

APPENDIX P
Scoping Meeting Report

SCOPING REPORT

Replacement of the Inner Harbor Navigation Canal Lock

New Orleans, Louisiana

Public Scoping Meeting Comments and Concerns

INTRODUCTION

The National Environmental Policy Act (NEPA) of 1969 established a nationwide policy to include a detailed statement of the environmental impacts of the proposed action for all major Federal actions that could significantly affect the human or natural environment.

The NEPA also provides for an early and open public process for determining the scope of issues, resources, impacts, and alternatives to be considered. A Notice of Intent (NOI) to Prepare a Draft Supplemental Environmental Impact Statement (SEIS) for the construction of a new lock, including impacts to the local community and supporting infrastructure, was published in the *Federal Register* (Volume 72, No. 61) on Friday, March 30, 2007. The NOI also announced the start of the scoping process. A public scoping meeting was held on April 4, 2007 at 6:00PM in the cafeteria trailer of the Holy Cross School in New Orleans, Louisiana. The proposed construction of a new lock, including dredging requirements and disposal sites, were presented at this meeting. Twenty-one categories of public comments expressed during the scoping meeting are presented and summarized in this Scoping Report.

Study Purpose

The Inner Harbor Navigation Canal (IHNC) connects the Mississippi River, the Gulf Intracoastal Waterway (GIWW), the Mississippi River-Gulf Outlet (MRGO), the Industrial Canal, and Lake Pontchartrain. The existing lock, located between the St. Claude and Claiborne Avenue Bridges, was commissioned in 1923 to allow vessel traffic from the Mississippi River to Lake Pontchartrain and permit industrial development away from the river. During World War II, the GIWW was rerouted through the IHNC. Because it was anticipated that barge and ship traffic would increase, the lock replacement project was authorized in Chapter 112 of the River and Harbors and Flood Control Act of 1956 for the construction of a new lock when the existing lock was determined to become obsolete. Since the 1960s, when a connection was made with the MRGO, barge and ship traffic have greatly increased and the existing lock can no longer accommodate navigational needs efficiently through the IHNC. The Water Resources Development Act (WRDA) of 1986 reauthorized the project and established cost-sharing requirements, and the WRDA of 1996 authorized a Community Impact Mitigation Plan.

In March of 1998, the New Orleans District of the United States (U.S.) Army Corps of Engineers (CEMVN) issued a Final EIS analyzing several alternatives and recommending construction of a new lock north of the Claiborne Bridge, replacement of the St. Claude Avenue Bridge, modification of the Claiborne Bridge, extension of the Mississippi River flood protection levees

and floodwalls, a socio-economic mitigation plan, and a fish and wildlife mitigation plan. A Record of Decision (ROD) was signed on December 18, 1998 selecting the location and construction method of the replacement lock and several additional project components to improve the surrounding project area. CEMVN's decision was challenged in U.S. District Court and the Court's Order for Motions for Summary Judgment was issued on October 3, 2006 as part of Case No. 2:03-cv-00370-EEF-KWR, District Court Eastern District of Louisiana. The Court's decision enjoined CEMVN from continuing with the project until additional NEPA compliance was completed. As such, this SEIS is needed to update and supplement the 1998 Final EIS to determine if any significant changes are necessary to the project and to ensure sufficient environmental analysis of the project impacts.

CEMVN proposes to replace the IHNC Lock with a larger, modern lock because the existing lock is too small and congested causing delays to inland navigation traffic. The study area is located in Orleans Parish, Louisiana, north of the junction of the IHNC and the Mississippi River (Figure 1).

Study Alternatives

The No Action and Proposed Action Alternatives from the 1998 ROD will be evaluated and retained throughout the study. Potential alternatives to be examined include the cast-in-place versus float-in-place construction methods, and dredged material disposal sites. Additionally, other alternatives to be evaluated in detail are expected to be developed during the scoping process, such as methods of dredging, dredged material handling, and disposal alternatives.

Scoping Meeting and Request for Public Comment

An announcement of a public scoping meeting to be held on April 4, 2007, at 6:00PM in the cafeteria trailer of the Holy Cross School in New Orleans, Louisiana, was distributed to interested parties in March 2007. In the announcement, two questions were provided as a means of focusing the public's concerns:

Question #1: What are the most important issues, resources, and impacts that should be considered in the SEIS?

Question #2: Are there any other alternatives or modifications to the tentative alternatives that should be considered in the SEIS?

At the scoping meeting, CEMVN presented a brief description of the scoping process, CEMVN study process, and CEMVN compliance procedures for implementing the NEPA process, with particular emphasis on the SEIS. Facilitators recorded participants' comments and 44 individuals participated in the scoping meeting. The sign-in sheet is presented in Attachment 1. Scoping meeting participants presented their concerns regarding the proposed study. Every individual comment was recorded until no new comments were expressed.

REVIEW OF SCOPING COMMENTS

The scoping process enables CEMVN to gather information concerning sensitive resources from regulatory and responsible regulatory agencies and determine the public's major concerns. This information will be considered both in the CEMVN study process and in preparation of the draft

SEIS. Each scoping comment was reviewed for content and categorized by SEIS subject matter heading. A total of 21 general categories of comments were recorded from scoping meeting participants (Table 1). Table 1 also identifies the section of the SEIS where comments are likely to be addressed, the number of times the comment was raised, and the source of the comment. A scoping comment may be addressed in more than one section of the SEIS if such consideration is required to appropriately address the ramifications of the comment. Draft SEIS subject matter headings include: purpose and need for action (PN), alternatives, including the proposed action (Alt), affected environment (AE), environmental consequences (EC), and consultation and coordination (CC) with the public and other agencies. Compliance with regulations (Federal, state, and local environmental laws and regulations) is included in the latter category. Compliance with major environmental laws and regulations such as the Endangered Species Act of 1973, the Coastal Zone Management Act of 1972, and the Fish and Wildlife Coordination Act will be addressed in specific sections of the SEIS (especially in the Environmental Consequences section).

Table 1. Scoping Meeting Comments.

#	SEIS Section					Comments	Number of Comments	Source of Comments
	PN	Alt	AE	EC	CC			
1				X		Noise or vibration impacts from pile driver	2	A, C
2					X	Two CEMVN meetings scheduled at the same time	10	H, P, R
3					X	Additional meeting requested	1	P
4		X		X		Location of the confined disposal facility	2	H, P
5		X		X		Possible contamination associated with placing dredged material in a restoration area	2	C, U
6					X	Testing of dredged material	3	P
7		X				Plan to deal with dredged material	2	P, U
8	X	X				Economic viability of the lock	2	P, S
9	X					Opinion that the traffic at lock is not congested and there is no need for lock expansion	3	P
10	X	X				Deep draft channel vs. shallow draft channel	1	P
11	X					Information from reevaluation of location, height, and significance of the levees	1	C
12	X	X				Current alternatives to replacing the lock, including potential use of alternative routes	1	C
13				X		Impacts on the City of New Orleans redevelopment and recovery plan	1	C
14	X			X		Request a new cost benefit analysis	2	C, H
15				X		Affects of proposed dredging and construction on water quality and wetlands	2	A, C
16				X		Impacts to area levees considering their current stability	1	C
17			X	X		Loss of historic lock and St. Claude Avenue Bridge	1	H
18				X	X	Impacts from the duration of construction on the rebirth of commercial areas	2	A, P
19				X		Predicted increase in vessel traffic and potential increase in collisions	1	C
20		X				Closure of MRGO	2	C, H, P
21				X		Impacts to bridges and traffic congestion associated with construction	2	P

Sections:

PN = Purpose and Need
 Alt = Alternatives
 AE = Affected Environment
 EC = Environmental Consequences
 CC = Consultation and Coordination

Source:

A = Association of Community Organizations for Reform Now
 C = Coastal Restoration Network
 H = Holy Cross Neighborhood Association
 P = Public or Unidentified Speaker
 R = Recovery Center for the Lower 9th Ward
 S = Sierra Club
 U = University of Wisconsin Water Resource Management Program

SUMMARY OF SCOPING COMMENTS

The concerns expressed at the public scoping meeting are summarized below. The most numerous concerns expressed by meeting participants regard the environmental consequences section, followed by project alternatives, purpose and need for action, affected environment, and consultation and coordination.

There were multiple comments regarding general construction activities. A common concern was raised about noise or vibration impacts from the pile driver (*e.g.*, impacts to building foundations). There were also concerns about the length of time the bridges would be closed to traffic and how that would affect general operations around construction sites. An additional concern was raised about the potential loss of a historic lock and bridge and the impact on the people in the area. A related comment dealt with the concern over current alternatives to replacing the lock, including the use of alternate routes.

Additional comments concerned the economic viability of the proposed IHNC replacement lock. Two groups requested a new cost benefit analysis due to a different set of circumstances after Hurricane Katrina. Additionally, there were concerns about the need for a deep draft channel versus a shallow draft channel and the economic benefits of each. Further concerns involved the compatibility of the IHNC lock replacement with the City's recovery and redevelopment plan. A related comment involved impacts from the duration of construction on the rebirth of the Claiborne and St. Claude commercial areas.

The last major category of comments dealt with dredging. Some of the major concerns were the dredging and disposal of contaminated materials, including the method of disposal and location of a confined disposal facility. Additionally, there were concerns about how the dredged material would be tested. Subsequent plans to deal with potential contaminated sediments and the placement of those sediments were also a concern. Water quality issues in the Mississippi River, Lake Pontchartrain and nearby wetlands as a response to dredging were also mentioned.

CONCLUSIONS

The scoping comments described herein will be addressed in the significant issues, range of alternatives, and consultation and coordination sections of the SEIS. Many of the scoping comments and concerns are presently being considered as part of the sampling and analysis plan and in determining project alternatives. However, some comments are outside the scope of this project and CEMVN will consider them in consultation and coordination, where appropriate. The Draft SEIS will be distributed for public comment and interagency review for a minimum of 45 days, which is anticipated to begin on July 1, 2008. CEMVN's responses to public comments on the Draft SEIS will be included in the Final SEIS, which is anticipated to be available to the public for review no later than September 28, 2008.

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