

- Q. Would Congressional authorization be required to construct the Lake Pontchartrain, LA, and Vicinity project minus the Chef Menteur and Rigolets barrier features?
- A. Basic guidance on changes to authorized projects is contained in ER 1165-2-305, dated 25 September 1968. That regulation, however, will be superseded by ER 1105-2-31 which has been in draft form since 29 April 1976 but is in general use by OCE, and can, according to the telephone discussion with Mr. Robert Wolff on 5 July 1978, be generally applied by the field offices until the new engineer regulation is issued.

In draft ER 1105-2-31, changes to authorized projects are classified on the basis of whether they may be approved by the Secretary of the Army or the Chief of Engineers--"Post Authorization Change," or must be submitted to Congress for modification of the existing project authorization--"Significant Post Authorization Change."

Classification criteria for significant post authorization changes are:

- a. Change in Scale or Scope. Generally, a change of 50 percent or more in the scale or scope of a project, such as the length of a levee, the storage or design capacity of a reservoir, or the area protected by a project. The change is measured from the project scope last authorized by Congress.
- b. Addition or Deletion of a Project Purpose.
- c. Change in Local Cooperation Requirements.

According to the 1962 Interim Survey Report, approximately 700,000 acres in the study area are subject to flooding from the Standard Project Hurricane. The project with the barrier features would provide standard project flood (200-year frequency) level of protection to 130,200 acres including 29,600 acres in St. Charles Parish; 21,500 acres in Jefferson Parish; 16,800 acres in New Orleans; 14,800 acres in the Citrus area; 18,300 acres in the New Orleans East area; and 29,200 acres in the Chalmette area. Elimination of the barriers would reduce the level of protection (35-40 year level of protection) in all of these areas except the Chalmette area. It would also eliminate any project protection to 348,000 acres in the remaining acres along the shores of Lake Pontchartrain. Elimination of protection on 348,000 acres out of a total of 478,200 acres (348,000 plus 130,200) could be a significant post authorization change in project scope and could require Congressional authorization. The reduction in project benefits that would result from elimination of the barrier features is unknown but the total project cost would be reduced from \$400 million to

\$284 million (31 percent) based on FY 1978 estimates. Aside from the changes in project scope that would result from elimination of the barrier elements, there would be certain necessary changes in the local cooperation requirements, which include among other items, a required cash contribution equivalent to the estimated capitalized value of operation and maintenance of the Rigolets navigation lock and channel.

Based on the foregoing, a project modification to eliminate the barrier elements is considered to be a significant post authorization change. However, the final judgment as to whether the modification would be permissible within the Chief of Engineers discretionary authority or should be submitted to Congress for authorization, should be made in consultation with OCE.

NOTE: In view of the faltering local support for the barrier elements of the authorized plan and the generally known problems associated with the high-level plan, there appear to be valid reasons for investigating levels of protection other than the standard project flood level. Based on oral information furnished by Mr. Bob Guizerix, NOD, the 100-year level of protection could be provided without the barrier elements by raising the south shore levees an additional 2 feet above the authorized grade (compared to 6-9 feet for high level plan). The 2-foot increase in levee height would probably be possible within the existing rights-of-way and appears to be structurally feasible. Should the current restudy and revision of the EIS therefore include the investigation of alternatives providing less than the standard project flood level of protection?