APPENDIX A Correspondence

Sent By: Port of New Orleans ; 5045283460; SEP.21.2000 10:21AM CEMVD MRC 2ND 601 6347880 SEP-28:00 09:32 AM CECW+01



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DEPARTMENT OF THE ARMY OFFICE OF THE ASSISTANT SECRETARY CIVIL WORKS TOS ARMY PENTAGON WASHINGTON DE 20210-0106 2 0 SEP 2000

ACTIVITY TO

MEMORANDUM FOR THE DEPUTY COMMANDER FOR CIVIL WORKS

SUBJECT: Mississippi River - Guif Outlet, Evaluation Report on Inner Harbor Nevigation Canal Lock Replacement

This responds to your request for approval of Supplement Number 1 to the subject report. I concur in your findings regarding cost sharing as presented in the revised Supplement Number 1, dated September 20, 2000. Supplement Number 1 is approved.

Civil Works)

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Page 3/4

MISSISSIPPI RIVER - GULF OUTLET NEW LOCK AND CONNECTING CHANNELS (INNER HARBOR NAVIGATION CANAL LOCK REPLACEMENT)

EVALUATION REPORT SUPPLEMENT NO. 1 (September 20, 2000)

PURPOSE

The purpose of this supplemental report is to present the justification and rationale for determining the appropriate cost sharing requirements for the Inner Harbor Navigation Canal Lock Replacement Project, formerly entitled "MRGO New Lock and Connecting Channels."

PREVIOUS EVALUATION REPORT

The March 1997 Evaluation Report, approved by HQUSACE in February 1998, contained a recommendation for a deep-draft replacement for the Inner Harbor Navigation Canal Lock. The size of the recommended lock was 110 feet wide by 1209 feet long by 36 feet deep. The new replacement lock will be constructed at a site north of Claiborne Avenue using prefabricated, floated-in construction methods.

The cost sharing requirements in the 1997 Evaluation Report were based on the premise that the Federal Government and the Inland Waterway Trust Fund would assume the cost of the National Economic Development (NED) Plan and a willing non-Federal partner would assume the incremental costs over the NED Plan. The economic analyses performed for the Evaluation Report determined that the NED Plan was a shallow draft lock. The size of that lock was 110 feet wide by 900 feet long by 22 feet deep. Since the incremental costs of the deep and shallow draft locks were insufficient to offset the incremental costs of the deep draft lock, Federal policy is that the additional costs over the NED Plan become a non-Federal cost.

The deep draft lock is widely supported over a shallow draft lock. The Board of Commissioners of the Port of New Orleans stated that they would agree to be solely responsible for the cost of the construction, operation, maintenance, repair, rehabilitation and replacement of the deep draft increment. The deep-draft lock was recommended in the 1997 Evaluation Report because it was strongly supported, provided more shallow draft benefits than the NED Plan as well as deep draft benefits, and produced many secondary benefits to the regional and local economy.

In the report, the NED Plan was estimated to cost \$463,100,000. Approximately \$23,000,000 in utility relocations had been determined to be non-compensable and therefore would be paid for by the utility owners. Of the remaining \$440,100,000, 50%,

or \$220,050,000, would come from Federal appropriated funds and the other 50% would come from the Inland Waterway Trust Fund. The replacement (recommended and locally preferred) plan was estimated to cost \$531,400,000, or an increase of \$68,300,000 over the NED Plan. This incremental cost would be borne by the Port of New Orleans under the provisions of the 1997 Evaluation Report.

The Port of New Orleans owns most of the real estate interests required for the project. The rights-of-way requirements are identical under both the NED and locally preferred plan. The Federal government would be responsible for acquiring the rights-of-way as part of the NED Plan. The Corps of Engineers in the 1997 Evaluation Report agreed that the Port of New Orleans could provide its real estate interests as an "in lieu of cash" contribution towards its required share of the locally preferred replacement plan.

The 1997 Evaluation Report, in the Syllabus in the front of Volume 1, contained a statement that "... The Port of New Orleans owns the real estate required for this project and will be given credit¹ for these lands, presently estimated at \$45,200,000, towards their requirement for this project." Using the \$45.2 million figure cited in Volume 1 of the Report, the Port's required cash contribution toward the deep draft increment would have been \$23.1 million. The Port has stated that it used that figure to prepare their financial plan to support this project. Unfortunately, that statement in the Syllabus was in error. The Report, when read in its entirety, makes it clear the figure set forth in the Syllabus is in error. The Real Estate appendix to the Evaluation Report, Volume 8, did have the correct numbers and showed that the \$45.2 million figure represented a gross appraisal of the fair market value of the entire real estate interests to be acquired for the project. That figure included a gross appraisal of the fair market value attributable to the real estate interests of the Coast Guard and other businesses along the existing IIINC, and other landowners, as well as administrative costs and a 25% contingency. The Port of New Orleans would not have been entitled to include the fair market value of these real. estate interests in the calculation of its "in lieu of cash" contribution towards the cost of the deep draft increment of the replacement plan. Rather, the gross appraisal of the fair market value of the Port's real estate interests amounted to approximately \$25 million. which meant that in 1997 the Corps anticipated that the Port of New Orleans would have to make an estimated cash payment of \$43.3 million for the balance of the incremental cost between the shallow draft and deep draft plans.

Due to the physical deterioration and discontinued use of the Galvez St. Wharf, the value of the real estate interests owned by the Port of New Orleans is presently estimated to be \$16.73 million. The Port of New Orleans has agreed to accept \$16.73 million for their real estate interests upon approval of this supplemental report.

¹ Although the Report used the word "credit", it is understood and agreed that the Port's provision of its real estate interests would constitute an "in lieu of cash" contribution towards its share.

PROJECT AUTHORIZATION

The original cost-sharing premise in the 1997 Evaluation Report was based on a willing and capable non-Federal governmental entity contributing all of the costs in excess of the NED Plan costs. This analysis did not take into account the specific statutes authorizing this project which envisioned that the lock would be replaced in-kind by another deep draft lock, and that the costs of that project would be allocated between inland and general cargo (deep draft) navigation based on use.

The replacement of the existing lock was authorized by the River and Harbor Act of March 29, 1956 (Public Law 455 of the Eighty-fourth Congress, 70 Stat. 65). This statute states that: "Provided that when economically justified by obsolescence of the existing lock or by increased traffic, replacement of the existing lock or an additional lock with suitable connections is hereby approved to be constructed in the vicinity of Meraux, Louisiana, with type, dimensions, and cost estimates to be approved by the Chief of Engineers."

In addition, Section 844 of the Water Resources Development Act (WRDA) of 1986 (Public law 662, 99th Congress) modified the 1956 authorization to "provide that the replacement and expansion of the existing industrial lock and connecting channels or construction of an additional lock and connecting channel shall be in the area of the existing lock or at the Violet site, at a cost of \$714,000,000." Section 844 further specifies that "the cost of such modifications shall be allocated between general cargo navigation and inland navigation based on use patterns determined by the Secretary. Of the costs allocated to inland navigation, one-half of the Federal costs shall be paid from the Inland Waterway Trust Fund and one-half of the Federal costs shall be paid from the General Fund of the Treasury. With respect to the costs allocated to general cargo navigation, cost sharing provided in section 101 shall apply."

Based on a review of both the 1956 and 1986 authorizations it has been determined that the Congress authorized a deep-draft replacement lock – one serving both general cargo navigation and inland navigation needs.

As previously mentioned, the original authorization for this project, the 1956 River and Harbor Act, Public Law 455, called for a replacement of the existing lock when economically justified by obsolescence of the existing lock or by increased traffic. The replacement lock had an overall benefit cost ratio of 1.75 to 1 in the Evaluation Report (2.2 to 1 at present price levels). Since the existing lock is considered a deep-draft lock, it is clear that in enacting this law, Congress intended a replacement in kind, i.e., that the existing lock be replaced with another deep-draft lock.. Section 844 of WRDA 1986 specified the cost sharing for the replacement lock. Under this statute, costs allocated to inland navigation will be cost shared in accordance with Sections 102 and 844 of WRDA 1986, while costs allocated to general cargo navigation will be cost shared in accordance with the requirements in Section 101 of WRDA 1986. More detailed information concerning the revised cost sharing requirements for this project is set forth in subsequent paragraphs.

COST SHARING

As previously stated, Section 844 of WRDA 1986, one of the authorizations for the project, addresses the cost sharing for this project. Specifically it states "the costs of such modifications shall be allocated between general cargo navigation and inland navigation based on use patterns determined by the Secretary. Of the costs allocated to inland navigation, one-half of the Federal costs shall be paid from the Inland Waterway Trust Fund and one-half of Federal costs shall be paid from the General Fund of the Treasury. With respect to the costs allocated to general cargo navigation, cost sharing provided in Section 101 shall apply." Section 101 of WRDA 1986 provides for cost sharing of harbors and all costs allocated to general cargo navigation must be cost shared according to Section 101. The rationale for determining the cost allocation based on "use patterns" as required by Section 844 of WRDA 1986 is described as follows:

Initially, the lock size was optimized based on existing and projected use patterns as necessary to maximize net NED benefits. Accordingly, the optimum lock size was identified as a shallow draft lock with dimensions of 110 feet wide by 900 feet long by 22 feet deep. Since the optimum lock size was a shallow draft lock, all costs required to construct the shallow draft lock would be allocated to inland navigation and cost shared in accordance with Sections 102 and 844 of WRDA 1986. A deep draft lock necessary to replace the existing deep draft lock was then sized to best meet long term navigation needs and "use patterns" for the area. The size for the deep draft lock was determined to be 110 feet wide by 1200 feet long by 36 feet dccp. Accordingly, to comply with the project cost allocation mandated by Section 844 of WRDA 1986, all incremental costs for the deep draft lock in excess of the costs to construct the shallow draft lock are allocated to general cargo navigation and cost shared in accordance with Section 101 of WRDA 1986. The detailed breakdown on how these costs would be allocated between inland navigation and general cargo navigation are described in the paragraphs that follow.

Construction

The cost estimates for the shallow draft plan and the replacement plan, as contained in the March 1997 Evaluation Report, provided the basis for determining cost sharing for the deep draft increment. The lands, easements, rights-of-way, relocations, and disposal areas (LERRD), the utility relocations, and the community impact mitigation costs, as approved in the 1997 Evaluation Report must be deleted from the computations, since all LERRD requirements and the community impact mitigation costs are allocated to the shallow draft plan. In the Evaluation Report, it was shown that the costs for the levees and floodwalls were the same for both plans. Subsequent studies have now shown that these costs are now different. The cost difference is not known at this time, so it can not be pro-rated back to the 1997 timeframe to incorporate into the computations below.

The costs from the N	March 1997 report are summarized below.
Total Project Cost (TPC) - \$531,400,000 (Replacement Plan)
LERRD/Miti	
Total Constru	
Total Project Cost	- \$463,100,000 (Shallow draft plan)
LERRD/Mitig	
Total Constru	
Deep Draft Increme	nt - \$68,300,000 (\$367,900,000 - \$299,600,000)
The cost sharing requ	uirements authorized by Section 844 of the Water Re

deep-draft increment (general cargo navigation) will be cost shared in accordance with the provisions of Section 101 of the Water Resources Development Act of 1986, which requires that the initial costs of construction be shared 75/25 between the Corps and Port of New Orleans, respectively, during construction with an additional 10% of the general navigation feature costs allocated to the deep draft increment to be reimbursed by the Port over a period not to exceed 30-years after completion of construction. This makes the total cost share for the deep draft increment 65/35.

In order to establish a cost sharing allocation between shallow draft plan and deep draft (replacement) plan that does not change over time, percentages must be developed based on the cost estimates contained in the March 1997 report. The methodology for developing these percentages is shown below.

Port of N.O. total cost share = 6.5% of total construction costs (i.e., TPC less LERRD/Mitigation). This figure is derived by the following: \$68,300,000/\$367,900,000* 35% = 6.5%

Port of N.O. cost sharing percentage during construction = 4.64% of the total construction costs (i.e., TPC less LERRD/Mitigation). This figure is derived by the following: \$68,300,000/\$367,900,000 * 25% = 4.64%

Port of N.O. cost sharing percentage repaid over 30 years = 1.86% of the total construction costs (i.e., TPC less LERRD/Mitigation). This figure is derived by the following: 68,300,000/367,900,000 * 10% = 1.86%

Corps cost sharing percentage for the deep draft increment during construction = 13.92% of total construction costs (i.e., TPC less LERRD/Mitigation). This percentage is derived as follows: \$68,300,000/\$367,900,000 * 75% = 13.92%.

All remaining costs are allocated to shallow draft and, excluding the noncompensable relocations, cost shared 50/50 between the Corps and the IWWTF.

Based on the current Incremental Cost Estimate of the replacement plan (Oct 1999 price levels), cost sharing would be distributed as follows:

 TPC =
 \$585,000,000 <u>1</u>/

 LERRD/Mitigation =
 (\$159,335,000 <u>1</u>/

 Construction
 \$425,665,000

1/ Includes an estimated \$24,820,000 in non-compensable relocations (i.e., paid by the owners of the utilities)

Port of N.O. estimated costs during construction = \$19,751,000 (\$425,665,000 * 4.64%)

Port of N.O. estimated costs after construction (repaid over 30 yrs) = \$7,917,000 (\$425,665,000 * 1.86%)

Corps estimated costs during construction:

Deep Draft Increment = \$59,253,000 (\$425,665,000 * 13.92%) Shallow Draft = \$240,588,000 ((\$585,000,000 - \$24,820,000 -\$19,751,000 - \$59,253,000) * 50%) Total Corps = \$299,841,000 (\$59,253,000 + \$240,588,000)

IWWTF estimated cost during construction = \$240,588,000 ((\$585,000,000 - \$24,820,000 - \$19,751,000 - \$59,253,000) * 50%)

Non-compensable estimated relocation costs paid by utility owners = \$24,820,000

TPC = \$585,000,000 (\$19,751,030 + \$299,841,000 + \$240,588,000 + \$24,820,000)

Based on the current Fully Funded Estimate of the replacement plan (Oct 1999 price levels), cost sharing would be distributed as follows:

TPC =	\$690,000,000 1/
LERRD/Mitigation =	(\$172,073,000) 1/
Construction	\$517,927,000

<u>1</u>/ Includes an estimated \$27,700,000 in non-compensable relocations (i.e., paid by the owners of the utilities)

Port of N.O. estimated costs during construction = \$24,032,000 (\$517,927,000 * 4.64%)

Port of N.O. estimated costs after construction (repaid over 30 yrs) = \$9,633,400 (\$517,927,000 * 1.86%)

Corps estimated costs during construction:

Deep Draft Increment = \$72,095,400 (\$517,927,000 * 13.92%) Shallow Draft = \$283,086,800 ((\$690,000,000 - \$27,700,000 - \$24,031,000 - \$72,095,400) * 50%) Total Corps = \$355,182,200 (\$72,095,400 + \$283,086,800)

IWW1'F estimated cost during construction = \$283,086,800 ((\$690,000,000 - \$27,700,000 - \$24,031,000 - \$72,095,400) * 50%)

Non-compensable estimated relocation costs paid by utility owners = \$27,700,000

TPC = \$690,000,000 (\$24,032,000 + \$355,182,200 + \$283,086,800 + \$27,700,000)

These amounts are simply estimates and are subject to adjustment by the Government. Therefore, the amounts are not to be construed as the total financial responsibility of the Government and the Port of New Orleans for the deep draft increment of the replacement plan.

Operstions, Maintenance, Repair, Replacement & Rehabilitation (OMRR&R)

In accordance with applicable inland and deep draft navigation, the Corps will be responsible for 100% of the OMRR&R costs for the replacement lock.

Hold And Save Provision

In accordance with its statutory obligation under Section 101 of the Water Resources Development Act of 1986, as amended, the Government must obtain a commument from the Port of New Orleans to hold and save the United States free from damages due to the construction, operation and maintenance of the deep draft increment of the replacement plan, except for damages due to the fault or negligence of the Government or its contractor. It is recognized that the attribution of damages to the shallow draft plan versus the deep draft increment of the replacement plan could prove difficult. Therefore, it is recommended that the Project Cooperation Agreement betweeb the Secretary of the Army and the Port provide that the Port indemnify the Government for a pre-determined percentage of any and all damages due to the construction, operation and maintenance of the entirety of the replacement plan, except for damages due to the fault or negligence of the Government or its contractor. This pre-determined percentage is 12.85 percent and is based on the cost estimates contained in the 1997 Evaluation Report and calculated by dividing the estimated cost of the deep draft increment (\$68.3 million) by the estimated cost of the total project (\$531.4 million). In addition, the Port shall hold and save the Government free from all damages due to the construction, operation and maintenance of any betterments and any local service facilities, except for damages due to the fault or negligence of the Government or its contractors.

POTENTIAL FINANCIAL PLAN

Since all of the LERRDs required for the replacement plan are identical to the shallow draft plan, under this cost sharing scenario the Corps would pay the Port, as a land owner, the \$16,730,000 for its real estate interests as a part of the shallow draft plan. The Port could use those funds during the construction period to meet their 25 percent share of the deep draft increment. Therefore, subtracting the \$16,730,000 from the \$24,032,000, fully funded number from above, (\$19,751,000, incremental) results in \$7,302,000 (\$3,021,000, incremental), which will be the additional cash requirement needed by the Port during the construction period. That would mean that the Port's total cash requirement is currently estimated at \$7,302,000 plus \$9,633,400 or \$16,935,400, fully funded or \$3,021,000 plus \$7,917,000 or \$10,938,000, incremental. It should also be noted that the Port's share is paid annually during the construction period in proportion to the rate of Federal expenditures. Since actual construction of the replacement lock is currently not scheduled to begin until Fiscal Year 2007, the Port would be able to place the \$16,730,000 into an interest bearing account to help offset their ultimate cash contributions. A Federal/Non-Federal allocation of funds table is enclosed.

RECOMMENDATION

As the District Engineer, 1 believe it is in the overall public interest to construct the 110' wide, 1200 foot long, and 36 foot deep lock. When Congress authorized this replacement project in Section 844 of the Water Resources Development Act of 1986, it authorized a new lock to replace the existing deep draft lock and specified that the cost sharing for both the shallow and deep draft increments shall be consistent with Sections 101 and 102 of the Water Resources Development Act of 1986.

Accordingly, I recommend that the deep draft lock improvements be implemented as a Federal project. I further recommend that the cost-sharing provisions in the Mississippi River-Gulf Outlet, New Lock and Connecting Channels, Evaluation Report, dated March 1997, be modified as required by law such that the non-Federal interests must provide 25 percent of the incremental construction costs for the deep draft portion of the project during construction and an additional 10 percent share in cash over a period not to exceed 30 years after completion of construction, at an interest rate determined pursuant to Section 106 of the Water Resources Development Act of 1986, and amendments thereto. . . 4

No changes to the scope, purpose, costs and benefits of the project are required as a result of this Supplemental Report. Also, required as a result of this change in the dost sharing will be the need to negotiate a Project Cooperation Agreement with the Port of New Orleans prior to the initiation of construction of the lock structure.

THOMAS F. J ИСН

Colonel, EN Commanding

Enclosure

Federal / Non-Federal Allocation of Funds Fully Funded (\$000) Based on October 1999 Price Levels

Year	Total Project <u>Costs</u>	Co rps/\W TF LERRD	Relocations <u>By Owners</u>	Corps/IWTF <u>Mitigation</u>	<u>Construction</u>	Corps/IWTF <u>Costs</u>	Non-Federal <u>Cash</u>
Thru FY 99	29,993	280	0	0	29,713	29,713	0
FY 2000	32,565	18,804	0	125	13,636	13,636	0
FY 2001	14,349	0	0	4,000	10,349	10,349	0
FY 2002	5,800	0	Ö	4,000	1,800	1,800	0
FY 2003	22,300	200	12,300	4,000	5.800	5,800	0
FY 2003	30,160	2,866	14,160	4,000	9,134	9,134	0
FY 2005	15,260	4.796	1,240	4,000	5,224	5,224	0
FY 2005	22,000	6,070	0	4,000	11,930	11,930	0
FY 2000	39,400	0,070	Ő	4,000	35,400	29,693	5,707
	76,200	õ	0	4,000	72,200	68,850	3,350
FY 2008	108,400	5,428	0	4,000	98,972	94,380	4,592
FY 2009	•	29,386	0	4,000	95,014	90,605	4,409
FY 2010 Balance	128,400 165,173	32,942	0	3,475	128,756	122,782	5,974
Total	690,000	100,773	27,700	43,600	517, 9 27	493,896	24,032

Note: The non-Federal share of the sunk PED costs allocated to general cargo navigation would be recovered prior to advertisement of the first contract associated with construction of lock structure. Currently, this first contract is scheduled for advertisement in FY 2007.

Enclosure

Sent

Sep-9-08

5:08PM;



June 2, 2008

Planning, Programs, and Project Management Division Environmental Planning And Compliance Branch Attn: CEMVN-PM-RN

REPLY TO ATTENTION OF

Ms. Pam Breaux State Historic Preservation Officer Office of Cultural Development Department of Culture, Recreation and Tourism P.O. Box 4427 Baton Rouge, Louisiana 70804

Dear Ms. Breaux:

The U.S. Army Corps of Engineers, New Orleans District, plans to replace the existing lock at the Inner Harbor Navigation Canal (IHNC) in Orleans Parish, Louisiana. This project will impact three areas; a graving area and two stockpile areas (Attachment 1). The graving area is a large excavation in which the lock will be constructed and later floated to the appropriate location. All three areas have been used to store dredge material since the 1950's. Two archaeological sites (Attachment 2) have been recorded within or near the project area. These sites, 16OR40 and 16OR41 have been recommended to be not eligible to the National Register of Historic Places.

Site 16OR40 was described as a prehistoric midden dating to the Poverty Point period. The site originally consisted in a scatter of redeposited shell and artifacts located within dredge material on the bank of the Gulf Intracoastal Water Way (GIWW). A single auger test near the waterline appeared to locate intact midden buried beneath approximately 2 meters of peat deposits (Gagliano et al. 1975). A later investigation (Thomas 1982) found that widening and maintenance dredging of the GIWW had destroyed the site. The exact relationship of the location of 16OR40 and the subject project area is unknown.

Site 16OR41 was recorded as prehistoric midden dating to the Tchefuncte period. The site was located on a buried natural levee on the south bank of the GIWW and just east of the Paris Road Bridge. Investigations by Pearson (1984) attempted to relocate and assess 16OR41 but were unsuccessful. However investigations were restricted to the Area of Potential Effect and did not encompass the entire site area so it is possible that some intact deposits remain. As with 16OR40, the exact relationship of the location of 16OR41 and the subject project area is unknown.

A meeting was held on June 1, 2008 among representatives from the New Orleans District, Coastal Environments, Inc. and the Department of Archaeology to determine the level of site identification effort as per 36CFR Part 800.4. It was decided that archaeological investigations for this project will consist in periodic monitoring of the graving area in an attempt to determine if either site still exists. If intact cultural deposits are found, all work in that area will stop and a plan to document the site and to determine National Register eligibility will be made in consultation with the Department of Archaeology and any interested Native American tribes who wish to participate. If either site is determined to be eligible to the National Register of Historic Places, consultation under 36CFR Part 800.5 and 800.6 will be initiated. Whether the sites are found or not, a supplemental or site update form will be completed documenting the condition and/or the existence of 16OR40 and 16OR41.

Thank you for your cooperation with this project. If you have any questions, or require additional information, please contact Gary DeMarcay at (504) 862-2039.

Reference Cited

Gagliano, Sherwood M., Richard A. Weinstein and Eileen K. Burden

1975 Archaeological Investigations Along the Gulf Intracoastal Waterway: Coastal Louisiana Area. Submitted to the U.S. Army Corps of Engineers, New Orleans District, by Coastal Environments, Inc. Baton Rouge.

Pearson, Charles E.

1984 Archaeological Evaluation of the Paris Road Site (16OR41), Orleans Parish, Louisiana. Submitted to the U.S. Army Corps of Engineers, New Orleans District, by Coastal Environments, Inc. Baton Rouge.

Thomas, Prentice M.

1982 Archaeological Investigations at the Linsley Site (16OR40). Submitted to the Port of New Orleans Department of Planning and Port Development, New Orleans Louisiana by New World Research, Inc. New Orleans.

Sincerely,

Elizabeth Wiggins Chief, Environmental Planning And Compliance Branch



June 2, 2008

Planning, Programs, and Project Management Division Environmental Planning And Compliance Branch Attn: CEMVN-PM-RN

Mr. Alton LeBlanc, Chairman Chitimacha Tribe of Louisiana P.O. Box 661 Charenton, La. 70523

Dear Chairman LeBlanc:

The U.S. Army Corps of Engineers, New Orleans District, plans to replace the existing lock at the Inner Harbor Navigation Canal (IHNC) in Orleans Parish, Louisiana. This project will impact three areas; a graving area and two stockpile areas (Attachment 1). The graving area is a large excavation in which the lock will be constructed and later floated to the appropriate location. All three areas have been used to store dredge material since the 1950's. Two archaeological sites (Attachment 2) have been recorded within or near the project area. These sites, 16OR40 and 16OR41 have been recommended to be not eligible to the National Register of Historic Places.

Site 16OR40 was described as a prehistoric midden dating to the Poverty Point period. The site originally consisted in a scatter of redeposited shell and artifacts located within dredge material on the bank of the Gulf Intracoastal Water Way (GIWW). A single auger test near the waterline appeared to locate intact midden buried beneath approximately 2 meters of peat deposits (Gagliano et al. 1975). A later investigation (Thomas 1982) found that widening and maintenance dredging of the GIWW had destroyed the site. The exact relationship of the location of 16OR40 and the subject project area is unknown.

Site 16OR41 was recorded as prehistoric midden dating to the Tchefuncte period. The site was located on a buried natural levee on the south bank of the GIWW and just east of the Paris Road Bridge. Investigations by Pearson (1984) attempted to relocate and assess 16OR41 but were unsuccessful. However investigations were restricted to the Area of Potential Effect and did not encompass the entire site area so it is possible that some intact deposits remain. As with 16OR40, the exact relationship of the location of 16OR41 and the subject project area is unknown.

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Thank you for your cooperation with this project. If you have any questions, or require additional information, please contact Gary DeMarcay at (504) 862-2039.

Reference Cited

Gagliano, Sherwood M., Richard A. Weinstein and Eileen K. Burden

1975 Archaeological Investigations Along the Gulf Intracoastal Waterway: Coastal Louisiana Area. Submitted to the U.S. Army Corps of Engineers, New Orleans District, by Coastal Environments, Inc. Baton Rouge.

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Thomas, Prentice M.

1982 Archaeological Investigations at the Linsley Site (16OR40). Submitted to the Port of New Orleans Department of Planning and Port Development, New Orleans Louisiana by New World Research, Inc. New Orleans.

Sincerely,

Elizabeth Wiggins Chief, Environmental Planning And Compliance Branch

> EXNICIOS CEMVN-PM-RN

WIGGINS CEMVN-PM-R



June 2, 2008

Planning, Programs, and Project Management Division Environmental Planning And Compliance Branch Attn: CEMVN-PM-RN

Beasley Denson Chief Mississippi Band of Choctaw Indians P.O. Box 6257 Philadelphia, MS 39530

Dear Chief Denson:

The U.S. Army Corps of Engineers, New Orleans District, plans to replace the existing lock at the Inner Harbor Navigation Canal (IHNC) in Orleans Parish, Louisiana. This project will impact three areas; a graving area and two stockpile areas (Attachment 1). The graving area is a large excavation in which the lock will be constructed and later floated to the appropriate location. All three areas have been used to store dredge material since the 1950's. Two archaeological sites (Attachment 2) have been recorded within or near the project area. These sites, 16OR40 and 16OR41 have been recommended to be not eligible to the National Register of Historic Places.

Site 16OR40 was described as a prehistoric midden dating to the Poverty Point period. The site originally consisted in a scatter of redeposited shell and artifacts located within dredge material on the bank of the Gulf Intracoastal Water Way (GIWW). A single auger test near the waterline appeared to locate intact midden buried beneath approximately 2 meters of peat deposits (Gagliano et al. 1975). A later investigation (Thomas 1982) found that widening and maintenance dredging of the GIWW had destroyed the site. The exact relationship of the location of 16OR40 and the subject project area is unknown.

Site 16OR41 was recorded as prehistoric midden dating to the Tchefuncte period. The site was located on a buried natural levee on the south bank of the GIWW and just east of the Paris Road Bridge. Investigations by Pearson (1984) attempted to relocate and assess 16OR41 but were unsuccessful. However investigations were restricted to the Area of Potential Effect and did not encompass the entire site area so it is possible that some intact deposits remain. As with 16OR40, the exact relationship of the location of 16OR41 and the subject project area is unknown.

A meeting was held on June 1, 2008 among representatives from the New Orleans District, Coastal Environments, Inc. and the Department of Archaeology to determine the level of site identification effort as per 36CFR Part 800.4. It was decided that archaeological investigations for this project will consist in periodic monitoring of the graving area in an attempt to determine if either site still exists. If intact cultural deposits are found, all work in that area will stop and a plan to document the site and to determine National Register eligibility will be made in consultation with the Department of Archaeology and any interested Native American tribes who wish to participate. If either site is determined to be eligible to the National Register of Historic Places, consultation under 36CFR Part 800.5 and 800.6 will be initiated. Whether the sites are found or not, a supplemental or site update form will be completed documenting the condition and/or the existence of 16OR40 and 16OR41.

Thank you for your cooperation with this project. If you have any questions, or require additional information, please contact Gary DeMarcay at (504) 862-2039.

Reference Cited

Gagliano, Sherwood M., Richard A. Weinstein and Eileen K. Burden

1975 Archaeological Investigations Along the Gulf Intracoastal Waterway: Coastal Louisiana Area. Submitted to the U.S. Army Corps of Engineers, New Orleans District, by Coastal Environments, Inc. Baton Rouge.

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Thomas, Prentice M.

1982 Archaeological Investigations at the Linsley Site (16OR40). Submitted to the Port of New Orleans Department of Planning and Port Development, New Orleans Louisiana by New World Research, Inc. New Orleans.

Sincerely,

Elizabeth Wiggins Chief, Environmental Planning And Compliance Branch

cc: Kenneth H. Carleton w/attachments



June 2, 2008

Planning, Programs, and Project Management Division Environmental Planning And Compliance Branch Attn: CEMVN-PM-RN

John Berrey, Chairman Quapaw Tribe of Oklahoma P.O. Box 765 Quapaw, OK 74363

Dear Chairman Berrey:

The U.S. Army Corps of Engineers, New Orleans District, plans to replace the existing lock at the Inner Harbor Navigation Canal (IHNC) in Orleans Parish, Louisiana. This project will impact three areas; a graving area and two stockpile areas (Attachment 1). The graving area is a large excavation in which the lock will be constructed and later floated to the appropriate location. All three areas have been used to store dredge material since the 1950's. Two archaeological sites (Attachment 2) have been recorded within or near the project area. These sites, 16OR40 and 16OR41 have been recommended to be not eligible to the National Register of Historic Places.

Site 16OR40 was described as a prehistoric midden dating to the Poverty Point period. The site originally consisted in a scatter of redeposited shell and artifacts located within dredge material on the bank of the Gulf Intracoastal Water Way (GIWW). A single auger test near the waterline appeared to locate intact midden buried beneath approximately 2 meters of peat deposits (Gagliano et al. 1975). A later investigation (Thomas 1982) found that widening and maintenance dredging of the GIWW had destroyed the site. The exact relationship of the location of 16OR40 and the subject project area is unknown.

Site 16OR41 was recorded as prehistoric midden dating to the Tchefuncte period. The site was located on a buried natural levee on the south bank of the GIWW and just east of the Paris Road Bridge. Investigations by Pearson (1984) attempted to relocate and assess 16OR41 but were unsuccessful. However investigations were restricted to the Area of Potential Effect and did not encompass the entire site area so it is possible that some intact deposits remain. As with 16OR40, the exact relationship of the location of 16OR41 and the subject project area is unknown.

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Thank you for your cooperation with this project. If you have any questions, or require additional information, please contact Gary DeMarcay at (504) 862-2039.

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Thomas, Prentice M.

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Sincerely,

Elizabeth Wiggins Chief, Environmental Planning And Compliance Branch

cc: Carrie Wilson w/attachments



June 2, 2008

Planning, Programs, and Project Management Division Environmental Planning And Compliance Branch Attn: CEMVN-PM-RN

Mitchell Cypress, Chairman Seminole Tribe of Florida 6300 Stirling Rd. Hollywood, FL 33024

Dear Chairman Mitchell:

The U.S. Army Corps of Engineers, New Orleans District, plans to replace the existing lock at the Inner Harbor Navigation Canal (IHNC) in Orleans Parish, Louisiana. This project will impact three areas; a graving area and two stockpile areas (Attachment 1). The graving area is a large excavation in which the lock will be constructed and later floated to the appropriate location. All three areas have been used to store dredge material since the 1950's. Two archaeological sites (Attachment 2) have been recorded within or near the project area. These sites, 16OR40 and 16OR41 have been recommended to be not eligible to the National Register of Historic Places.

Site 16OR40 was described as a prehistoric midden dating to the Poverty Point period. The site originally consisted in a scatter of redeposited shell and artifacts located within dredge material on the bank of the Gulf Intracoastal Water Way (GIWW). A single auger test near the waterline appeared to locate intact midden buried beneath approximately 2 meters of peat deposits (Gagliano et al. 1975). A later investigation (Thomas 1982) found that widening and maintenance dredging of the GIWW had destroyed the site. The exact relationship of the location of 16OR40 and the subject project area is unknown.

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Thank you for your cooperation with this project. If you have any questions, or require additional information, please contact Gary DeMarcay at (504) 862-2039.

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Thomas, Prentice M.

1982 Archaeological Investigations at the Linsley Site (16OR40). Submitted to the Port of New Orleans Department of Planning and Port Development, New Orleans Louisiana by New World Research, Inc. New Orleans.

Sincerely,

Elizabeth Wiggins Chief, Environmental Planning And Compliance Branch

cc: Pare Bowlegs w/attachments



DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT. CORPS OF ENGINEERS P.O. BOX 60267 NEW ORLEANS, LOUISIANA 70160-0267 March 8, 2001

REPLY TO ATTENTION OF:

Planning, Programs, and Project Management Environmental Planning and Compliance Branch

Ms. Gerri Hobdy State Historic Preservation Officer Department of Culture, Recreation and Tourism Department of Cultural Development P.O. Box 44247 Baton Rouge, Louisiana 70804

Dear Ms. Hobdy:

I am enclosing your copy of the signed Memorandum of Agreement (MOA) for the Inner Harbor Navigation Canal (IHNC) Lock Replacement Project. This MOA details historic preservation actions to be completed during the remainder of the project.

Thank you for your cooperation in developing the MOA for this important project. We greatly appreciate the assistance of Mr. Duke Rivet of your office in the consultation leading to the signed MOA.

The New Orleans District looks forward to working with you to implement the terms of the MOA. Please contact Dr. Edwin Lyon at (504) 862-2038 if you have any questions.

Sincerely,

David F. Carney Chief, Environmental Planning And Compliance Branch

Enclosure

MAR | 2 2001

MEMORANDUM OF AGREEMENT

Inner Harbor Navigation Canal (IHNC) Lock Replacement Project

WHEREAS, the U.S. Army Corps of Engineers (USACE), New Orleans District, has determined that the Inner Harbor Navigation Canal (IHNC) Lock Replacement Project will have an adverse effect upon the Inner Harbor Navigation Canal Lock, the St. Claude Avenue Bridge, and the Galvez Street Wharf, properties eligible for inclusion in the National Register of Historic Places, and has consulted with the Port of New Orleans, the Louisiana State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the USACE, New Orleans District, has determined that, due to the magnitude and duration of the IHNC Lock Replacement Project, it is likely to have significant social impacts upon the surrounding neighborhoods, which include the Holy Cross and Bywater Historic Districts, properties listed in the National Register of Historic Places, and has consulted with the Port of New Orleans, the Louisiana State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

NOW, THEREFORE, the USACE, New Orleans District, the Port of New Orleans, the Louisiana SHPO, and the Council agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

Stipulations

The USACE, New Orleans District, shall ensure that the following measures are carried out:

- 1. The USACE, New Orleans District, shall ensure that the Galvez Street Wharf is recorded in accordance with the standards of the Historic American Engineering Record (HAER). The USACE, New Orleans District, shall prepare Level II documentation of the Wharf and ensure that all documentation is completed prior to demolition, and that copies of this documentation are made available to appropriate local archives designated by the SHPO.
- 2. The USACE, New Orleans District, shall ensure that the Inner Harbor Navigation Canal Lock is recorded in accordance with the standards of the HAER. The USACE, New Orleans District, shall prepare Level II documentation of the Lock and ensure that all documentation is completed

prior to demolition, and that copies of this documentation are made available to appropriate local archives designated by the SHPO.

- 3. The USACE, New Orleans District, shall ensure that the following stipulations regarding the St. Claude Avenue Bridge are implemented:
 - a. Prior to its demolition, alteration, or removal and relocation, the Bridge will be documented for inclusion in the HAER. The USACE, New Orleans District, shall prepare Level II documentation and ensure that copies of this documentation are made available to appropriate state or local archives designated by the SHPO. Unless otherwise agreed to by the SHPO, the USACE, New Orleans District, shall ensure that all documentation is completed and accepted by the SHPO prior to the demolition, alteration, or removal and relocation of the bridge.
 - b. The Port of New Orleans shall make the bridge available to a state, local or private entity that will agree, in writing to maintain the bridge and the features that make it significant and assume legal and financial responsibility for the bridge. The proposed use of the bridge will be subject to the approval of the USACE, New Orleans District, the Port of New Orleans, and the SHPO. The method of advertisement shall be decided at a later date between the USACE, New Orleans District, the Port of New Orleans and the SHPO. The USACE, New Orleans District, will bear the cost of advertisement. A thirty-day (30) time period from the date of advertisement shall be allowed for interest to be expressed in the structure. If interest is expressed, 180 days will be allowed to present a detailed proposal for the bridge's relocation.
 - c. If qualified proposals for relocation of the bridge are received, the recipient(s) and relocation site(s) will be chosen by the USACE, New Orleans District, following review by the SHPO, and the Port of New Orleans. The USACE, New Orleans District, will bear the cost involved in dismantling (if necessary) and moving the bridge, without counterweight to its new location(s) within a reasonable distance in Louisiana up to the cost of removal less salvage. Recipient(s) will bear all other costs.
 - d. Within 90 days following the relocation, the SHPO will reevaluate the bridge based on its new location to determine its continued eligibility for inclusion in the National Register of Historic Places.
 - e. If a potential recipient cannot be identified within two (2) weeks following the close of the advertisement period, then the bridge may be demolished. Prior to demolition, the SHPO or his designee will be given an opportunity to select structural or other elements for curation or use in other projects. Items selected will be removed in a manner that minimizes damage, and will be delivered within a reasonable distance and at no cost to the SHPO

or his designee. The USACE, New Orleans District, will bear the cost of removal and delivery of the selected elements of the bridge.

- 4. In addition to HAER documentation, the USACE, New Orleans District shall develop and implement, in consultation with the Louisiana SHPO and interested members of the public, a public interpretive program for the Inner Harbor Navigation Canal Lock, the St. Claude Avenue Bridge, and the Galvez Street Wharf. The public interpretive program may include publication of popular history brochure(s) addressing historical features of the three properties and their significant relationship to the maritime history of New Orleans. The program may also include historical markers or plaques and could include salvage of historically significant components of the Lock, Bridge or Wharf. The details of the interpretive program will be developed following public and agency coordination and may be implemented after demolition of the three eligible properties.
- 5. In order to address the potential social impacts of the project on the surrounding neighborhoods, which include the Holy Cross and Bywater Historic Districts, the USACE, New Orleans District, shall implement the authorized Community Impact Mitigation Plan (CIMP) documented in Volume 2 of the March 1997 project evaluation report. The CIMP was developed through a broad-based community participation process. The plan includes direct and indirect impact mitigation measures that address project effects related to noise, transportation, cultural resources, aesthetics, employment, community and regional growth, and community cohesion. The USACE, New Orleans District has initiated a community involvement process that will develop CIMP recommendations, which will be implemented as part of the authorized project. This community involvement process includes appropriate representation from the historic neighborhoods of Holy Cross and Bywater, as well as the other affected communities of Lower Ninth Ward and St. Claude. Through its decision-making and mitigation implementation responsibilities, the USACE, New Orleans District shall ensure that this process will result in appropriate and sufficient mitigation measures for the Bywater and Holy Cross Historic Districts.

The following measures will be implemented by the USACE, New Orleans District to facilitate and guide the selection and implementation of community impact mitigation measures in the Bywater and Holy Cross Historic Districts:

a. Within two years, the USACE, New Orleans District shall ensure that historic district conservation plans will be developed for each district in consultation with the SHPO, the New Orleans Historic District Landmarks Commission (HDLC) and community stakeholders. These conservation plans will include, at a minimum, the following elements:

- (1) a thorough survey to identify and assess the significance of each building in the districts, unifying design features, landscaping and streetscape elements, and setback characteristics;
- (2) an analysis of the overall condition of each structure, based on readily obvious exterior features, and general recommendations on rehabilitation needs;
- (3) an identification of current conditions that are undermining the economic and visual strengths of the district, such as abandonment, loss of commercial/retail services, deteriorating infrastructure and services, impediments to mobility, etc.;
- (4) design guidelines for new construction and the rehabilitation of existing buildings, particular to the design characteristics of the historic district; and
- (5) recommended preservation strategies to counter disinvestment, stabilize neighborhood cohesiveness, attract retail investment, and bolster property values.
- b. Every two years during the project construction period (estimated to be 10-12 years), the USACE, New Orleans District, shall consult with the SHPO, the New Orleans HDLC, the New Orleans City Planning Commission, and community stakeholders to review the implementation of CIMP measures in the Bywater and Holy Cross Historic Districts. Comments received during these bi-annual reviews will be utilized by the USACE, New Orleans District, to ensure that appropriate and sufficient mitigation measures are developed for the Bywater and Holy Cross Historic Districts. The USACE, New Orleans District, shall provide a summary report of the bi-annual consultations, including copies of comments received during the bi-annual reviews, to the SHPO, the New Orleans HDLC, and the Council.
- c. The USACE, New Orleans District, shall reserve funds in the amount of \$600,000 in the project's historic preservation account until year 8 of the project construction period. The purpose of these funds is to provide additional assurance that the Bywater and Holy Cross Historic Districts will receive appropriate mitigation benefits in the unlikely event that implementation of the CIMP does not adequately compensate these properties for project effects. Reservation of these funds will ensure that \$300,000 is available to establish an historic preservation revolving fund for each of the two historic districts, if needed. Should the results of the fourth bi-annual review of the CIMP measures (paragraph 5.b. of this agreement) indicate that sufficient mitigation measures have been implemented in the two historic districts, the USACE, New Orleans

District, shall release these funds from the historic preservation account for expenditure on other project features.

- 6. The USACE, New Orleans District, shall implement appropriate procedures to mitigate any adverse effects of the CIMP for the IHNC Lock Replacement Project on the Holy Cross and Bywater Historic Districts. Some of the mitigation features identified in this plan could possibly affect the historic character of the two National Register districts. At present, the CIMP is conceptual in nature and, therefore, the plan features identified in the March 1997 report are subject to revision depending on changed conditions or identified community needs. The USACE, New Orleans District will ensure that the recommendations from the community involvement process will be made available for review, pursuant to 36CFR Part 800, by the Louisiana SHPO prior to their implementation. If any of the mitigation features of the CIMP are found to have an adverse effect on the Holy Cross or Bywater Historic Districts, the USACE, New Orleans District, will consult with the Council and Louisiana SHPO to determine appropriate mitigation of those effects in a manner consistent with the applicable provisions of 36 CFR Part 800.
- 7. The USACE, New Orleans District, shall ensure that the design for construction of the new St. Claude Avenue Bridge and the Holy Cross Levee, between the St. Claude Avenue Bridge and the Mississippi River, are compatible with the historic and architectural qualities of the adjacent Holy Cross and Bywater Historic Districts in terms of scale, massing, color, and materials. The designs and specifications for these project features will be developed in consultation with the SHPO, the New Orleans HDLC, and interested members of the public.

Administrative Stipulations

- 1. At any time during implementation of the measures stipulated in this Memorandum of Agreement (MOA), should a reasonable objection to any measure or its manner of implementation be raised by a member of the public, the USACE, New Orleans District, shall take the objection into account and consult as needed with the objecting party, the SHPO, and the Council to resolve the objection.
- 2. Any party to this MOA may propose to the other parties that it be amended, whereupon the parties will consult in accordance with 36 CFR Part 800.5(e) to consider such an amendment.
- 3. Any party to this MOA may terminate it by providing thirty (30) days notice to the other parties provided that the parties will consult during this period prior to termination to seek agreement on amendments or other actions that will avoid termination. In the event of termination, the USACE, New Orleans District, in consultation with the Council and SHPO will determine how to

August 2000

carry out the responsibilities under Section 106 in a manner consistent with applicable provisions of 36 CFR Part 800.

Execution of this Memorandum of Agreement and implementation of its terms evidence that USACE, New Orleans District has afforded the Council an opportunity to comment on the Inner Harbor Navigation Canal Lock Replacement Project and its effects on historic properties, and that USACE, New Orleans District, has taken into account the effects of the undertaking on historic properties.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:

Date: John M. Fowler, Executive Director

U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT

Date: 30 Augod By:

LOUISIANA STATE HISTORIC PRESERVATION OFFICER

9 Date:_ Bv:

Gerri Hobdy, SHPO

PORT OF NEW ORLEANS

Date: 09 11 00 Bv:

J. Ron Brinson, President and Chief Executive Officer

approved: Guad d. Junos attorney for soone

Thomas F. Julich, Colone **District Engineer**



October 6, 2008

Planning, Programs, and Project Management Division Environmental Planning and Compliance Branch

REPLY TO

ATTENTION OF

TO INTERESTED PARTIES

The U.S. Army Corps of Engineers, Mississippi Valley Division, New Orleans District has prepared a draft supplemental environmental impact statement (EIS) for the Inner Harbor Navigation Canal (IHNC) Lock Replacement project. The existing IHNC Lock allows for navigation between the higher water surface elevations of the Mississippi River and the lower water surface elevations of the IHNC, the eastern portion of the Gulf Intracoastal Waterway, and the remaining, authorized portion of the Mississippi River-Gulf Outlet. The original final (EIS) for the project was prepared in 1997 and was entitled Mississippi River-Gulf Outlet, New Lock and Connecting Channels. Subsequent to preparation of the final EIS the official name of the project was changed.

The draft supplemental EIS recommends replacement of the existing IHNC Lock with a new lock to be located within the IHNC, north of the Claiborne Avenue Bridge, using the float-inplace construction method. The plan also includes replacement of the St. Claude Avenue Bridge with a new low-level, double-bascule bridge; modifications to the Claiborne Avenue Bridge; construction of an off-site facility, referred to as a graving site, for partial construction of lock modules; and resumption of a community impact mitigation plan. The recommended plan is very similar to the plan selected for construction in the record of decision for the 1997 final EIS. The draft supplemental EIS contains additional evaluations of lock construction techniques and procedures and details about the location and design of sites proposed for disposal of material dredged from the IHNC, including the methods proposed for disposal of contaminated sediments. Detailed analyses of the post-Hurricane Katrina natural and human environment in the project area are presented, along with the expected impacts of the recommended plan and other alternatives on this changed environment.

Attached for your review and comment are the abstract page and the summary section of the draft supplemental EIS. The draft supplemental EIS and its appendices can be viewed at <u>http://www.mvn.usace.army.mil.prj.ihnc</u>. Hard copies are available for viewing at local libraries. If you are not able to access the draft supplemental EIS by either of these means, a hard copy or electronic copy is available upon request. The public comment period for the draft supplemental EIS ends on November 24, 2008.

A public meeting on the draft supplemental EIS will be held at the Dr. Martin Luther King, Jr. Charter School located at 1617 Caffin Avenue, New Orleans, Louisiana. The meeting will be held on Wednesday, November 12, 2008, beginning at 6:30 pm.

Please send all inquiries or comments to Mr. Richard Boe either by mail, fax, or email. Mr. Boe's address is U.S. Army Corps of Engineers (PM-RP), P.O. Box 60267, New Orleans, Louisiana 70160-0267. Mr. Boe's phone number is (504) 862-1505, his fax number is (504) 862-2088, and his email address is richard.e.boe@usace.army.mil.

feihan E. Bae For Elizabeth Wiggins

Elizabeth Wiggins Chief, Environmental Planning and Compliance Branch

Enclosures