Side	157.76	89.64	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
22 GFBM	Plaquemines	Protected Side	86.93	28.90	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
23 CFBM	Hancock County, MS; Plaquemines, St. Bernard, St. Charles	Protected Side	-	-	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
25 GFBM	Jefferson	Protected Side	78.30	40.90	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
25 GFBM	Orleans	Protected Side	873.00	231.00	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
25 GFBM	Plaquemines	Protected Side	17.70	12.10	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
26 CFBM	Jefferson, Plaquemines, St. John the Baptist; Hancock County, MS	Protected Side	-	-	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
28 GFBM	Jefferson, Plaquemines, St. Bernard	Protected Side	19.94	8.45	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
29 CFBM	Orleans, St. John the Baptist, St. Tammany	Protected Side	107.30	48.60	-	-	-	-	-	-	-
		Flood Side	-	-	-	-	-	-	-	-	-
Totals		Protected Side	1600.33	571.97	477.40	295.42	137.05	73.99	100.40	36.80	00.00
		Flood Side	-	-	107.73	44.41	300.62	192.58	318.00	91.38	29.59
		Both	1610.33	571.97	585.13	339.83	437.67	266.57	418.40	128.18	23.59

- Not applicable to the IER or number impacted is 0
GFBM: Government-Furnished Borrow Material // CFBM: Contractor-Furnished Borrow Material

8. COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

Use of the proposed contractor-furnished borrow areas will not commence until the proposed action achieves environmental compliance with all applicable laws and regulations, as described below.

Environmental compliance for the proposed action will be achieved upon coordination of this IER with appropriate agencies, organizations, and individuals for their review and comments; USFWS and National Marine Fisheries Service confirmation that the proposed action would not adversely affect any T&E species or completion of Endangered Species Act Section 7 consultation; Louisiana Department of Natural Resources concurrence with the determination that the proposed action is consistent, to the maximum extent practicable, with the LACRP (table 5); coordination with the SHPO (table 2); receipt and acceptance or resolution of all Fish and Wildlife Coordination Act recommendations; and receipt and acceptance or resolution of all LADEQ comments on the air quality impact analysis documented in the IER. USFWS has determined that no T&E species or their critical habitat would be adversely affected by the proposed action. The SHPO has determined that cultural resources would not be adversely impacted by the proposed action.

9. CONCLUSIONS

9.1 FINAL DECISION

The proposed action consists of approving the Eastover Phase II, Tammany Holding, and Willow Bend Phase II sites for use as potential contractor-furnished borrow sites for use by construction contractors in the construction of the HSDRRS. This office has assessed the environmental impacts of the proposed action on jurisdictional wetlands, non-jurisdictional BLH, non-wetland/upland resources, wildlife, T&E species, cultural resources, recreational resources, noise quality, air quality, water quality, aesthetic resources, prime and unique farmland, and socioeconomic resources. The proposed action would have no significant effect on jurisdictional wetlands, cultural resources, or T&E species and their critical habitat. Potential and known RECs would be avoided. The interim decision is to approve the Eastover Phase II, Tammany Holding, and Willow Bend Phase II sites as potential contractor-furnished borrow areas for possible use by construction contractors in the construction of the HSDRRS.

9.2 PREPARED BY

IER #29 was prepared by the following individuals. The address of the preparers is: U.S. Army Corps of Engineers, New Orleans District; Planning, Programs, and Project Management Division, CEMVN-PM; P.O. Box 60297; New Orleans, Louisiana 70160-0297.

Preparer	Title	Topic
Danielle Tommaso	Environmental Manager	NEPA compliance, document preparation
Gib Owen	HSDRRS Environmental Team Leader	Project coordination
Christopher Brown, Ph.D.	Botanist	HTRW
Timothy George	Ecologist, Environmental Branch, St. Louis District, USACE	Internal technical review
Jerica Richardson	Archaeologist	Environmental Justice
Valerie McCormack, Ph.D.	Archaeologist	Cultural Resources
Kelly McCaffrey	Landscape Architect	Aesthetic (Visual) Resources, Recreational Resources
Laura Singer	Regional Economist	Socioeconomic Resources

Ph.D.: Doctor of Philosophy

In addition to the above list of preparers, the Borrow PDT consists of the following individuals:

Team Member	Title	CEMVN Office
Soheila Nazarian Holley, P.E.	Senior Project Manager	Protection & Restoration Office
Tutashinda Salaam	Project Manager	Protection & Restoration Office
Michael Bourgeois	Supervisory Civil Engineer	Construction Division
Louis Britsch, P.G.	Supervisory Geologist	Geotechnical Branch
Amy Goodlett	Technician	Protection & Restoration Office
Michael Grzegorzewski	Project Engineer	Hurricane Protection Office
Brett Herr	Chief, Regional Projects Branch	Protection & Restoration Office
Deanna Walker	Realty Specialist	Real Estate Division
Maurya Kilroy	Assistant District Counsel	Office of Counsel
Kim Tullier	Geotechnical Engineer	Geotechnical Branch
Thomas Waguespack	Civil Engineering Senior Technician	Geotechnical Branch

E.I.T.: Engineer in Training
P.E.: Professional Engineer
P.G.: Professional Geologist

9.3 LITERATURE CITED

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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 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
NO_x	Nitrogen oxides
NOV	New Orleans to Venice Project
O_3	Ozone
Pb	Lead
PDT	Project Delivery Team
PI	Plasticity index
PM	Particulate matter
PPM	Parts per million

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

APPENDIX B: PUBLIC COMMENT AND RESPONSES SUMMARY

Choctaw Nation of Oklahoma

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

Gregory E. Pyle
Chief

Gary Batton
Assistant Chief

July 30, 2009

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

Dear Joan Exnicios:

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

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

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

Sincerely,

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

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

CAJ: vr

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

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

From: ■■■■■
Sent: Wednesday, August 12, 2009 11:44 PM
To: MVN Environmental
Subject: NOLA Environmental Comment - New Orleans East

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

From: ■■■■■
Sent: Wednesday, August 12, 2009 5:20 PM
To: MVN Environmental
Subject: NOLA Environmental Comment - New Orleans East

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

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

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

From: ■■■■■
Sent: Wednesday, August 12, 2009 3:32 PM
To: MVN Environmental
Subject: NOLA Environmental Comment - New Orleans East

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

From: ■■■■■
Sent: Wednesday, August 12, 2009 3:22 PM
To: MVN Environmental
Subject: NOLA Environmental Comment - New Orleans East

Dear Sir or Madam,

Thank you for the opportunity to comment on the proposed Eastover Lake project. I beleive 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 Orlenas East by reestablishing Eastover Country Club as an anchor in the area. Finally, with Eastover again a viable entity it will help reinvigorate the rebuilding of the New Orleans East area.

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

Sincerely,

Cameron Barr

From: ■■■■■
Sent: Wednesday, August 12, 2009 11:14 AM
To: MVN Environmental
Subject: NOLA Environmental Comment - General Comment

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

From: ■■■■■
Sent: Saturday, August 15, 2009 7:53 PM
To: MVN Environmental
Subject: NOLA Environmental Comment - New Orleans East

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

From: ■■■■■
Sent: Saturday, August 15, 2009 10:00 AM
To: MVN Environmental
Subject: NOLA Environmental Comment - New Orleans East

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

From: ■■■■■
Sent: Saturday, August 15, 2009 9:58 AM
To: MVN Environmental
Subject: NOLA Environmental Comment - Orleans East Bank

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

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

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

From: ■■■■■
Sent: Friday, August 14, 2009 10:26 AM
To: MVN Environmental
Subject: NOLA Environmental Comment - New Orleans East

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

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

I support the IER 29--Eastover rebuilding.

Gillian McKay
Resident

From: ■■■■■
Sent: Friday, August 14, 2009 8:00 AM
To: MVN Environmental
Subject: NOLA Environmental Comment - New Orleans East

100% in support of Eastover pit.

From: ■■■■■
Sent: Thursday, August 13, 2009 10:02 PM
To: MVN Environmental
Subject: NOLA Environmental Comment - New Orleans East

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

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

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

From: ■■■■■
Sent: Thursday, August 13, 2009 4:52 PM
To: MVN Environmental
Subject: NOLA Environmental Comment - New Orleans East

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

From: ■■■■■
Sent: Thursday, August 13, 2009 4:33 PM
To: MVN Environmental
Subject: NOLA Environmental Comment - General Comment

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

James M. Brown,III
■■■■ Eastover Drive
New Orleans,La.70128

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

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

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

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

From: ■■■■■
Sent: Monday, August 17, 2009 12:16 PM
To: MVN Environmental
Subject: Opposition to the borrow pit in Eastover Subdivision, New Orleans, LA

ATTN: Gib Owen

Please include my email message in the IER file.

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

Thank you.

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

To Whom It May Concern:

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

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

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

2. Traffic Pollution:

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

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

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

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

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

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

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

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

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

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

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

bc: KCIA Membership

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

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

Debbie Gordon
Eastern New Orleans Neighborhood Advisory Commission (ENONAC) Board Secretary

From: ■■■■■
Sent: Thursday, August 20, 2009 8:51 PM
To: MVN Environmental
Subject: NOLA Environmental Comment - New Orleans East

I am strongly opposed to the Eastover Borrow Pit Project.

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

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

Thank you,

Wanda Martin

From: ■■■■■
Sent: Thursday, August 20, 2009 3:02 PM
To: MVN Environmental
Subject: NOLA Environmental Comment - New Orleans East

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

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

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

Gib Owen:

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

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

From: ■■■■■
Sent: Thursday, August 20, 2009 1:44 PM
To: MVN Environmental
Subject: NOLA Environmental Comment - Environmental Justice

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

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

please address this concern

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

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

August 20, 2009

Army Corp of Engineer

ATTENTON: 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 defnitely be a health hazard and or threat to me, my family and all in East New Orleans. I must also mention my concern for the endanderment to young children along with other devastations too many to mention that are threaten by the impact of this Borrow that I unequivocally oppose.

THANK YOU for your ATTENTION to my REQUEST.

Rosalind Dupre

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

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

Paul M. LeSassier

From: ■■■■■
Sent: Thursday, August 20, 2009 9:21 AM
To: MVN Environmental
Subject: NOLA Environmental Comment - General Comment

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

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

Dear Mr Gib Owen:

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

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

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

From: ■■■■■
Sent: Wednesday, August 19, 2009 1:39 PM
To: MVN Environmental
Subject: NOLA Environmental Comment - General Comment

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

Robert L and Jean D. White
■■■■ Eastover Drive

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

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

Re: IER 29
Eastover II, Orleans Parish

Dear Mr. Owen:

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

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

Our primary concerns are as follows:

1. The allowance of an abbreviated or expedited assessment of impacts via the Individual Environmental Report process versus a full Environmental Impact Statement or Environmental Assessment is unwarranted at this point. The basis of the Corps' action to permit this abbreviated assessment in order to expedite levee repair or reinforcement post-Katrina and Rita may have been well-founded in 2007 when this process commenced. However, two years later (four years after passage of the storms) this basis hardly remains viable. In substantially less than four years, a standard Environmental Assessment or Environmental Impact Statement could well have been prepared.

2. Throughout IER 29, are references to adverse impacts (whether in terms of transportation, noise, environmental justice, air quality, visual impacts, or otherwise), are temporary in nature. Without a full assessment, we must ask on what basis has it been demonstrated that these impacts are in fact temporary? We find no definition of "temporary" in the IER, nor do we find any indication of a period of time (other than after construction or removal activities are completed) required for recovery of the areas in fact impacted. We are most interested in a confirmation of the recovery period associated with the proposed removal activity. As well, while we **do not support** classification of the Eastover site as a Contractor Furnished site, we would submit that some form of monitoring

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

3. It would appear material to a final determination in this matter, that some integration of other project IERs be considered and what impacts (evaluating these removal activities in their totality) should be anticipated by the surrounding communities. Again, one would not argue with the overall objective of this effort – reinforcement of area hurricane protection levees; however minimization of adverse impact and compensatory mitigation, where such impact cannot be avoided, is imperative. The Corps has an obligation to insure that its programs do not create harm in one area (that is not otherwise mitigated) while attempting to correct problems in other areas.

4. Serious data gaps exist with the utilization of the IER approach that must be addressed before approving Eastover site as a Contractor Furnished site. We can find no other residential areas impacted by such a designation. The issues of environmental justice and socio-economic impact are of paramount importance in this instance. Not only are property value considerations warranted, but the physical impacts on existing structures (which have been raised as concerns) must be fully addressed. To date, they have not. A full and complete Environmental Impact Statement and/or Environmental Assessment would provide this much-needed information and allow for the clear delineation of the appropriate minimization/mitigation to be required.

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

Your consideration of our comments is certainly appreciated.

Sincerely,

Mr. and Mrs. Jeffery A. Gates

ALABAMA-COUSHATTA TRIBE OF TEXAS
571 State Park Rd 56 • Livingston, Texas 77351 • (936) 563-1100

August 14, 2009

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

Dear Mr. Owen:

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

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

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

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

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

Respectfully submitted,

Bryant J. Celestine
Historic Preservation Officer

Telephone: 936 – 563 – 1181 celestine.bryant@actribe.org Fax: 936 – 563 – 1183

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

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

August 17, 2009

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

RE: Draft Individual Environmental Report #29

Dear Mr. Owen:

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

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

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

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	StartTime	Duration	Page	Mode	Job Type	Result
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Abbreviations:

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

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

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

August 17, 2009

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

RE: Draft Individual Environmental Report #29

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

- *Eastover Phase II*

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

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

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

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

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

Public Meeting: IER #29

13 August 2009

Meeting notes follow.

1

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.

2

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.

3

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

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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

5

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

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

6

1 other and allow us to hear all of
2 you. So I'm going to turn other
3 to Colonel Sinkler for some brief
4 remarks.
5 COLONEL SINKLER:
6 I'm not going to say too much
7 just because we have a lot of
8 people here and I want to make
9 sure we get to everyone. First of
10 all, how many of you are from the
11 New Orleans East area? Okay.
12 How many are you not? Where are
13 you guys from. St. Tammany.
14 Northshore. Okay. Anybody else?
15 Okay. Great. I just want to get
16 a feel for the audience and kind
17 of gather our presentation for

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.

7

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

8

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

11 basically have crews that are
12 working around the clock to have
13 this done by 2011. Basically
14 it's got a lot of impressive
15 features that are taking place
16 and it's definitely a massive
17 project that is underway.
18 All right. Basically what
19 this map shows is the projects
20 that we have which range from LPV
21 105, 106, 107, 108, 109, 110, 111
22 all around the East, and what we
23 identify here are some of our
24 upcoming contracts like LPV 105
25 contract, LPV 106, 107, 109 and

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

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

14

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

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

16

1 northern portion of the current
2 levee from elevation 13 to 22
3 feet is what it is now. We're
4 taking it all of the way up to
5 roughly 15 to 28 feet. We're --
6 same thing, we expect to be under
7 construction with this one by
8 March, but we are also using some
9 innovative approaches that we
10 expect to get us under
11 construction a lot sooner such as
12 early sand placement and things
13 of that nature. So though we're
14 saying we won't be in
15 construction until March, we will
16 actually have construction
17 activities underway here and in
18 actually about less than a month
19 here, I believe, at this point.
20 Next slide. All right. Our
21 109 -- LPV 109.02 project, this
22 is our I-10 crossing. This is
23 basically by the Bayou Sauvage,
24 and this is I-10. What we're
25 doing is -- there's actually an

17

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

18

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

7 awarded by February 2010.
8 All right. Next project we
9 have is our LPV 111.01 project,
10 and this is from basically where
11 the CSX Railroad was where I
12 pointed on the other slide along
13 the Michoud canal. Now, what
14 we're doing for this project --
15 let me cover elevations first.
16 Raising it from roughly 19 feet
17 to 24 and 27 feet along that
18 alignment. This is one of the
19 contracts that we're using our
20 ECI process and basically what
21 ECI is is Early Contractor
22 Involvement, and the traditional
23 method of construction is design,
24 bid, build. You design it, you
25 bid the job and then you build

20

1 it. What the ECI process does is
2 allows us to design and build
3 simultaneously. Now, on top of
4 that it also gives us a more
5 informed design. It not only
6 allows us to start construction
7 early but it allows us to have
8 the construction contractor as
9 well as the designer in the same
10 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

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

1 we're looking for approximately
2 62 million more cubic yards of
3 clay material. Now, quick note,
4 all of this material won't be
5 used in the New Orleans East
6 area. This material will be used
7 throughout our system, you know,
8 and that runs from St. Bernard to
9 New Orleans East, New Orleans
10 metro, so the material can be
11 used in a wide variety of places.
12 All right. Individual
13 Environmental Report No. 29, IER
14 is titled: Contractor Furnish
15 borrow Material No. 4, and we're
16 investigating environmentally
17 what sites that we're clearing
18 and that's basically our Eastover

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

23 submits the information on the
24 material to the government for us
25 to approve it, and the

1 acquisition method is between the
2 contractor and the landowner,
3 which basically that means that
4 the contractor buys the land, the
5 pit from the landowner. The
6 third method we have is a supply
7 contract, which is pretty similar
8 to the contractor furnished.
9 It's the material tested by the
10 landowner, submitted -- submit
11 documentation for the Corps to
12 review. We make sure that it
13 meets our stringent requirements
14 and then the acquisition process,
15 once again, that's between the --
16 that's between the landowner and
17 the Corps.
18 All right. On this map this
19 basically shows -- it shows where
20 the different pits are located.
21 It shows where Willow Bend Phase
22 2 is, where the Eastover Phase 2
23 pit is as well as where the
24 Tammany Holding pit is.
25 Okay. On this slide this

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.mill. 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

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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

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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

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

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

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

1 that contractor needs to go
2 through his own procedures. He
3 needs to meet all of the rules
4 and regulations of the city codes
5 and ordinances. That is his
6 responsibility. And that's, you
7 know, some of the factors that we
8 look at for a borrow site and not
9 just a borrow pit.
10 MS. ALLEN:
11 Another question we hear
12 frequently, "how will the
13 stability of homes be impacted by
14 excavated borrow sites?"
15 MR. PINNER:
16 One of the things that I
17 looked at here is, you know, for
18 government furnished borrow pit,
19 again, we design that pit. When
20 we design that pit, we make sure
21 we don't impact the surrounding
22 structures. Again, adequately
23 design the pit to make sure --
24 you look at, you know, what
25 impacts you might have on global
♀
33

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" --

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

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

37

1 small business contract. The
2 hauler, the people that drive the
3 trucks are from the area and the
4 companies is from the area.
5 MS. ALLEN:
6 Thank you. "And will borrow
7 sites be fenced?"
8 MR. CADE:
9 Basically for government, for
10 government pits the borrow sites
11 will be fenced during
12 construction. As far as the
13 contractor control pits, the
14 supply contracts, it's up to the
15 contractor to make sure that he

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

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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

24 tonight in terms of what they are
25 doing for you. You are the most

1 vulnerable part of our city. You
2 are a very priceless part of our
3 city. We want every inch and
4 every one of you back. We want
5 sustainability. We want --
6 that's why the master plan, and I
7 know it's been controversial out
8 here and I'm the author, but the
9 reason as a 40 year realtor for a
10 master plan with a comprehensive
11 zoning code, the force of law is
12 you don't get projects you don't
13 want, you don't get landfills.
14 You don't get borrow pits if they
15 are not supposed to be there. You
16 don't get bars instead of grocery
17 stores. That's what it's all
18 about. That's what it's all
19 about and putting it in stone,
20 and that's why I'm determined to
21 get that done for this city
22 because Katrina taught us a good
23 lesson. We were already not
24 using solid principles in our
25 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

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

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

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

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

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

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

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

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

25 Now, Eastover is not the only

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1 site. You see Cummings up there
2 in light blue, and that site is
3 still -- still review the package
4 and it will go through the same
5 process. This process is not
6 just in New Orleans. We have it
7 in Jefferson Parish. We have it
8 in St. Bernard. We have it in
9 Plaquemines Parish. Those three
10 borrow methods are viable borrow
11 options in all of those parishes
12 that we are working in.
13 MS. ALLEN:
14 Thank you. Okay. I'm going
15 to ask again that you come to the
16 microphones. Please wait until I
17 call on you. Please give us your
18 name and stick to three to five
19 minutes for comments so that we
20 have time to adequately address
21 everybody's comments, and I'm
22 going to start with you, sir.
23 MR. PATE:
24 My name is Donnie Pate. I am
25 the original developer and

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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

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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

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

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

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

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

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

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

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

1 we are forced to look for our own
2 sources and this is the best and
3 most viable option we have.
4 Thank you very much.
5 MS. ALLEN:
6 Thank you, sir. Ma'am.
7 MS. BELL:
8 My name is Cynthia Bell and
9 I'm a resident --
10 AUDIENCE MEMBER:
11 Can't hear you. The mic is
12 not on.
13 MS. BELL:
14 My name is Cynthia Bell. I
15 am a resident of Evangeline Oaks
16 in New Orleans East and while I
17 appreciate what Eastover has
18 said, it is no longer an Eastover
19 problem, it is now a New Orleans
20 East problem and we are not here
21 to speak for the residents of
22 Eastover, we are here to speak
23 for the residents of New Orleans
24 East amass. Do you realize that

25 where you are proposing this pit

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1 which in the vernacular is a
2 hole. Where you are proposing
3 this is where we have been
4 attempting for two and a half
5 years to get Six Flags
6 redeveloped. We have someone who
7 is willing to step in and
8 redevelop that, make it a
9 multi-million project. Okay.
10 What is that going to do to that?
11 Excuse me. Excuse me. Excuse me.
12 (AUDIENCE INTERRUPTION).
13 MS. BELL:
14 Am I not asking the
15 questions? I thought I had the
16 mic.
17 MS. ALLEN:
18 Yes, ma'am. You absolutely
19 do.
20 MS. BELL:
21 My question is is that going
22 to impact the site of the Six
23 Flags? That was my question. Is
24 what you are proposing going to
25 impact the site of Six Flags.

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1 MS. ALLEN:

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 pertaining to Eastover and

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

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

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

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

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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:

22 There is no vote. This is a
23 federal decision being made.
24 MS. BELL: (No microphone)
25 You said you had meetings.

1 MR. OWEN:
2 We had numerous public
3 meetings and everybody was
4 invited to come to those public
5 meetings. There is no vote.
6 This is an open decision. We're
7 taking peoples comments. Based
8 on those comments, based on the
9 technical engineering and
10 environmental impacts, a decision
11 will be made.
12 MS. BELL: (No microphone)
13 So the people of New Orleans
14 East, other than Eastover, say we
15 don't want this borrow pit in our
16 area, we don't want this truck
17 traffic in our area, we have no
18 say in it at all, that's what you
19 are telling me?
20 MR. OWEN:
21 We are listening to your
22 comments. This is a balancing
23 act. We have to build this
24 system. There is going to be
25 impact, there is going to be

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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

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

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

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

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

that site.

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

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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

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

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

may also cause down drag on foundation piles, which can cause settlement of structures. Time

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

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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

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

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

is closer to the facility that is going to be levee -- that the dirt is needed to rebuilt 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

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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.

16 MS. ALLEN:
17 Ma'am.
18 MS. HALL:
19 Good evening. My name is
20 Trina Hall, and prior to
21 Hurricane Katrina I owned several
22 properties in Eastern New Orleans
23 throughout the course of Eastern
24 New Orleans, and with that said,
25 every property that I owned in

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1 Eastern New Orleans flooded. Not
2 only that, I listened to my
3 public officials, I listened to
4 leaders in this community say
5 Trina, come on back home and
6 rebuild. Trina came back home
7 not only listened to the
8 political leaders and the other
9 leaders throughout this city say
10 come on back to New Orleans and
11 rebuild, we are going to build
12 bigger, stronger and better, but
13 Trina listened to her heart and
14 she said, I'm going back to New
15 Orleans because I love New
16 Orleans, not only New Orleans but
17 I love Eastern New Orleans. So I
18 also own property not just
19 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

24 66, and you can go read it
25 yourself. That section 66249.
♀
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1 And I said all of that to say
2 this, I am not in favor of a
3 borrow pit being dug even though
4 I own property in Eastover
5 because I own property throughout
6 all of Eastern New Orleans and I
7 don't want to have the negative
8 impact that is going to be
9 received by the residents of
10 Eastern New Orleans and I don't
11 want that effect upon us. Thank
12 you.
13 MS. DUPLESSIS:
14 Hello. Thank you. I'm
15 Senator Ann Duplessis and I am
16 also going to stand up and talk
17 to you about why I am not in
18 favor of having a borrow pit
19 built in that area, dug in that
20 area. First of all we talked a
21 lot about what this new and
22 improved Eastover is going to
23 look like when and if the
24 developers, the contractors get
25 any of the dollars that they said
♀
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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 gulf 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

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holes and the water and all of the environmental potential impact and the structure -- the

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

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

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

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

the parks and the walking trails. 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

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

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

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

1 million. I mean, come on. You
2 have been promised. I mean, come
3 on. $25 million ain't going to
4 do a thing for an insurance
5 policy that's been payable to his
6 company. Who is going to be the
7 beneficiary of that insurance
8 policy. The association -- the
9 association is defunct. There
10 ain't no association. There is
11 no association. And that story
12 going to come out later. So the
13 bottom line is --
14 AUDIENCE MEMBER:
15 What have you done up in
16 Baton Rouge besides ask for a pay
17 raise. You ask for a pay raise.
18 What have you done?
19 (ENTIRE AUDIENCE INTERRUPTS
20 ALL AT THE SAME TIME.)
21 AUDIENCE MEMBER:
22 We have nothing out here.
23 What have you done. You have

24 asked us not to come back.

25 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

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

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:

25 Richard, do you have any

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

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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

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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 --

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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

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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

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

1 If we can't make it, the rest of
2 the East isn't going to make it
3 either, so it is to our benefit
4 --
5 (Audience interrupts)
6 MS. ALLEN:
7 Please let her finish her
8 comment. Please let her finish.
9 She has the microphone on the
10 floor.
11 AUDIENCE MEMBER:
12 I am not putting a hat on
13 Eastover. Eastern area -- okay.
14 It's all in the vote together, we
15 are all in the East together.
16 The surrounding neighborhood
17 surrounding Eastover are all
18 pretty much the same. My point
19 being that if we don't develop
20 something that is bigger and
21 better than what we had before
22 then we have nothing. And your
23 concerns cannot be based on half
24 truths and innuendos and it is

25 very much like the death panels

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

1 plan is going through anybody's

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

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

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

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

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

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1 and I applaud you for them. I do
2 not see any evidence from anyone
3 here, disregard all of the
4 emotions and all of the
5 accusations of political capital
6 gain, I don't see any evidence
7 that the quality of life of New
8 Orleans East will be
9 substantially damaged by
10 borrowing those pits in Eastover.
11 Furthermore, if one listen very
12 carefully, if one reads all of
13 the reports that have been sent
14 in, it is estimated by Donnie
15 Pate that our -- our lake --
16 water lake will be drained
17 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

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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:

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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:

Dark blue, correct. Phase 2 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

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

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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

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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

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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

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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

15 constantly get dumped on and I
16 think that's why people are
17 upset.
18 MS. CLARKSON:
19 I'm Jackie Clarkson and I was
20 privileged to speak to you at the
21 beginning as your Councilwoman At
22 Large, and I would just like to
23 say for the record as your
24 Councilwoman At Large I am not
25 only legitimate in being here,

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

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

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

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

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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

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 --

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

potentially.

MS. HOLLEY:

That's to be determined. 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

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

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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

streets. 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

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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.

24 MR. OWEN:
25 It is in writing. That's
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1 exactly what it says in the IER.
2 MS. HEISSER:
3 That it's not going to
4 negatively impact and subside the
5 land in the community. See
6 because we have a community out
7 here and I just want to say this,
8 ladies and gentlemen, because I'm
9 a realtor and I'm very concerned
10 about property values and quality
11 of life in the community. We
12 have a subdivision called Village
13 de l'Est in New Orleans East. If
14 you go in that community you can
15 see the foundations of the
16 properties. The houses are not
17 cracking or falling apart, but
18 the land subsides all of the
19 time, and every year those people
20 who live in that community have
21 to backfill their land and, you
22 know, I mean, it's quite
23 expensive. The streets are
24 sinking, so we want to be assured
25 that that's not going to happen
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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:

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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

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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

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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 --

24 AUDIENCE MEMBER:

25 So some of these are in

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1 development and not currently in
2 place according to what you are
3 saying.
4 MR. OWEN: (No microphone)
5 There are some that have
6 residential homes nearby. There
7 are some that plan to be
8 residential.
9 AUDIENCE MEMBER:
10 One last quick thing. Any
11 requirements -- I'm just reading
12 some of this right quick and then
13 I have a quick question. Title 1
14 of EPA contains a declaration of
15 national environmental policy
16 which requires the federal
17 government to use all practical
18 means to create and maintain
19 conditions of which man and
20 nature can exist in productive
21 harmony, and I'm not going to
22 continue to read that, and it
23 says it goes on to talk about
24 Environment Impact Statements,
25 EIS. My question is where is

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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

13 vary and depends on what they
14 work out.
15 MS. ALLEN:
16 Joe, do you have --
17 MR. KOPEC:
18 The compensation for a
19 contractor pit is the result of
20 negotiations between the
21 contractor and the landowner. On
22 the government furnish pit it's
23 the same as if you wanted to buy
24 a piece of property. You will go
25 out and get an appraisal. The

1 appraisal tell you what the
2 property is worth. That's how we
3 handle acquisition for the
4 government pits. But these
5 contractor pits is whatever
6 negotiations of the result
7 between the two parties involved.
8 We're not a part of those
9 negotiations.
10 AUDIENCE MEMBER:
11 The reason I'm saying that is
12 in the Environmental site
13 assessment, which is not an
14 Environmental Impact Study, I
15 think sometimes that's confused,
16 we have not seen an Environmental

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

25 when the proposed filling is with

1 a lake and it's not with a solid
2 soil as referenced in city
3 ordinance section 66-249.
4 MR. OWEN:
5 As you heard tonight, the
6 landowner will have to get all
7 local, state permits.
8 AUDIENCE MEMBER:
9 City as well. Okay. So this
10 is a true on the books city
11 ordinance which says by right of
12 this ordinance that a lake cannot
13 happen.
14 MR. OWEN:
15 That's an issue between the
16 landowner and the city.
17 AUDIENCE MEMBER:
18 I understand. But the Corps
19 is involved.
20 MR. OWEN:
21 No.
22 AUDIENCE MEMBER:
23 You are involved as far as
24 being able to excavate the levee.
25 MR. OWEN:

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

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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

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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 an 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

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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

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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.

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MS. MCARTHUR:

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

MR. OWEN:

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

MS. MCARTHUR:

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

MR. OWEN:

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

25 there are multitude of methods.

1 You may use government furnish to
2 build some of this. That would
3 be probably from Bonnet Carre or
4 from one of the two sites if we
5 go forward with this. You are
6 also having the potential for
7 contractor furnish. We are also
8 investigating the supply contract
9 purpose, too. That material may
10 come in by truck or barge.
11 MS. MCARTHUR:
12 And I had asked y'all before
13 about asking representatives the
14 federal and state. Did y'all
15 just send little cards like y'all
16 sent to the public or did you
17 send a letter requesting that
18 someone represent their
19 departments to answer the
20 questions on the board with y'all
21 for the public.
22 MR. OWEN:
23 They get the card.
24 MS. MCARTHUR:
25 Can y'all please send them a

1 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. 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

10 learned in school and so forth,
11 that's what we do, I guess, but
12 -- and they just people like us,
13 they have the expertise and we
14 relying on them but they are
15 people like us, and they live in
16 this area, too, so, you know,
17 don't put all of the blame on the
18 individuals.
19 MS. HOLLEY:
20 I appreciate the kind
21 comments, but I want to clarify.
22 We are not using trial and error.
23 We have engineer requirement and
24 engineer process that we follow.
25 From designer pit, from

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1 investigating pit there is no
2 trial and error. We have
3 professional engineer the --
4 MS. MCARTHUR:
5 It changes by things that
6 happen.
7 MS. HOLLEY:
8 We have professional
9 engineers so it's a process we
10 are using engineering requirement
11 and techniques. No trial and
12 error.
13 MS. MCARTHUR:

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

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

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

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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

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be safe and do our part.

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?

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

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

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

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

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

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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

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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:

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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:

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

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

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

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REPORTER'S CERTIFICATE

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

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

no way interested in the outcome of this event.

RACHEL Y. TORRES, CCR, RPR

CERTIFIED COURT REPORTER

1

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.

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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.

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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

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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

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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

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

6

1 other and allow us to hear all of
2 you. So I'm going to turn other
3 to Colonel Sinkler for some brief
4 remarks.
5 COLONEL SINKLER:
6 I'm not going to say too much
7 just because we have a lot of
8 people here and I want to make
9 sure we get to everyone. First of
10 all, how many of you are from the
11 New Orleans East area? Okay.
12 How many are you not? Where are
13 you guys from. St. Tammany.
14 Northshore. Okay. Anybody else?
15 Okay. Great. I just want to get
16 a feel for the audience and kind
17 of gather our presentation for

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.

7

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

8

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

11 basically have crews that are
12 working around the clock to have
13 this done by 2011. Basically
14 it's got a lot of impressive
15 features that are taking place
16 and it's definitely a massive
17 project that is underway.
18 All right. Basically what
19 this map shows is the projects
20 that we have which range from LPV
21 105, 106, 107, 108, 109, 110, 111
22 all around the East, and what we
23 identify here are some of our
24 upcoming contracts like LPV 105
25 contract, LPV 106, 107, 109 and

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

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

14

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

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

16

1 northern portion of the current
2 levee from elevation 13 to 22
3 feet is what it is now. We're
4 taking it all of the way up to
5 roughly 15 to 28 feet. We're --
6 same thing, we expect to be under
7 construction with this one by
8 March, but we are also using some
9 innovative approaches that we
10 expect to get us under
11 construction a lot sooner such as
12 early sand placement and things
13 of that nature. So though we're
14 saying we won't be in
15 construction until March, we will
16 actually have construction
17 activities underway here and in
18 actually about less than a month
19 here, I believe, at this point.
20 Next slide. All right. Our
21 109 -- LPV 109.02 project, this
22 is our I-10 crossing. This is
23 basically by the Bayou Sauvage,
24 and this is I-10. What we're
25 doing is -- there's actually an

17

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

18

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

7 awarded by February 2010.
8 All right. Next project we
9 have is our LPV 111.01 project,
10 and this is from basically where
11 the CSX Railroad was where I
12 pointed on the other slide along
13 the Michoud canal. Now, what
14 we're doing for this project --
15 let me cover elevations first.
16 Raising it from roughly 19 feet
17 to 24 and 27 feet along that
18 alignment. This is one of the
19 contracts that we're using our
20 ECI process and basically what
21 ECI is is Early Contractor
22 Involvement, and the traditional
23 method of construction is design,
24 bid, build. You design it, you
25 bid the job and then you build

20

1 it. What the ECI process does is
2 allows us to design and build
3 simultaneously. Now, on top of
4 that it also gives us a more
5 informed design. It not only
6 allows us to start construction
7 early but it allows us to have
8 the construction contractor as
9 well as the designer in the same
10 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

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

1 we're looking for approximately
2 62 million more cubic yards of
3 clay material. Now, quick note,
4 all of this material won't be
5 used in the New Orleans East
6 area. This material will be used
7 throughout our system, you know,
8 and that runs from St. Bernard to
9 New Orleans East, New Orleans
10 metro, so the material can be
11 used in a wide variety of places.
12 All right. Individual
13 Environmental Report No. 29, IER
14 is titled: Contractor Furnish
15 borrow Material No. 4, and we're
16 investigating environmentally
17 what sites that we're clearing
18 and that's basically our Eastover

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

23 submits the information on the
24 material to the government for us
25 to approve it, and the

1 acquisition method is between the
2 contractor and the landowner,
3 which basically that means that
4 the contractor buys the land, the
5 pit from the landowner. The
6 third method we have is a supply
7 contract, which is pretty similar
8 to the contractor furnished.
9 It's the material tested by the
10 landowner, submitted -- submit
11 documentation for the Corps to
12 review. We make sure that it
13 meets our stringent requirements
14 and then the acquisition process,
15 once again, that's between the --
16 that's between the landowner and
17 the Corps.
18 All right. On this map this
19 basically shows -- it shows where
20 the different pits are located.
21 It shows where Willow Bend Phase
22 2 is, where the Eastover Phase 2
23 pit is as well as where the
24 Tammany Holding pit is.
25 Okay. On this slide this

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.mill. 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

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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

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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

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

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

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

1 that contractor needs to go
2 through his own procedures. He
3 needs to meet all of the rules
4 and regulations of the city codes
5 and ordinances. That is his
6 responsibility. And that's, you
7 know, some of the factors that we
8 look at for a borrow site and not
9 just a borrow pit.
10 MS. ALLEN:
11 Another question we hear
12 frequently, "how will the
13 stability of homes be impacted by
14 excavated borrow sites?"
15 MR. PINNER:
16 One of the things that I
17 looked at here is, you know, for
18 government furnished borrow pit,
19 again, we design that pit. When
20 we design that pit, we make sure
21 we don't impact the surrounding
22 structures. Again, adequately
23 design the pit to make sure --
24 you look at, you know, what
25 impacts you might have on global
♀
33

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" --

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

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

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1 small business contract. The
2 hauler, the people that drive the
3 trucks are from the area and the
4 companies is from the area.
5 MS. ALLEN:
6 Thank you. "And will borrow
7 sites be fenced?"
8 MR. CADE:
9 Basically for government, for
10 government pits the borrow sites
11 will be fenced during
12 construction. As far as the
13 contractor control pits, the
14 supply contracts, it's up to the
15 contractor to make sure that he

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

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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

24 tonight in terms of what they are
25 doing for you. You are the most

1 vulnerable part of our city. You
2 are a very priceless part of our
3 city. We want every inch and
4 every one of you back. We want
5 sustainability. We want --
6 that's why the master plan, and I
7 know it's been controversial out
8 here and I'm the author, but the
9 reason as a 40 year realtor for a
10 master plan with a comprehensive
11 zoning code, the force of law is
12 you don't get projects you don't
13 want, you don't get landfills.
14 You don't get borrow pits if they
15 are not supposed to be there. You
16 don't get bars instead of grocery
17 stores. That's what it's all
18 about. That's what it's all
19 about and putting it in stone,
20 and that's why I'm determined to
21 get that done for this city
22 because Katrina taught us a good
23 lesson. We were already not
24 using solid principles in our
25 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

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

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

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

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

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

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

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

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

25 Now, Eastover is not the only

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1 site. You see Cummings up there
2 in light blue, and that site is
3 still -- still review the package
4 and it will go through the same
5 process. This process is not
6 just in New Orleans. We have it
7 in Jefferson Parish. We have it
8 in St. Bernard. We have it in
9 Plaquemines Parish. Those three
10 borrow methods are viable borrow
11 options in all of those parishes
12 that we are working in.
13 MS. ALLEN:
14 Thank you. Okay. I'm going
15 to ask again that you come to the
16 microphones. Please wait until I
17 call on you. Please give us your
18 name and stick to three to five
19 minutes for comments so that we
20 have time to adequately address
21 everybody's comments, and I'm
22 going to start with you, sir.
23 MR. PATE:
24 My name is Donnie Pate. I am
25 the original developer and

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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

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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

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

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

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

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

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

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

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

1 we are forced to look for our own
2 sources and this is the best and
3 most viable option we have.
4 Thank you very much.
5 MS. ALLEN:
6 Thank you, sir. Ma'am.
7 MS. BELL:
8 My name is Cynthia Bell and
9 I'm a resident --
10 AUDIENCE MEMBER:
11 Can't hear you. The mic is
12 not on.
13 MS. BELL:
14 My name is Cynthia Bell. I
15 am a resident of Evangeline Oaks
16 in New Orleans East and while I
17 appreciate what Eastover has
18 said, it is no longer an Eastover
19 problem, it is now a New Orleans
20 East problem and we are not here
21 to speak for the residents of
22 Eastover, we are here to speak
23 for the residents of New Orleans
24 East amass. Do you realize that

25 where you are proposing this pit

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1 which in the vernacular is a
2 hole. Where you are proposing
3 this is where we have been
4 attempting for two and a half
5 years to get Six Flags
6 redeveloped. We have someone who
7 is willing to step in and
8 redevelop that, make it a
9 multi-million project. Okay.
10 What is that going to do to that?
11 Excuse me. Excuse me. Excuse me.
12 (AUDIENCE INTERRUPTION).
13 MS. BELL:
14 Am I not asking the
15 questions? I thought I had the
16 mic.
17 MS. ALLEN:
18 Yes, ma'am. You absolutely
19 do.
20 MS. BELL:
21 My question is is that going
22 to impact the site of the Six
23 Flags? That was my question. Is
24 what you are proposing going to
25 impact the site of Six Flags.

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1 MS. ALLEN:

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 pertaining to Eastover and

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

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

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

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

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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:

22 There is no vote. This is a
23 federal decision being made.
24 MS. BELL: (No microphone)
25 You said you had meetings.

1 MR. OWEN:
2 We had numerous public
3 meetings and everybody was
4 invited to come to those public
5 meetings. There is no vote.
6 This is an open decision. We're
7 taking peoples comments. Based
8 on those comments, based on the
9 technical engineering and
10 environmental impacts, a decision
11 will be made.
12 MS. BELL: (No microphone)
13 So the people of New Orleans
14 East, other than Eastover, say we
15 don't want this borrow pit in our
16 area, we don't want this truck
17 traffic in our area, we have no
18 say in it at all, that's what you
19 are telling me?
20 MR. OWEN:
21 We are listening to your
22 comments. This is a balancing
23 act. We have to build this
24 system. There is going to be
25 impact, there is going to be

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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

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

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

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

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

that site.

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

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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

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

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

may also cause down drag on foundation piles, which can cause settlement of structures. Time

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

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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

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

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

is closer to the facility that is going to be levee -- that the dirt is needed to rebuilt 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

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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.

16 MS. ALLEN:
17 Ma'am.
18 MS. HALL:
19 Good evening. My name is
20 Trina Hall, and prior to
21 Hurricane Katrina I owned several
22 properties in Eastern New Orleans
23 throughout the course of Eastern
24 New Orleans, and with that said,
25 every property that I owned in

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1 Eastern New Orleans flooded. Not
2 only that, I listened to my
3 public officials, I listened to
4 leaders in this community say
5 Trina, come on back home and
6 rebuild. Trina came back home
7 not only listened to the
8 political leaders and the other
9 leaders throughout this city say
10 come on back to New Orleans and
11 rebuild, we are going to build
12 bigger, stronger and better, but
13 Trina listened to her heart and
14 she said, I'm going back to New
15 Orleans because I love New
16 Orleans, not only New Orleans but
17 I love Eastern New Orleans. So I
18 also own property not just
19 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

24 66, and you can go read it
25 yourself. That section 66249.
♀
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1 And I said all of that to say
2 this, I am not in favor of a
3 borrow pit being dug even though
4 I own property in Eastover
5 because I own property throughout
6 all of Eastern New Orleans and I
7 don't want to have the negative
8 impact that is going to be
9 received by the residents of
10 Eastern New Orleans and I don't
11 want that effect upon us. Thank
12 you.
13 MS. DUPLESSIS:
14 Hello. Thank you. I'm
15 Senator Ann Duplessis and I am
16 also going to stand up and talk
17 to you about why I am not in
18 favor of having a borrow pit
19 built in that area, dug in that
20 area. First of all we talked a
21 lot about what this new and
22 improved Eastover is going to
23 look like when and if the
24 developers, the contractors get
25 any of the dollars that they said
♀
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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 gulf 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

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holes and the water and all of the environmental potential impact and the structure -- the

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

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

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

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

the parks and the walking trails. 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

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

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

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

1 million. I mean, come on. You
2 have been promised. I mean, come
3 on. $25 million ain't going to
4 do a thing for an insurance
5 policy that's been payable to his
6 company. Who is going to be the
7 beneficiary of that insurance
8 policy. The association -- the
9 association is defunct. There
10 ain't no association. There is
11 no association. And that story
12 going to come out later. So the
13 bottom line is --
14 AUDIENCE MEMBER:
15 What have you done up in
16 Baton Rouge besides ask for a pay
17 raise. You ask for a pay raise.
18 What have you done?
19 (ENTIRE AUDIENCE INTERRUPTS
20 ALL AT THE SAME TIME.)
21 AUDIENCE MEMBER:
22 We have nothing out here.
23 What have you done. You have

24 asked us not to come back.

25 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

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

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:

25 Richard, do you have any

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

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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

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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 --

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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

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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

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

1 If we can't make it, the rest of
2 the East isn't going to make it
3 either, so it is to our benefit
4 --
5 (Audience interrupts)
6 MS. ALLEN:
7 Please let her finish her
8 comment. Please let her finish.
9 She has the microphone on the
10 floor.
11 AUDIENCE MEMBER:
12 I am not putting a hat on
13 Eastover. Eastern area -- okay.
14 It's all in the vote together, we
15 are all in the East together.
16 The surrounding neighborhood
17 surrounding Eastover are all
18 pretty much the same. My point
19 being that if we don't develop
20 something that is bigger and
21 better than what we had before
22 then we have nothing. And your
23 concerns cannot be based on half
24 truths and innuendos and it is

25 very much like the death panels

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

1 plan is going through anybody's

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

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

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

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

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

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1 and I applaud you for them. I do
2 not see any evidence from anyone
3 here, disregard all of the
4 emotions and all of the
5 accusations of political capital
6 gain, I don't see any evidence
7 that the quality of life of New
8 Orleans East will be
9 substantially damaged by
10 borrowing those pits in Eastover.
11 Furthermore, if one listen very
12 carefully, if one reads all of
13 the reports that have been sent
14 in, it is estimated by Donnie
15 Pate that our -- our lake --
16 water lake will be drained
17 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

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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:

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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:

Dark blue, correct. Phase 2 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

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

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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

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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

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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

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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

15 constantly get dumped on and I
16 think that's why people are
17 upset.
18 MS. CLARKSON:
19 I'm Jackie Clarkson and I was
20 privileged to speak to you at the
21 beginning as your Councilwoman At
22 Large, and I would just like to
23 say for the record as your
24 Councilwoman At Large I am not
25 only legitimate in being here,

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

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

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

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

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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

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 --

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

potentially.

MS. HOLLEY:

That's to be determined. 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

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

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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

streets. 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

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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.

24 MR. OWEN:
25 It is in writing. That's
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1 exactly what it says in the IER.
2 MS. HEISSER:
3 That it's not going to
4 negatively impact and subside the
5 land in the community. See
6 because we have a community out
7 here and I just want to say this,
8 ladies and gentlemen, because I'm
9 a realtor and I'm very concerned
10 about property values and quality
11 of life in the community. We
12 have a subdivision called Village
13 de l'Est in New Orleans East. If
14 you go in that community you can
15 see the foundations of the
16 properties. The houses are not
17 cracking or falling apart, but
18 the land subsides all of the
19 time, and every year those people
20 who live in that community have
21 to backfill their land and, you
22 know, I mean, it's quite
23 expensive. The streets are
24 sinking, so we want to be assured
25 that that's not going to happen
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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:

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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

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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

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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 --

24 AUDIENCE MEMBER:

25 So some of these are in

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1 development and not currently in
2 place according to what you are
3 saying.
4 MR. OWEN: (No microphone)
5 There are some that have
6 residential homes nearby. There
7 are some that plan to be
8 residential.
9 AUDIENCE MEMBER:
10 One last quick thing. Any
11 requirements -- I'm just reading
12 some of this right quick and then
13 I have a quick question. Title 1
14 of EPA contains a declaration of
15 national environmental policy
16 which requires the federal
17 government to use all practical
18 means to create and maintain
19 conditions of which man and
20 nature can exist in productive
21 harmony, and I'm not going to
22 continue to read that, and it
23 says it goes on to talk about
24 Environment Impact Statements,
25 EIS. My question is where is

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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

13 vary and depends on what they
14 work out.
15 MS. ALLEN:
16 Joe, do you have --
17 MR. KOPEC:
18 The compensation for a
19 contractor pit is the result of
20 negotiations between the
21 contractor and the landowner. On
22 the government furnish pit it's
23 the same as if you wanted to buy
24 a piece of property. You will go
25 out and get an appraisal. The

1 appraisal tell you what the
2 property is worth. That's how we
3 handle acquisition for the
4 government pits. But these
5 contractor pits is whatever
6 negotiations of the result
7 between the two parties involved.
8 We're not a part of those
9 negotiations.
10 AUDIENCE MEMBER:
11 The reason I'm saying that is
12 in the Environmental site
13 assessment, which is not an
14 Environmental Impact Study, I
15 think sometimes that's confused,
16 we have not seen an Environmental

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

25 when the proposed filling is with

1 a lake and it's not with a solid
2 soil as referenced in city
3 ordinance section 66-249.
4 MR. OWEN:
5 As you heard tonight, the
6 landowner will have to get all
7 local, state permits.
8 AUDIENCE MEMBER:
9 City as well. Okay. So this
10 is a true on the books city
11 ordinance which says by right of
12 this ordinance that a lake cannot
13 happen.
14 MR. OWEN:
15 That's an issue between the
16 landowner and the city.
17 AUDIENCE MEMBER:
18 I understand. But the Corps
19 is involved.
20 MR. OWEN:
21 No.
22 AUDIENCE MEMBER:
23 You are involved as far as
24 being able to excavate the levee.
25 MR. OWEN:

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

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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

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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 an 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

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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

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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.

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MS. MCARTHUR:

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

MR. OWEN:

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

MS. MCARTHUR:

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

MR. OWEN:

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

25 there are multitude of methods.

1 You may use government furnish to
2 build some of this. That would
3 be probably from Bonnet Carre or
4 from one of the two sites if we
5 go forward with this. You are
6 also having the potential for
7 contractor furnish. We are also
8 investigating the supply contract
9 purpose, too. That material may
10 come in by truck or barge.
11 MS. MCARTHUR:
12 And I had asked y'all before
13 about asking representatives the
14 federal and state. Did y'all
15 just send little cards like y'all
16 sent to the public or did you
17 send a letter requesting that
18 someone represent their
19 departments to answer the
20 questions on the board with y'all
21 for the public.
22 MR. OWEN:
23 They get the card.
24 MS. MCARTHUR:
25 Can y'all please send them a

1 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. 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

10 learned in school and so forth,
11 that's what we do, I guess, but
12 -- and they just people like us,
13 they have the expertise and we
14 relying on them but they are
15 people like us, and they live in
16 this area, too, so, you know,
17 don't put all of the blame on the
18 individuals.
19 MS. HOLLEY:
20 I appreciate the kind
21 comments, but I want to clarify.
22 We are not using trial and error.
23 We have engineer requirement and
24 engineer process that we follow.
25 From designer pit, from

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1 investigating pit there is no
2 trial and error. We have
3 professional engineer the --
4 MS. MCARTHUR:
5 It changes by things that
6 happen.
7 MS. HOLLEY:
8 We have professional
9 engineers so it's a process we
10 are using engineering requirement
11 and techniques. No trial and
12 error.
13 MS. MCARTHUR:

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

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

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

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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

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be safe and do our part.

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?

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

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

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

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

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

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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

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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:

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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:

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

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

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

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REPORTER'S CERTIFICATE

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

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

no way interested in the outcome of this event.

RACHEL Y. TORRES, CCR, RPR

CERTIFIED COURT REPORTER

APPENDIX C: MEMBERS OF INTERAGENCY ENVIRONMENTAL TEAM

Kyle Balkum	Louisiana Dept. of Wildlife and Fisheries
Catherine Breaux	U.S. Fish and Wildlife Service
Mike Carloss	Louisiana Dept. of Wildlife and Fisheries
David Castellanos	U.S. Fish and Wildlife Service
Frank Cole	Louisiana Department of Natural Resources
Greg Ducote	Louisiana Department of Natural Resources
John Ettinger	U.S. Environmental Protection Agency
David Felder	U.S. Fish and Wildlife Service
Michelle Fischer	U.S. Geologic Survey
Deborah Fuller	U.S. Fish and Wildlife Service
Mandy Green	Louisiana Department of Natural Resources
Jeffrey Harris	Louisiana Department of Natural Resources
Richard Hartman	NOAA National Marine Fisheries Service
Brian Heimann	Louisiana Dept. of Wildlife and Fisheries
Jeffrey Hill	NOAA National Marine Fisheries Service
Christina Hunnicutt	U.S. Geologic Survey
Barbara Keeler	U.S. Environmental Protection Agency
Kirk Kilgen	Louisiana Department of Natural Resources
Tim Killeen	Louisiana Department of Natural Resources
Brian Lezina	Louisiana Dept. of Wildlife and Fisheries
Brian Marks	Louisiana Dept. of Wildlife and Fisheries
Ismail Merhi	Louisiana Department of Natural Resources
David Muth	U.S. National Park Service
Clint Padgett	U.S. Geologic Survey
Jamie Phillippe	Louisiana Dept. of Environmental Quality
Molly Reif	U.S. Geologic Survey
Kevin Roy	U.S. Fish and Wildlife Service
Manuel Ruiz	Louisiana Dept. of Wildlife and Fisheries
Reneé Sanders	Louisiana Department of Natural Resources
Angela Trahan	U.S. Fish and Wildlife Service
Nancy Walters	U.S. Fish and Wildlife Service
David Walther	U.S. Fish and Wildlife Service
Patrick Williams	NOAA National Marine Fisheries Service

APPENDIX D: INTERAGENCY CORRESPONDENCE

United States Department of the Interior

FISH AND WILDLIFE SERVICE
646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506

August 7, 2006

Colonel Richard P. Wagenaar
District Commander
U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Colonel Wagenaar:

As you know, the U.S. Fish and Wildlife Service (Service) is assisting the U.S. Army Corps of Engineers (Corps) in assessing impacts of, and mitigation requirements for, borrow sites which are needed to complete authorized improvements, and to construct Federal and non-Federal hurricane/flood protection levees in southern Louisiana. Those improvements to hurricane and flood control projects are authorized by the Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico (Public Laws 109-148, PL 84-99 and PL 109 234 (4th supplemental)). This letter is provided in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), Fish and Wildlife Coordination Act (FWCA, 48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.), but it does not constitute the final report of the Secretary of the Interior as required by Section 2(b) of the Fish and Wildlife Coordination Act.

Through the efforts of Task Force Guardian, the Corps has restored Hurricane Katrina-damaged hurricane/flood protection projects to their authorized or previously permitted/constructed protection levels. Identification of borrow areas needed to complete those repairs utilized a protocol that prioritized selection of those sites in the following order: existing commercial pits, upland sources, previously disturbed/manipulated wetlands within a levee system, and low-quality wetlands outside a levee system. The Service supports the use of such protocols to avoid and minimize impacts to wetlands and bottomland hardwoods within project areas. Avoidance and minimization of those impacts helps to provide consistency with restoration strategies and compliments the authorized hurricane protection efforts. Such consistency is also required by Section 303(d)(1) of the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA).

Accordingly, the Service recommends that prior to utilizing borrow sites every effort should be made to reduce impacts by using sheetpile and/or floodwalls to increase levee heights wherever feasible. In addition, the Service recommends that the following protocol be adopted and utilized to identify borrow sources in descending order of priority:

1. Permitted commercial sources, authorized borrow sources for which environmental clearance and mitigation have been completed, or non-functional levees after newly constructed adjacent levees are providing equal protection.

2. Areas under forced drainage that are protected from flooding by levees, and that are:

   a) non-forested (e.g., pastures, fallow fields, abandoned orchards, former urban areas) and non-wetlands;

   b) wetland forests dominated by exotic tree species (i.e., Chinese tallow-trees) or non-forested wetlands(e.g., wet pastures), excluding marshes;

   c) disturbed wetlands (e.g., hydrologically altered, artificially impounded).

3. Sites that are outside a forced drainage system and levees, and that are:

   a) non-forested (e.g., pastures fallow fields, abandoned orchards, former urban areas) and non-wetlands;

   b) wetland forests dominated by exotic tree species (i.e., Chinese tallow-trees) or non-forested wetlands(e.g., wet pastures), excluding marshes;

   c) disturbed wetlands (e.g., hydrologically altered, artificially impounded).

Notwithstanding this protocol, the location, size and configuration of borrow sites within the landscape is also critically important. Coastal ridges, natural levee flanks and other geographic features that provide forested/wetland habitats and/or potential barriers to hurricane surges should not be utilized as borrow sources, especially where such uses would diminish the natural functions and values of those landscape features.

To assist in expediting the identification of borrow sites, the Service recommends that immediately after the initial identification of a new borrow site the Corps should initiate informal consultation with the Service regarding potential impacts to federally listed threatened or endangered species. To aid you in complying with those proactive consultation responsibilities, the Service has enclosed a list of threatened and endangered species and their critical habitats within the coastal parishes of the New Orleans District.

The Service offers the following additional recommendations for reducing borrow site impacts on fish and wildlife resources and, where feasible, enhancing those resources. However, these additional recommendations should not be implemented if they would result in the expansion of existing borrow pits or construction of new borrow pits in wetlands or bottomland hardwoods.

1. A minimum of 30 percent of the borrow pits' edge should slope no greater than 5 horizontal (H):1 vertical (V), starting from the water line down to a depth of approximately 5 feet.

2. Most of the woody vegetation removed during clearing and grubbing should be placed into the deepest parts of the borrow pits and the remaining debris should be placed in the water along the borrow pit shorelines, excluding those areas where the 5H:1V slope, per recommendation 1, have been constructed.

3. Following construction, perimeter levees (if constructed) around each borrow pit should be gapped at 25-foot intervals with an 8-foot-wide breach, the bottom elevation of which should be level with the adjacent natural ground elevation.

When avoidance and minimization of bottomland hardwood and wetland impacts is not practicable, all unavoidable net losses of those habitats should be fully offset via compensatory mitigation. Such compensatory mitigation should 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,

Russell C. Watson
Supervisor
Louisiana Field Office

Enclosure

cc: National Marine Fisheries Service, Baton Rouge, LA
EPA, Dallas, TX
LA Dept. of Wildlife and Fisheries, Baton Rouge, LA
LA Dept. of Natural Resources, CMD, Baton Rouge, LA
LA Dept. of Natural Resources, CRD, Baton Rouge, LA

Threatened and Endangered Species in Coastal Louisiana – FWS Responsibility

MAMMALS		GENERAL DISTRIBUTION IN LOUISIANA
Bear, Louisiana* (*Ursus americanus luteolus*)	T	Entire state
Manatee, West Indian (*Trichechus manatus*)	E	Lake Pontchartrain & tributaries on North shore; rare along Gulf coast
BIRDS		
Eagle, bald (*Haliaeetus leucocephalus*)	T	Entire state
Pelican, brown (*Pelecanus occidentalis*)	E	Coast
Plover, piping** (*Charadrius melodus*)	T	Coast
Woodpecker, red-cockaded (*Campephilus principalis*)	E	Entire state except Delta
REPTILES		
Tortoise, gopher (*Gopherus polyphemus*)	T	Washington, St. Tammany, and Tangipahoa Parishes
Turtle, ringed map (=sawback) (*Graptemys oculifera*)	T	Pearl and Bogue Chitto Rivers
Turtle, loggerhead sea (*Caretta caretta*)	T	Potential Nesting on Chandeleuer Is.
FISH		
Sturgeon, Gulf** (*Acipenser oxyrhynchus desotoi*)	T	Pearl River & Lake Pontchartrain tributaries
Sturgeon, pallid (*Scaphirhynchus albus*)	E	Mississippi River & tributaries
INVERTEBRATES		
Mussel, inflated heelsplitter (*Potamilus inflatus*)	T	Amite River
PLANTS		
Louisiana quillwort (*Isoetes louisianensis*)	E	Washington and St. Tammany Parishes

*Indicates proposed critical habitat
**Indicates designated critical habitat

Enclosure

United States Department of the Interior

FISH AND WILDLIFE SERVICE
646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506

May 26, 2009

Colonel Alvin B. Lee
District Engineer
U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Colonel Lee:

Please reference the Individual Environmental Report (IER) 29, entitled "Pre-approved Contractor Furnished Borrow Material #4, Orleans, St. Charles, St. John the Baptist, and St. Tammany Parishes, Louisiana". That IER addresses impacts resulting from the excavation of government-furnished borrow sites which will be used to increase hurricane protection within the Greater New Orleans area located in southeast Louisiana. Work associated with that IER is being conducted in response to Public Law 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Supplemental 4). That law authorized the Corps of Engineers (Corps) to upgrade the Westbank and Vicinity of New Orleans and Lake Pontchartrain and Vicinity hurricane protection projects in the Greater New Orleans area to provide protection against a 100-year hurricane event. This draft report contains an analysis of the impacts on fish and wildlife resources that would result from excavation of those borrow sites and provides recommendations to minimize and/or mitigate project impacts on those resources.

The proposed project was authorized by Supplemental 4 which directed the Corps to proceed with engineering, design, and modification (and construction where necessary) of the Lake Pontchartrain and Vicinity and the West Bank and Vicinity Hurricane Protection Projects so those projects would provide 100-year hurricane protection. Procedurally, project construction has been authorized in the absence of the report of the Secretary of the Interior that is required by Section 2(b) of the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.). In this case, the authorization process has prevented our agencies from following the normal procedures for fully complying with the FWCA. The FWCA requires that our Section 2(b) report be made an integral part of any report supporting further project authorization or administrative approval. Therefore, to fulfill the coordination and reporting requirements of the FWCA, the U.S. Fish and Wildlife Service (Service) will be providing post-authorization 2(b) reports for individual IERs.

This draft report incorporates and supplements our FWCA Reports that addressed impacts and mitigation features for the Westbank and Vicinity of New Orleans (dated November 10, 1986, August 22, 1994, November 15, 1996, and June 20, 2005) and the Lake Pontchartrain and Vicinity Hurricane (dated July 25, 1984, and January 17, 1992) Protection projects. It also supplements our August 7, 2006, Planning-aid Letter to the Corps providing recommendations for minimizing impacts to fish and

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wildlife resources from borrow site selection and use. This report, however, does not constitute the report of the Secretary of the Interior as required by Section 2(b) of the FWCA. This report has been provided to the Louisiana Department of Wildlife and Fisheries and the National Marine Fisheries Service; their comments will be incorporated into our final report.

DESCRIPTION OF THE STUDY AREA

The study area is primarily located within the Mississippi River Deltaic Plain of the Lower Mississippi River Ecosystem. Portions of Orleans, St. Charles, St. John the Baptist, and St. Tammany Parishes are included in the study area. Higher elevations occur on the natural levees of the Mississippi River and its distributaries. Developed lands are primarily associated with natural levees, but extensive wetlands have been leveed and drained to accommodate residential, commercial, and agricultural development. Federal, State, and local levees have been installed for flood protection purposes, often with negative effects on adjacent wetlands. Navigation channels such as the Gulf Intracoastal Waterway and the Mississippi River – Gulf Outlet are also prominent landscape features, as are extensive oil and gas industry access channels and pipeline canals. Extensive wetlands and associated shallow open waters dominate the landscape outside the flood control levees. Major water bodies include Lake Pontchartrain located north of the project area, the Mississippi River which bisects the project area, and Lake Borgne which is located on the eastern edge of the project area.

FISH AND WILDLIFE HABITATS AND RESOURCES

Habitat types at and in the vicinity of the borrow sites include forested wetlands (i.e., bottomland hardwoods and/or swamps), non-wet bottomland hardwoods, upland forests, scrub-shrub, marsh, open water, and developed areas. Due to urban development and a forced-drainage system with the levee system, the hydrology of much of the forested habitat has been altered. The forced-drainage system has been in operation for many years, and subsidence is evident throughout the area.

Wetlands (forested, marsh, and scrub-shrub) within the study area provide plant detritus to adjacent coastal waters and thereby contribute to the production of commercially and recreationally important fishes and shellfishes. Wetlands in the project area also provide valuable water quality functions such as reduction of excessive dissolved nutrient levels, filtering of waterborne contaminants, and removal of suspended sediment. In addition, coastal wetlands buffer storm surges reducing their damaging effect to man-made infrastructure within the coastal area.

Factors that will strongly influence future fish and wildlife resource conditions include freshwater input and loss of coastal wetlands. Depending upon the deterioration rate of marshes, the frequency of occasional short-term saltwater events may increase. Under that scenario, tidal action in the project area may increase gradually as the buffering effect of marshes is lost, and use of that area by estuarine-dependent fishes and shellfish tolerant of saltwater conditions would likely increase. Regardless of which of the above factors ultimately has the greatest influence, freshwater wetlands within and adjacent to the project area will probably experience losses due to development, subsidence, and erosion.

Forested wetlands in the area are divided into two major types; bottomland hardwood forests and cypress-tupelo swamps. Bottomland hardwood forests are found at higher elevations (Mississippi River and former distributary channel levees) in the project area, while cypress-tupelo swamps are located along the flanks of larger distributary ridges as a transition zone between bottomland hardwoods and lower-elevation marsh, scrub-shrub habitats, or open water.

Non-wet bottomland hardwoods within the project area also provide habitat for wildlife resources. Between 1932 and 1984, the acreage of bottomland hardwoods in Louisiana declined by 45 percent (Rudis and Birdsey 1986). By 1970, Jefferson Parish was classified as entirely urban or nonforested in the U.S. Forest Service's forest inventory with most of this loss resulting from development within non-wet areas inside the hurricane protection levees. A large percentage of the original bottomland hardwoods within the Mississippi River floodplain acreage in the Deltaic Plain are located within a levee system, especially those at higher elevations. However, losses of that habitat type are not regulated or mitigated with the exception of impacts resulting from Corps projects as required by Section 906(b) of the Water Resources Development Act of 1986.

Upland forests in the area are primarily comprised of pine forests. An ongoing trend within those forested areas is their conversion to loblolly pine plantations; such plantations provide lower quality wildlife habitat as compared to naturally regenerated pine forests.

Dead-end canals and small bayous are typically shallow and their bottoms may be filled in to varying degrees with semi-fluid organic material. Drainage canals enclosed within the hurricane protection projects or within developed areas are stagnant except when pumps are operating to remove rain water. Runoff from developed areas has likely reduced the habitat value of that aquatic habitat by introducing various urban pollutants, such as oil, grease, and excessive nutrients. Clearing and development has eliminated much of the riparian habitat that would normally provide shade and structure for many aquatic species.

Some of the waterbodies in the project area meet criteria for primary and secondary contact recreation and partially meet criteria for fish and wildlife propagation; while others do not meet the latter criteria. Causes for not fully meeting fish and wildlife propagation criteria include excessive nutrients, organic enrichment, low dissolved oxygen levels, flow and habitat alteration, pathogens and noxious aquatic plants. Sources of those problems include hydromodification, habitat modification, recreational activities, and unspecified upstream inputs. Municipal point sources, urban runoff, storm sewers, and onsite wastewater treatment systems are also known contributors to poor water quality in the area.

Developed habitats in the study area include residential and commercial areas, as well as roads and existing levees. Those habitats do not support significant wildlife use. Most of the development is located on higher elevations of the project area; however, vast acreages of swamp and marsh have been placed under forced drainage systems and developed. A smaller acreage of wetlands has been filled for development. Agricultural lands occur throughout the area; agriculture includes sugarcane farming, cattle production, and haying.

Endangered and Threatened Species

To aid the Corps in complying with their proactive consultation responsibilities under the Endangered Species Act (ESA), the Service provided a list of threatened and endangered species and their critical habitats within the coastal parishes of the New Orleans District. Private contractors have conducted ESA consultation on each borrow site as they were identified and determined that, at this time, no threatened or endangered species or their critical habitat were located within any proposed borrow site. If a proposed borrow site is changed significantly or relocated, or excavation is not implemented within 1 year, we recommend that the Corps request that the contractor reinitiate coordination with this office to ensure that the proposed project would not adversely affect any Federally listed threatened or endangered species or their habitat.

Future Fish and Wildlife Resources

The combination of subsidence and sea level rise results in higher water levels, stressing most non-fresh marsh plants and forested wetlands leading to plant death and conversion to open water. Other major causes of wetland losses within the study area include altered hydrology, storms, saltwater intrusion (caused by marine processes invading fresher wetlands), shoreline erosion, herbivory, and development activities including the direct and indirect impacts of dredge and fill (Louisiana Coastal Wetlands Conservation and Restoration Task Force and the Wetlands Conservation and Restoration Authority 1998). The continued conversion of wetlands and forested habitats to open water or developed land represents the most serious fish and wildlife-related problem in the study area. Habitat losses could be expected to cause declines in the area's carrying capacity for migratory waterfowl, wading birds, other migratory birds, alligators, furbearers, and game mammals.

ALTERNATIVES UNDER CONSIDERATION

The proposed borrow sites have been located in areas that minimize impacts to wetlands and impacts to non-wet bottomland hardwoods have also been avoided to the extent practicable. Use of adjacent borrow, the typical construction method, has been limited because of soil conditions (i.e., insufficient clay content), thus impacts resulting from expansion of borrow sites into wetlands has been avoided in some areas.

PROJECT IMPACTS

Excavation of borrow sites will result in the conversion of terrestrial habitat into open-water areas. Because agricultural, pasture, cleared land habitats have a reduced value to fish and wildlife resources and are not a declining or limited habitat type, impacts associated with conversion of those habitats to open-water were quantified only by acreage as part of the total site. The land type and acreage of each proposed borrow site is listed below (Table 1). Wetland areas were determined by the Corps regulatory program. It has been determined that the portions of the IER 29 borrow sites to be impacted do not contain any jurisdictional wetlands, but some sites do contain non-wet bottomland hardwood (BLH); therefore, mitigation will be required.

FISH AND WILDLIFE CONSERVATION MEASURES

To minimize wetland and bottomland hardwood impacts, the Service recommends that prior to utilizing borrow sites, every effort should be made to reduce impacts by using sheetpile, floodwalls, geotextile, or some combination thereof, to increase levee heights wherever feasible. In addition, the Service recommends that the previous protocol to identify and prioritize borrow sources provided in our August 7, 2006, Planning-aid letter should continue to be utilized as a guide in locating future borrow-sites.

MITIGATION MEASURES

The President's Council on Environmental Quality defined the term "mitigation" in the National Environmental Policy Act regulations to include:

(a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and (e) compensating for the impact by replacing or providing substitute resources or environments.

The Service supports and adopts this definition of mitigation and considers its specific elements to represent the desirable sequence of steps in the mitigation planning process. Based on current and expected future without-project conditions, the planning goal of the Service is to develop a balanced project, i.e., one that is responsive to demonstrated hurricane protection needs while addressing the co-equal need for fish and wildlife resource conservation.

The Service's Mitigation Policy (Federal Register, Volume 46, No. 15, January 23, 1981) identifies four resource categories that are used to ensure that the level of mitigation recommended by Service biologists will be consistent with the fish and wildlife resource values involved. Considering the high value of forested areas (wet and non-wet) and marsh for fish and wildlife and the relative scarcity of that habitat type, those wetlands are usually designated as Resource Category 2 habitats, the mitigation goal for which is no net loss of in-kind habitat value. Degraded bottomland hardwood forest (e.g. dominated by exotic species) and any wet pastures that may be impacted, however, are placed in Resource Category 3 due to their reduced value to wildlife, fisheries and lost/degraded wetland functions. The mitigation goal for Resource Category 3 habitats is no net loss of habitat value.

The Service used the Habitat Assessment Methodology (HAM) to quantify the negative impacts of the project and benefits of anticipated mitigation measures (Appendix). The habitat assessment models for swamps and bottomland hardwoods within the Louisiana Coastal Zone utilized in this evaluation are modified from those developed in the Service's Habitat Evaluation Procedures (HEP). For each habitat type, those models define an assemblage of variables considered important to the suitability of an area to support a diversity of fish and wildlife species (Louisiana Department of Natural Resources 1994; U.S. Fish and Wildlife Service 1980). The HAM, however, is a community-level evaluation instead of the species-based approach used with HEP. Further explanation of how impacts/benefits are assessed

with HAM and an explanation of the assumptions affecting habitat suitability (i.e., quality) index (HIS) values for each target year are available for review at Service's Lafayette, Louisiana, field office.

Table 1: Contractor-furnished Borrow Sites

Site	Parish	Total Site Area (acres)	BLH Habitat Impacted (acres)	AAHUs Lost
Eastover Phase II	Orleans	151	43.2	9
Tammany Holding Corporation	St. Tammany	355	0	0
3C Riverside Properties Phase III	St. Charles	590	248	122.8
Willow Bend Phase II	St. John the Baptist	560	76.2	42.09
Total		1656	367.4	174.3

SERVICE POSITION AND RECOMMENDATIONS

Excavation of borrow sites result in the loss of 367.4 acres of bottomland hardwoods for a total loss of 174.3 AAHUs. The Service does not object to the use of the proposed borrow sites provided the following fish and wildlife recommendations are implemented concurrently with project implementation:

1. The private contractor shall provide 174.3 AAHUs to compensate for the unavoidable, project-related loss of forested lands. The Service, National Marine Fisheries Service, Louisiana Department of Wildlife and Fisheries, and Louisiana Department of Natural Resources should be consulted regarding the adequacy of any proposed alternative mitigation sites.

2. The protocol to identify and prioritize borrow sources provided in our August 7, 2006, Planning-aid letter (attached) should be utilized as a guide for locating future borrow-sites and expanding existing sites.

3. Any proposed change in borrow site features, locations or plans shall be coordinated in advance with the Service, NMFS, LDWF, and LDNR.

4. If a proposed borrow site is changed significantly or excavation is not implemented within one year, we recommend that the Corps notify the contractor to reinitiate coordination with David Castellanos (337/291-3112) of this office to ensure that the proposed project would not adversely affect any federally listed threatened or endangered species or their habitat.

Sincerely,

James F. Boggs
Supervisor
Louisiana Field Office

cc: Ms. Danielle Tommaso, CEMVN, New Orleans, LA
EPA, Dallas, TX
NMFS, Baton Rouge, LA
LA Dept. of Wildlife and Fisheries, Baton Rouge, LA
LA Dept. of Natural Resources (CMD/CRD), Baton Rouge, LA

LITERATURE CITED

Louisiana Coastal Wetlands Conservation and Restoration Task Force and the Wetlands Conservation and Restoration Authority. 1998. Coast 2050: Towards a Sustainable Coastal Louisiana. Louisianan Department of Natural Resources. Baton Rouge, LA. 161 p.

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701

August 12, 2009 F/SER46/RH:jk
225/389-0508

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

Dear Mr. Owen:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the draft **Individual Environmental Report (IER) #29** titled "Contractor Furnished Borrow Material #4; Orleans, St. John the Baptist and St. Tammany Parishes, Louisiana." The draft IER evaluates and quantifies the impacts associated with the use of three contractor-furnished borrow sites to restore levees to the 100-year level of hurricane protection.

NMFS has reviewed the draft IER and agrees that none of the borrow sites are located in areas classified as essential fish habitat or supportive of marine fishery resources. As such, we have no comments to provide on the draft IER.

We appreciate the opportunity to review and comment on the draft IER.

Sincerely,

for Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

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

United States Department of Agriculture

NRCS

Natural Resources Conservation Service
3737 Government Street
Alexandria, LA 71302

318-473-7757
318-473-7603

August 17, 2009

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

Dear Mr. Owen;

Re: IER#29 Pre-approved Contractor Furnished Borrow Material #4 Orleans, St. John the Baptist and St. Tammany Parishes

I am in receipt of your request for comments relative to the IER#29 Pre-approved Contractor Furnished Borrow Material #4 - Orleans, St. John the Baptist and St. Tammany Parishes, Louisiana. I have reviewed the impacts to prime or unique farmland or farmland of state wide importance.

The Farmland Protection Policy Act (FPPA)—Subtitle I of Title XV, Section 1539-1549 final rules and regulations were published in the Federal Register on June 17, 1994. These rules state that projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency. For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance.

(1) The term "farmland" includes all land defined as follows:

(A) Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion, as determined by the Secretary. Prime farmland includes land that possesses the above characteristics but is being used currently to produce live stock and timber. It does not include land already in or committed to urban development or water storage;

(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.

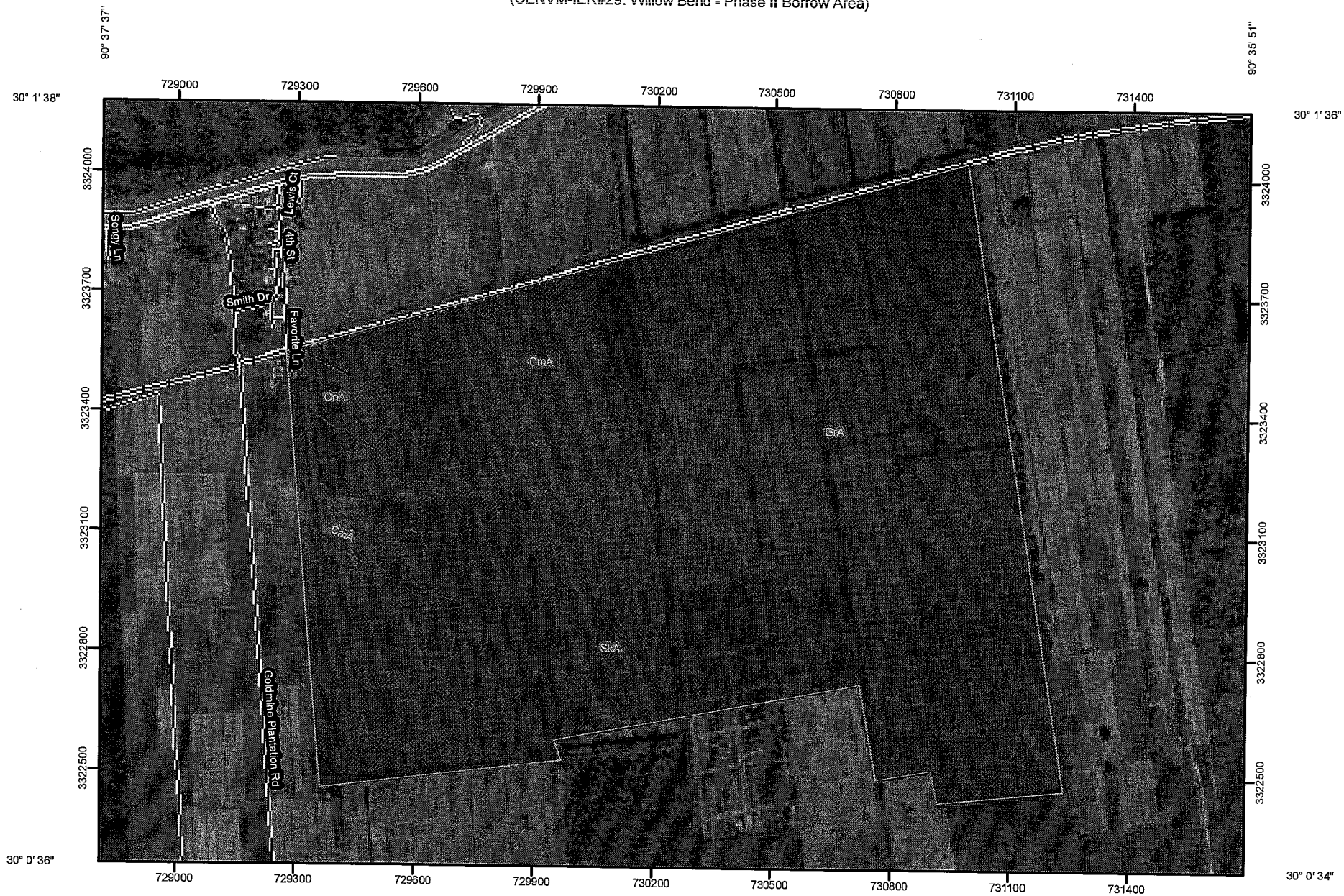
Also be mindful that the purpose of this subtitle is to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses. We are confident the U.S. Army Corps of Engineers will do their part to preserve this valuable natural resource.

Respectfully;

Jerry J. Daigle
State Soil Scientist

Attachments

Farmland Classification—St. John the Baptist Parish, Louisiana
(CENVM-IER#29: Willow Bend - Phase II Borrow Area)



Map Scale: 1:13,700 if printed on A size (8.5" x 11") sheet.

N

Meters: 0 150 300 600 900

Feet: 0 500 1,000 2,000 3,000

USDA Natural Resources Conservation Service

Web Soil Survey
National Cooperative Soil Survey

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 subsoiled, 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: 1:13,700 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: UTM Zone 15N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: St. John the Baptist Parish, Louisiana
Survey Area Data: Version 8, Jun 19, 2009

Date(s) aerial images were photographed: 1998

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Farmland Classification

Farmland Classification— Summary by Map Unit — St. John the Baptist Parish, Louisiana				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
CmA	Cancienne silt loam, 0 to 1 percent slopes	All areas are prime farmland	33.2	6.0%
CnA	Cancienne silty clay loam, 0 to 1 percent slopes	All areas are prime farmland	7.1	1.3%
GrA	Gramercy silty clay, 0 to 1 percent slopes	All areas are prime farmland	311.9	56.0%
SkA	Schriever clay, 0 to 1 percent slopes	All areas are prime farmland	204.4	36.7%
Totals for Area of Interest			**556.6**	**100.0%**

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

Farmland Classification—Orleans Parish, Louisiana
(CENVM-IER#29: Eastover Phase II)

Map Scale: 1:7,010 if printed on A size (8.5" x 11") sheet.

N

Meters: 0 50 100 200 300

Feet: 0 250 500 1,000 1,500

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 subsoiled, 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" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: UTM Zone 16N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Orleans Parish, Louisiana
Survey Area Data: Version 6, Oct 10, 2008

Date(s) aerial images were photographed: 9/20/2007

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Farmland Classification

Farmland Classification— Summary by Map Unit — Orleans Parish, Louisiana				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ae	Allemands muck, drained	Not prime farmland	37.5	25.6%
Ha	Harahan clay	All areas are prime farmland	100.0	68.3%
W	Water	Not prime farmland	9.0	6.2%
Totals for Area of Interest			**146.5**	**100.0%**

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

Farmland Classification—St Tammany Parish, Louisiana
(CEMVN-IER#29: Tammany Holding - Phase II Borrow Area)

MAP 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 subsoiled, 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

Water Features

- Oceans
- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

MAP INFORMATION

Map Scale: 1:14,500 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: UTM Zone 16N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: St Tammany Parish, Louisiana
Survey Area Data: Version 5, Apr 13, 2007

Date(s) aerial images were photographed: 9/20/2007

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Farmland Classification

Farmland Classification— Summary by Map Unit — St Tammany Parish, Louisiana				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ad	Allemands muck, drained	Not prime farmland	413.2	59.4%
Ha	Harahan clay	All areas are prime farmland	254.7	36.6%
Mt	Myatt fine sandy loam	Not prime farmland	27.2	3.9%
Totals for Area of Interest			**695.0**	**100.0%**

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

BOBBY JINDAL
GOVERNOR

State of Louisiana

ROBERT J. BARHAM
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF WILDLIFE

JIMMY L. ANTHONY
ASSISTANT SECRETARY

August 20, 2009

Mr. Gib Owen
Planning, Programs, and Project Management Division
United States Army Corps of Engineers
P. O. Box 60267
New Orleans, LA 70160-0267

RE: *Application Number: IER # 29 Contractor Furnished Borrow Material #4*
Applicant: U. S. Army Corps of Engineers-New Orleans District
Public Notice Date: July 22, 2009

Dear Mr. Owen:

The professional staff of the Louisiana Department of Wildlife and Fisheries (LDWF) has reviewed the above referenced Public Notice. Based upon this review, the following has been determined:

> The public notice indicates that all three (3) proposed borrow sites may affect adjacent jurisdictional wetlands by "changing the hydrology and nutrient dynamics in the vicinity." Applicants shall provide adequate and appropriate mitigation not only for direct impacts, but also for indirect impacts to wetland functions.
>
> The Willow Bend Phase II site is located in an undeveloped area with forested wetland areas located immediately south of the proposed borrow area. LDWF believes that excavating > 500 acres of uplands, in such close proximity to forested wetlands, will indirectly affect the wetlands by altering existing hydrology. Therefore LDWF recommends that the Army Corps of Engineers work with the regulatory agencies to quantify possible indirect impacts and then determine appropriate avoidance, minimization, and/or mitigation measures.
>
> LDWF does not have the same concerns with the Eastover Phase II and Tammany Holding sites, as they are located within developed areas and less likely to affect forested wetlands.

The Louisiana Department of Wildlife and Fisheries appreciates the opportunity to review and provide recommendations to you regarding this proposed activity. Please do not hesitate to

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

United States Department of the Interior

FISH AND WILDLIFE SERVICE
646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506

August 20, 2009

Colonel Alvin B. Lee
District Engineer
U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Colonel Lee:

The U.S. Fish and Wildlife Service (Service) has reviewed the July 22, 2009, draft Individual Environmental Report (IER), "Contractor Furnished Borrow Material # 4, Orleans, St. John the Baptist, and St. Tammany Parishes, Louisiana" (IER #29), transmitted to our office via a letter from Ms. Joan M. Exnicios, Chief of your Environmental Planning and Compliance Branch. That study addresses impacts resulting from the excavation of borrow material at several sites that will be used to increase hurricane protection within the Greater New Orleans area located in southeast Louisiana. Work associated with that IER is being conducted in response to Public Law 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Supplemental 4). That law authorized the U.S. Army Corps of Engineers (Corps) to upgrade two existing hurricane protection projects (i.e., Westbank and Vicinity of New Orleans and Lake Pontchartrain and Vicinity) in the Greater New Orleans area to provide protection against a 100-year hurricane event. The Service submits the following comments in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and the National Environmental Policy Act of 1969 (83 Stat. 852, as amended; 42 U.S.C. 4321- 4347).

The IER is well-written and provides a good description of fish and wildlife resources in the project area and project impacts on those resources. Bottomland hardwood (BLH) forest in the project area provides habitat for Federal trust species including wading birds and neotropical migrants. The proposed project would impact BLH; however, the Corps has indicated that mitigation for all impacts will be implemented.

As indicated in the IER, there is a potential for hydrologic modifications caused by borrow material excavation at the Willow Bend site to impact nearby, jurisdiction wetlands located outside of the project area. A reduction or interception of rainfall runoff could result in a decrease in downstream jurisdictional wetlands by conversion into less hydric habitat types. These effects may be difficult to describe and quantify; however, potential impacts due to hydrology modifications caused by borrow material excavation should be discussed here and in future borrow IERs because of the close proximity of wetlands, and other fish and wildlife habitat, to some proposed borrow sites. Therefore, the Service recommends an investigation to

determine the extent of potential hydrologic changes due to borrow excavation. The Service would be pleased to participate in the effort.

The Service thus far does not object to the proposed features in IER #29. Thank you for the opportunity to provide comments on the draft IER. If you or your staff has any questions regarding our comments, please contact David Castellanos (337-291-3112) of this office.

Sincerely,

James F. Boggs
Supervisor
Louisiana Field Office

cc: Ms. Danielle Tommaso, CEMVN-PM-RS, New Orleans, LA
EPA, Dallas, TX
NMFS, Baton Rouge, LA
LA Dept. of Wildlife and Fisheries, Baton Rouge, LA
LA Dept. of Natural Resources (CMD), Baton Rouge, LA
OCPR, Baton Rouge, LA

-----Original Message-----
From: Diane Hewitt
Sent: Wednesday, August 26, 2009 10:29 AM
To: Owen, Gib A MVN
Subject: DEQ SOV:90728/1855 USACE DRAFT IER #29

August 26, 2009

Gib Owen, USACE
CEMVN-PM-RS
P.O. Box 60267
New Orleans, LA 70160-0267
gib.a.owen@usace.army.mil

RE:
90728/1855 USACE DRAFT IER #29
Notice of Availability & Draft FONSI
St. John the Baptist, St. Tammany
Parishes

Dear Mr. Owen:

The Department of Environmental Quality (LDEQ), Offices of Environmental Assessment and Environmental Services have received your request for comments on the above referenced project. Please take any necessary steps to obtain and/or update all necessary approvals and environmental permits regarding this proposed project.

There were no objections based on the information in the document submitted to us. However, the following comments have been included below. Should you encounter a problem during the implementation of this project, please notify LDEQ's Single-Point-of-contact (SPOC) at (225) 219-3640.

The Office of Environmental Services/Permits Division recommends that you investigate the following requirements that may influence your proposed project:

* If your project results in a discharge to waters of the state, submittal of a Louisiana Pollutant Discharge Elimination System (LPDES) application may be necessary.
* If the project results in a discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify its LPDES permit before accepting the additional wastewater.
* LDEQ has stormwater general permits for construction areas equal to or greater than one acre. It is recommended that you contact the LDEQ Water Permit Division at (225) 219-3181 to determine if your proposed improvements require one of these permits.
* All precautions should be observed to control nonpoint source pollution from construction activities.
* If any of the proposed work is located in wetlands or other areas subject to the jurisdiction of the U.S. Army Corps of Engineers, you should contact the Corps directly to inquire about the possible necessity for permits. If a Corps permit is required, part of the

application process may involve a water quality certification from LDEQ.

* All precautions should be observed to protect the groundwater of the region.
* Please be advised that water softeners generate wastewaters that may require special limitations depending on local water quality considerations. Therefore if your water system improvements include water softeners, you are advised to contact the LDEQ Water Permits to determine if special water quality-based limitations will be necessary.
* Any renovation or remodeling must comply with LAC 33:III.Chapter 28.Lead-Based Paint Activities, LAC 33:III.Chapter 27.Asbestos-Containing Materials in Schools and State Buildings (includes all training and accreditation), and LAC 33:III.5151.Emission Standard for Asbestos for any renovations or demolitions.
* If any solid or hazardous wastes, or soils and/or groundwater contaminated with hazardous constituents are encountered during the project, notification to LDEQ's Single-Point-of-Contact (SPOC) at (225) 219-3640 is required. Additionally, precautions should be taken to protect workers from these hazardous constituents.

Currently, St. John the Baptist and St. Tammany Parishes are classified as attainment parishes with the National Ambient Air Quality Standards for all criteria air pollutants.

Please forward all future requests to Ms. Diane Hewitt, LDEQ/Performance Management/ P.O. Box 4301, Baton Rouge, LA 70821-4301, and your request will be processed as quickly as possible.

If you have any questions, please feel free to contact me at (225) 219-4079 or by email at diane.hewitt@la.gov. Permitting questions should be directed to the Office of Environmental Services at (225) 219-3181.

Sincerely,

Diane Hewitt
LDEQ/Community and Industry Relations
Business and Community Outreach Division Office of the Secretary P.O. Box 4301 (602 N. 5th Street) Baton Rouge, LA 70821-4301
Phone: 225-219-4079
Fx: 225-325-8208
Email: diane.hewitt@la.gov

United States Department of the Interior

FISH AND WILDLIFE SERVICE
646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506

September 3, 2009

Colonel Alvin B. Lee
District Engineer
U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Colonel Lee:

Please reference the Individual Environmental Report (IER) 29, entitled "Pre-approved Contractor Furnished Borrow Material #4, Orleans, St. Charles, St. John the Baptist, and St. Tammany Parishes, Louisiana." That IER addresses impacts resulting from the excavation of government-furnished borrow sites which will be used to increase hurricane protection within the Greater New Orleans area located in southeast Louisiana. Work associated with that IER is being conducted in response to Public Law 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Supplemental 4). That law authorized the Corps of Engineers (Corps) to upgrade the Westbank and Vicinity of New Orleans and Lake Pontchartrain and Vicinity hurricane protection projects in the Greater New Orleans area to provide protection against a 100-year hurricane event. This draft report contains an analysis of the impacts on fish and wildlife resources that would result from excavation of those borrow sites and provides recommendations to minimize and/or mitigate project impacts on those resources.

The proposed project was authorized by Supplemental 4 which directed the Corps to proceed with engineering, design, and modification (and construction where necessary) of the Lake Pontchartrain and Vicinity and the West Bank and Vicinity Hurricane Protection Projects so those projects would provide 100-year hurricane protection. Procedurally, project construction has been authorized in the absence of the report of the Secretary of the Interior that is required by Section 2(b) of the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.). In this case, the authorization process has prevented our agencies from following the normal procedures for fully complying with the FWCA. The FWCA requires that our Section 2(b) report be made an integral part of any report supporting further project authorization or administrative approval. Therefore, to fulfill the coordination and reporting requirements of the FWCA, the U.S. Fish and Wildlife Service (Service) will be providing post-authorization 2(b) reports for individual IERs.

This final report incorporates and supplements our FWCA Reports that addressed impacts and mitigation features for the Westbank and Vicinity of New Orleans (dated November 10, 1986, August 22, 1994, November 15, 1996, and June 20, 2005) and the Lake Pontchartrain and Vicinity Hurricane (dated July 25, 1984, and January 17, 1992) Protection projects. It also supplements our August 7, 2006, Planning-aid Letter to the Corps providing recommendations for minimizing impacts to fish and wildlife resources from borrow site selection and use. This report constitutes the report of the

Secretary of the Interior as required by Section 2(b) of the FWCA. It has been provided to the Louisiana Department of Wildlife and Fisheries and the National Marine Fisheries Service, and their comments, if any, have been incorporated into the report.

DESCRIPTION OF THE STUDY AREA

The study area is primarily located within the Mississippi River Deltaic Plain of the Lower Mississippi River Ecosystem. Portions of Orleans, St. Charles, St. John the Baptist, and St. Tammany Parishes are included in the study area. Higher elevations occur on the natural levees of the Mississippi River and its distributaries. Developed lands are primarily associated with natural levees, but extensive wetlands have been leveed and drained to accommodate residential, commercial, and agricultural development. Federal, State, and local levees have been installed for flood protection purposes, often with negative effects on adjacent wetlands. Navigation channels such as the Gulf Intracoastal Waterway and the Mississippi River – Gulf Outlet are also prominent landscape features, as are extensive oil and gas industry access channels and pipeline canals. Extensive wetlands and associated shallow open waters dominate the landscape outside the flood control levees. Major water bodies include Lake Pontchartrain located north of the project area, the Mississippi River which bisects the project area, and Lake Borgne which is located on the eastern edge of the project area.

FISH AND WILDLIFE HABITATS AND RESOURCES

Habitat types at and in the vicinity of the borrow sites include forested wetlands (i.e., bottomland hardwoods and/or swamps), non-wet bottomland hardwoods, scrub-shrub, marsh, open water, and developed areas. Due to urban development and a forced-drainage system within the levee system, the hydrology of much of the forested habitat has been altered. The forced-drainage system has been in operation for many years, and subsidence is evident throughout the area.

Wetlands (forested, marsh, and scrub-shrub) within the study area provide plant detritus to adjacent coastal waters and thereby contribute to the production of commercially and recreationally important fishes and shellfishes. Wetlands in the project area also provide valuable water quality functions such as reduction of excessive dissolved nutrient levels, filtering of waterborne contaminants, and removal of suspended sediment. In addition, coastal wetlands buffer storm surges reducing their damaging effect to man-made infrastructure within the coastal area.

Factors that will strongly influence future fish and wildlife resource conditions include freshwater input and loss of coastal wetlands. Depending upon the deterioration rate of marshes, the frequency of occasional short-term saltwater events may increase. Under that scenario, tidal action in the project area may increase gradually as the buffering effect of marshes is lost, and use of that area by estuarine-dependent fishes and shellfish tolerant of saltwater conditions would likely increase. Regardless of which of the above factors ultimately has the greatest influence, freshwater wetlands within and adjacent to the project area will probably experience losses due to development, subsidence, and erosion.

Forested wetlands in the area are divided into two major types; bottomland hardwood forests and cypress-tupelo swamps. Bottomland hardwood forests are found at higher elevations (Mississippi River and former distributary channel levees) in the project area, while cypress-tupelo swamps are

located along the flanks of larger distributary ridges as a transition zone between bottomland hardwoods and lower-elevation marsh, scrub-shrub habitats, or open water.

Non-wet bottomland hardwoods within the project area also provide habitat for wildlife resources. Between 1932 and 1984, the acreage of bottomland hardwoods in Louisiana declined by 45 percent (Rudis and Birdsey 1986). By 1970, Jefferson Parish was classified as entirely urban or nonforested in the U.S. Forest Service's forest inventory with most of this loss resulting from development within non-wet areas inside the hurricane protection levees. A large percentage of the original bottomland hardwoods within the Mississippi River floodplain acreage in the Deltaic Plain are located within a levee system, especially those at higher elevations. However, losses of that habitat type are not regulated or mitigated with the exception of impacts resulting from Corps projects as required by Section 906(b) of the Water Resources Development Act of 1986.

Dead-end canals and small bayous are typically shallow and their bottoms may be filled in to varying degrees with semi-fluid organic material. Drainage canals enclosed within the hurricane protection projects or within developed areas are stagnant except when pumps are operating to remove rain water. Runoff from developed areas has likely reduced the habitat value of that aquatic habitat by introducing various urban pollutants, such as oil, grease, and excessive nutrients. Clearing and development has eliminated much of the riparian habitat that would normally provide shade and structure for many aquatic species.

Some of the waterbodies in the project area meet criteria for primary and secondary contact recreation and partially meet criteria for fish and wildlife propagation; while others do not meet the latter criteria. Causes for not fully meeting fish and wildlife propagation criteria include excessive nutrients, organic enrichment, low dissolved oxygen levels, flow and habitat alteration, pathogens and noxious aquatic plants. Sources of those problems include hydromodification, habitat modification, recreational activities, and unspecified upstream inputs. Municipal point sources, urban runoff, storm sewers, and onsite wastewater treatment systems are also known contributors to poor water quality in the area.

Developed habitats in the study area include residential and commercial areas, as well as roads and existing levees. Those habitats do not support significant wildlife use. Most of the development is located on higher elevations of the project area; however, vast acreages of swamp and marsh have been placed under forced drainage systems and developed. A smaller acreage of wetlands has been filled for development. Agricultural lands occur throughout the area; agriculture includes sugarcane farming, cattle production, and haying.

Endangered and Threatened Species

To aid the Corps in complying with their proactive consultation responsibilities under the Endangered Species Act (ESA), the Service provided a list of threatened and endangered species and their critical habitats within the coastal parishes of the New Orleans District. Private contractors have conducted ESA consultation on each borrow site as they were identified and determined that, at this time, no threatened or endangered species or their critical habitat were located within any proposed borrow site. If a proposed borrow site is changed significantly or relocated, or excavation is not implemented within 1 year, we recommend that the Corps request that the contractor reinitiate coordination with this office to ensure that the proposed project would not adversely affect any Federally listed threatened or

endangered species or their habitat.

Future Fish and Wildlife Resources

The combination of subsidence and sea level rise results in higher water levels, stressing most non-fresh marsh plants and forested wetlands leading to plant death and conversion to open water. Other major causes of wetland losses within the study area include altered hydrology, storms, saltwater intrusion (caused by marine processes invading fresher wetlands), shoreline erosion, herbivory, and development activities including the direct and indirect impacts of dredge and fill (Louisiana Coastal Wetlands Conservation and Restoration Task Force and the Wetlands Conservation and Restoration Authority 1998). The continued conversion of wetlands and forested habitats to open water or developed land represents the most serious fish and wildlife-related problem in the study area. Habitat losses could be expected to cause declines in the area's carrying capacity for migratory waterfowl, wading birds, other migratory birds, alligators, furbearers, and game mammals.

ALTERNATIVES UNDER CONSIDERATION

The proposed borrow sites have been located in areas that minimize impacts to wetlands and impacts to non-wet bottomland hardwoods have also been avoided to the extent practicable. Use of adjacent borrow, the typical construction method, has been limited because of soil conditions (i.e., insufficient clay content), thus impacts resulting from expansion of borrow sites into wetlands has been avoided in some areas.

PROJECT IMPACTS

Excavation of borrow sites would result in the conversion of terrestrial habitat into open-water areas. Because agricultural, pasture, cleared land habitats have a reduced value to fish and wildlife resources and are not a declining or limited habitat type, impacts associated with conversion of those habitats to open-water were quantified only by acreage as part of the total site. The land type and acreage of each proposed borrow site is listed below (Table 1). Jurisdictional wetlands were determined by the Corps regulatory program. It has been determined that the IER 29 borrow sites do not contain any jurisdictional wetlands; however, the Willow Bend Phase II site does contain non-wet bottomland hardwood (BLH); therefore, mitigation would be required.

As indicated in the IER, there is a potential for hydrologic modifications caused by borrow material excavation at the Willow Bend site to impact nearby, jurisdiction wetlands located outside of the project area. A reduction or interception of rainfall runoff could result in a decrease in downstream jurisdictional wetlands by conversion into less hydric habitat types. These effects may be difficult to describe and quantify; however, potential impacts due to hydrology modifications caused by borrow material excavation should be discussed here and in future borrow IERs because of the close proximity of wetlands, and other fish and wildlife habitat, to some proposed borrow sites. Therefore, the Service recommends an investigation to determine the extent of potential hydrologic changes due to borrow excavation. The Service would be pleased to participate in the effort. To further protect jurisdictional wetlands located near the project area, the Service recommends the designation of a 100 foot "no excavation" buffer zone between the jurisdictional wetlands and the borrow site to help preserve the water quality of the wetlands.

FISH AND WILDLIFE CONSERVATION MEASURES

To minimize wetland and bottomland hardwood impacts, the Service recommends that prior to utilizing borrow sites, every effort should be made to reduce impacts by using sheetpile, floodwalls, geotextile, or some combination thereof, to increase levee heights wherever feasible. In addition, the Service recommends that the previous protocol to identify and prioritize borrow sources provided in our August 7, 2006, Planning-aid letter should continue to be utilized as a guide in locating future borrow-sites.

MITIGATION MEASURES

The President's Council on Environmental Quality defined the term "mitigation" in the National Environmental Policy Act regulations to include:

(a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and (e) compensating for the impact by replacing or providing substitute resources or environments.

The Service supports and adopts this definition of mitigation and considers its specific elements to represent the desirable sequence of steps in the mitigation planning process. Based on current and expected future without-project conditions, the planning goal of the Service is to develop a balanced project, i.e., one that is responsive to demonstrated hurricane protection needs while addressing the co-equal need for fish and wildlife resource conservation.

The Service's Mitigation Policy (Federal Register, Volume 46, No. 15, January 23, 1981) identifies four resource categories that are used to ensure that the level of mitigation recommended by Service biologists will be consistent with the fish and wildlife resource values involved. Considering the high value of forested areas (wet and non-wet) and marsh for fish and wildlife and the relative scarcity of that habitat type, those wetlands are usually designated as Resource Category 2 habitats, the mitigation goal for which is no net loss of in-kind habitat value. Degraded bottomland hardwood forest (e.g. dominated by exotic species) and any wet pastures that may be impacted, however, are placed in Resource Category 3 due to their reduced value to wildlife, fisheries and lost/degraded wetland functions. The mitigation goal for Resource Category 3 habitats is no net loss of habitat value.

The Service used the Habitat Assessment Methodology (HAM) to quantify the impacts to forested habitats. Those habitat assessment models utilized in this evaluation are modified from those developed in the Service's Habitat Evaluation Procedures (HEP). However, both models are community-level evaluations instead of the species-based approach used with HEP. For each habitat type, those models define an assemblage of variables considered important to the suitability of an area to support a diversity of fish and wildlife species (Louisiana Department of Natural Resources 1994; U.S. Fish and Wildlife Service 1980). A Habitat Suitability Index (HIS) is calculated from all of the model variables to represent the overall value of the wetland habitat quality. The product of an HIS value and the acreage of available habitat for a given target year is known as the Habitat Unit (HU),

and is the basic unit for measuring project effects on fish and wildlife habitat. HUs are annualized over the project life to determine the Average Annual Habitat Units (AAHUs) available for each habitat type. The change (increase or decrease) in AAHUs for the future with-project scenario, compared to the future without-project conditions, provides a measure of anticipated impacts. A net gain in AAHUs indicates that the project is beneficial to the fish and wildlife community within that habitat type; a net loss of AAHUs indicates that the project would adversely impact fish and wildlife resources. Further explanation of how impacts/benefits are assessed and an explanation of the assumptions affecting the HSI values for each target year are available for review at Service's Lafayette, Louisiana, field office.

Table 1: Contractor-furnished Borrow Sites

Site	Parish	Total Site Area (acres)	BLH Habitat Impacted (acres)	AAHUs Lost
Eastover Phase II	Orleans	113	31.1	6.5
Tammany Holding Corporation	St. Tammany	291	0	0
Willow Bend Phase II	St. John the Baptist	496	76.2	42.1
Total		900	107.3	48.6

SERVICE POSITION AND RECOMMENDATIONS

Excavation of borrow sites would result in the loss of 107.3 acres of bottomland hardwoods for a total loss of 48.6 AAHUs. The Service does not object to the use of the proposed borrow sites provided the following fish and wildlife recommendations are implemented concurrently with project implementation:

1. The private contractor shall provide 48.6 AAHUs to compensate for the unavoidable, project-related loss of forested lands. Such compensation can be obtained from any approved mitigation bank. Verification of purchased mitigation credits should be provided to the Service by the mitigation banker. The Service, National Marine Fisheries Service, Louisiana Department of Wildlife and Fisheries, and Louisiana Department of Natural Resources should be consulted regarding the adequacy of any proposed alternative mitigation sites.

2. The protocol to identify and prioritize borrow sources provided in our August 7, 2006, Planning-aid letter (attached) should be utilized as a guide for locating future borrow-sites and expanding existing sites.

3. Any proposed change in borrow site features, locations or plans shall be coordinated in advance with the Service, NMFS, LDWF, and LDNR.

4. Because of the potential for hydrologic modifications caused by borrow material excavation at the Willow Bend site to impact nearby, jurisdictional wetlands outside of the project area, the Service recommends that the Corps conduct an investigation to determine the extent of these potential impacts. The Service also recommends that a buffer zone of at least 100 feet be designated between the borrow site and any jurisdictional wetlands in which no excavation would be allowed.

5. If a proposed borrow site is changed significantly or excavation is not implemented within one year, we recommend that the Corps notify the contractor to reinitiate coordination with David Castellanos (337/291-3112) of this office to ensure that the proposed project would not adversely affect any federally listed threatened or endangered species or their habitat.

Sincerely,

James F. Boggs
Supervisor
Louisiana Field Office

cc: Ms. Danielle Tommaso, CEMVN-PM-RS, New Orleans, LA
EPA, Dallas, TX
NMFS, Baton Rouge, LA
LA Dept. of Wildlife and Fisheries, Baton Rouge, LA
LA Dept. of Natural Resources (CMD/CRD), Baton Rouge, LA

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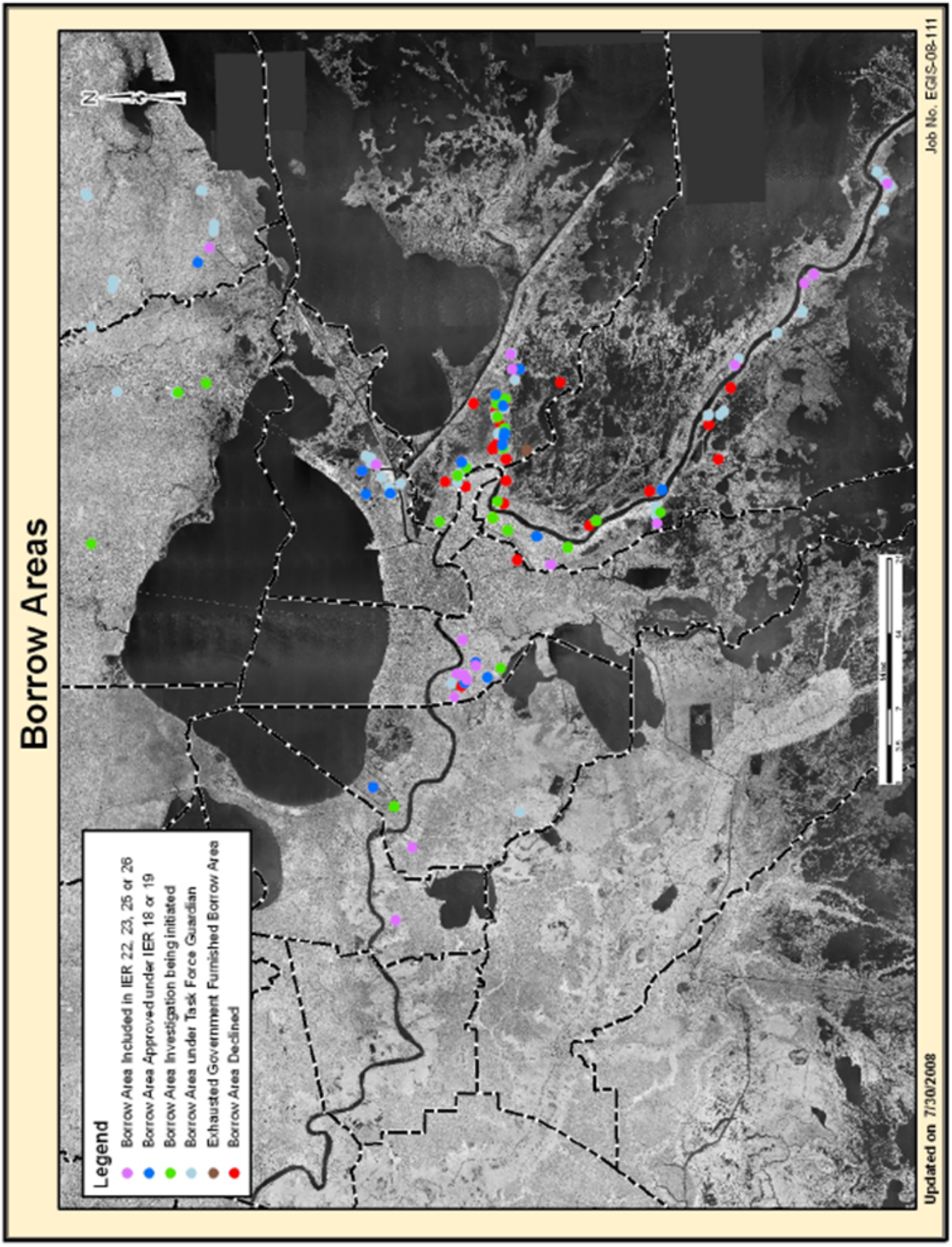
APPENDIX E: CEMVN BORROW AREA INDEX MAP