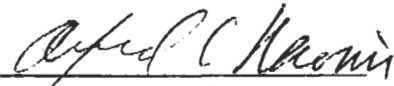

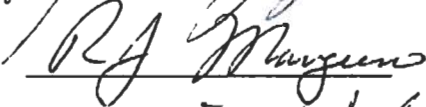
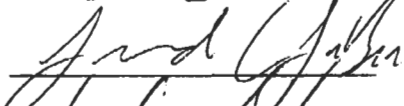


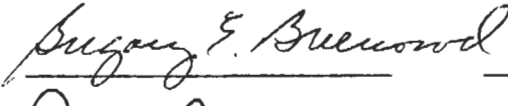



ABBREVIATED PROJECT INFORMATION REPORT ROUTING SLIP

Lake Pontchartrain and Vicinity, Louisiana, Project, St. Charles Parish

<u>Organization and Name</u>	<u>Signature</u>	<u>Date</u>
Proj Mgmt—Alfred Naomi		<u>6/9/06</u>
Environ Br—Beth Wiggins		<u>6/9/06</u>
Econ Br—Richard Manguno		<u>6/8/06</u>
Real Estate Div—Linda Labure		<u>6/9/06</u>
Eng Div—John Grieshaber		<u>12 June 06</u>
Ofc of Counsel—Denise Frederick		<u>6/14/06</u>
Exec Ofc—Gregory Breerwood		<u>6/15/06</u>
DE—COL Wagnenaar		<u>6/15/06</u>

SENT TO MVD _____

ABBREVIATED PROJECT INFORMATION REPORT (APIR)
DEPARTMENT OF DEFENSE, EMERGENCY SUPPLEMENTAL
APPROPRIATIONS TO ADDRESS HURRICANES IN THE GULF OF MEXICO AND
PANDEMIC INFLUENZA ACT, 2006 (PUBLIC LAW 109-148),
FOR ACCELERATED COMPLETION OF CONSTRUCTION OF THAT PORTION
OF THE LAKE PONTCHARTRAIN AND VICINITY, LOUISIANA PROJECT
LOCATED IN ST. CHARLES PARISH, LOUISIANA

1. PROJECT IDENTIFICATION

1.1 Project Title

Lake Pontchartrain and Vicinity, Louisiana

1.2 Description of Authorized Project

The Lake Pontchartrain and Vicinity, Louisiana hurricane protection project (LPVHPP) is located in southeast Louisiana, on the east bank of the Mississippi River in the New Orleans metropolitan area. Portions of St. Bernard, Orleans, Jefferson, St. Charles and St. Tammany Parishes are included in the project area. The subject of this Abbreviated Project Information Report (APIR) is the portion of St. Charles Parish that lies on the east bank of the Mississippi River (East St. Charles) as outlined in Figure 1 within the jurisdiction of the Pontchartrain Levee District.

1.3 Features

The LPVHPP in East St. Charles consists of levees, floodwalls, floodgates, and drainage structures along an alignment running from the East Guide Levee of the Bonnet Carre' Spillway on the west end, to the southwest corner of the Louis Armstrong Airport runway protection levee that extends into St. Charles Parish from Jefferson Parish on the east. Most of this alignment runs parallel to and offset to the north from US Highway 61 (Airline Highway) several hundred feet.

1.4 Report Purpose.

The purpose of this report is to document features for accelerated construction to be accomplished with funds from the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico and Pandemic Flu Act, 2006, Public Law 109-148 (the 3rd Supplemental Appropriation). Funds in the amount of \$120,554,000 were appropriated to accelerate completion of the Lake Pontchartrain and Vicinity, Louisiana project at full Federal expense. (These funds ARE NOT sufficient to complete the project.) This report, in paragraph 1.5 below, outlines in general terms and in priority order, as determined between the sponsor and the Corps, the LPVHPP work planned for construction within the jurisdiction of the Pontchartrain

Levee District using a portion of the available funds. The designs of all of the permanent features constructed will be in compliance with the latest criteria developed through the IPET group and the assessments made after Hurricane Katrina. Estimating costs in the post-Katrina environment is characterized by a high degree of uncertainty, so that it is not possible to plan with confidence the exact work that can be accomplished with the funds made available in the referenced act. Moreover, considerations could arise that would indicate that certain features are not appropriate for implementation with these funds. The items listed below are those that are currently planned for implementation. Various circumstances could cause some of these items to be deleted from the P.L. 109-148 program, so that construction of those items would depend on an alternative funding source.

It is possible that other authorized project work might be substituted for deleted work items or added as additional items of work, should sufficient funds be available. In that event, the Government will provide written notification to the sponsor regarding the change in work to be performed under the terms of this APIR and amended cost-sharing agreement. If the added or substituted work constitutes a new item of work that is authorized for implementation after the date of this APIR, the project cost-sharing agreement will be amended accordingly.

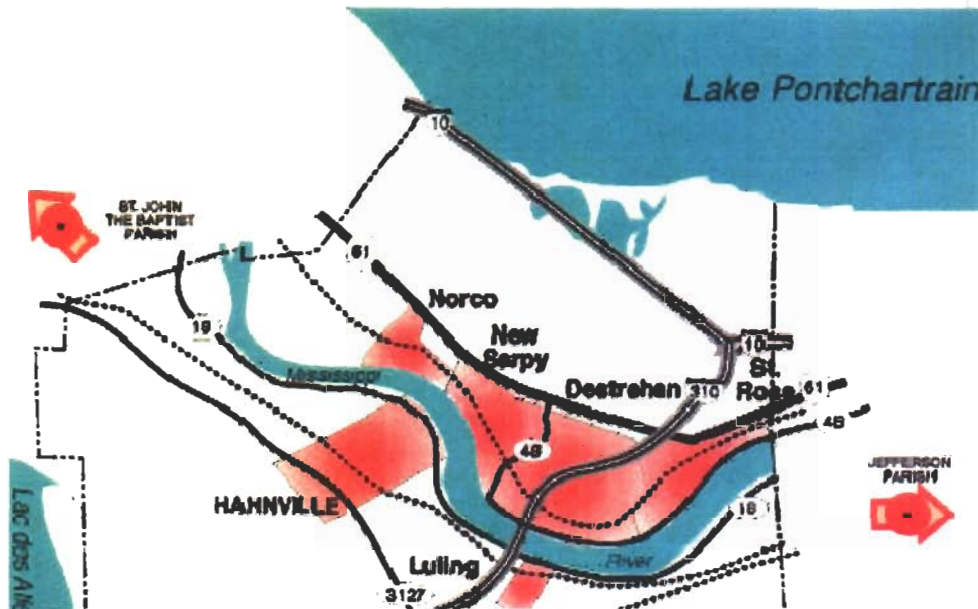


Figure 1. East St. Charles

1.5 Description of Project Elements to be Completed Under Accelerated Construction Authority

1.5.1 Reach 2B Levee

This section of levee runs for approximately 2.90 miles, starting on the west at a point a short distance to the west of the west end of the Good Hope floodwall, and running to the east to a point approximately 500 feet east of the Gulf South Pipeline Crossing Floodwall (See Fig. 2). The Good Hope Floodwall/Floodgate, the Cross Bayou Drainage Structure and the Gulf South pipeline crossing floodwall are located within the limits of this reach. The design levee crown elevation is +12.5 NAVD88. Current levee crown elevations range between 9.5 and 10.5. Future levee lifts will be required.

1.5.2 Reach 1B Levee

This section of levee runs for approximately 2.5 miles, starting on the east at the eastern end of the sheet pile I-wall that serves as the hurricane protection barrier beneath the point where Interstate Highway 310 passes through the protection alignment, and running to the northeast to the point where it intersects with the Louis Armstrong International Airport hurricane protection levee at the southwest corner of the protrusion of the main east-west airport runway into St. Charles Parish (See Fig. 2). The Almedia and Walker drainage structures, and the Illinois Central Railroad Floodgate are included within the limits of this reach. The design elevation of this levee reach is +12.5 NAVD88. Current levee crown elevations range between 10.0 and 11.5. Future levee lifts will be required.

1.5.3 Reach 2A Levee

This section of levee runs for approximately 2.65 miles, starting on the west at the Bonnet Carre' Spillway East Guide Levee at a point approximately 0.7 miles north of US Highway 61 (Airline Highway) and running to the east to a point a short distance to the west of the western end of the Good Hope floodwall (See Fig. 2). The Bayou Trepagnier Pump Station (constructed and operated by St. Charles Parish), the Bayou Trepagnier drainage structure, and the Equilon pipeline crossing floodwall are located within the limits of this reach. The design levee crown elevation is +13.0 NAVD88. Current levee crown elevations range between 11.0 and 12.0. Future levee lifts will be required.

1.5.4 Reach 1A Levee

This section of levee runs for approximately 1.4 miles, starting on the west at a point immediately to the west of the Gulf South Pipeline Crossing Floodwall, and running to the east to the western end of the I-310 Floodwall. The St. Rose Drainage Structure is located within the limits of this reach. The design crown elevation is +12.5 NAVD88. Current levee crown elevations range between 11.0 and 12.0. Future levee lifts will be required.

1.5.5 I-310 Floodwall Capping

The first phase of this floodwall was constructed in 1999. A low levee was constructed initially, then a steel sheet pile I-wall was installed along its center line to provide temporary flood protection up to an elevation of +12.5. Additionally, a pile supported vehicular gate monolith was constructed, and a steel gate installed near the mid-length of

the sheet pile reach. The intention at that time was to allow the underlying soils to consolidate and strengthen sufficiently before the second phase installation of concrete capped I-wall, and concrete T-wall. Both these features would utilize the existing sheeting as support, or as a seepage cut-off wall. This floodwall is located below and adjacent to a collection of elevated ramps and roadways that constitute a portion of Interstate Highway 310 and its interchange with U.S. Highway 61 (Airline Highway) (See Fig. 2).

1.6 Project's Funding Class

The Lake Pontchartrain and Vicinity, Louisiana hurricane protection project accelerated completion effort will utilize P.L. 109-148 funds for construction. The funding class is 96x3125, CCS 33X.

1.7 Betterments or Locally Preferred Alternatives

At present, there are no betterments or locally preferred elements included in any of the project features proposed for accelerated completion.

2. PROJECT AUTHORITY

2.1 Statutory Authority for Accelerated Completion.

Accelerated completion of the Lake Pontchartrain and Vicinity, Louisiana Project, including those elements described in Section 1.5 of this Report, is authorized by the Department Of Defense, Emergency Supplemental Appropriations To Address Hurricanes In The Gulf Of Mexico And Pandemic Flu Act, 2006 (Public Law 109-148) insofar as the accelerated completion of the project is implemented utilizing funds appropriated by the said Act for accelerated completion, reprogrammed thereunder, and/or any additional funds appropriated in the future in support of the accelerated completion authority of the said Act.

2.2 Original Statutory Authorization For Lake Pontchartrain and Vicinity, Louisiana Project And Subsequent Amendments

- The Flood Control Act of 1965 (PL 89-298) as amended authorizes 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 Lake Pontchartrain and Vicinity, Louisiana Project was amended by the Water Resources Development Acts of 1974, 1986, 1990, 1992, 1996 and 2000.

2.3 Project Decision Documents

- Chief of Engineers report dated 4 March 1964 printed in House Document No. 231, 89th Congress, 1st session
- The Lake Pontchartrain, Louisiana and Vicinity Hurricane Protection Project Reevaluation Study dated July 1984 and approved by the Director of Civil Works 7 February 1985.
- .

2.4 Design Memoranda

Title: Lake Pontchartrain, Louisiana and Vicinity, Design Memorandum No. 1 – Hydrology and Hydraulic Analysis, Part III - Lakeshore

Date: September 1968

Title of Approving Official: Chief of Engineering, Mississippi Valley Division

Date of Approval: December 1, 1969

Title: Lake Pontchartrain, Louisiana and Vicinity, General Design Memorandum No. 2 – Supplement No. 6, St. Charles Parish Lakefront Levee

Date: September 1969

Title of Approving Official: Chief of Engineering, Mississippi Valley Division

Date of Approval: November 4, 1970

Title: Lake Pontchartrain, Louisiana and Vicinity, Design Memorandum No. 18 – General Design, St. Charles Parish, North of Airline Highway

Date: February 1989

Title of Approving Official: Chief of Engineering, Mississippi Valley Division

Date of Approval: May 9, 1989

3. PROJECT NON-FEDERAL SPONSOR FOR DESCRIBED PROJECT ELEMENTS

3.1 Non-Federal Sponsor

The primary non-Federal sponsor for the East St. Charles portion of the LPVHPP is the Pontchartrain Levee District (PLD). The Louisiana Department of Transportation, (as successor of the Louisiana Department of Public Works) is a supplemental Non-Federal Sponsor for financial assistance only to the PLD. The PLD's central office is located at 2204 Albert Street, Lusher, La. 70071. The POC for the PLD is the President, Board of Commissioners, Pontchartrain Levee District who can be reached by telephone at (225)-869-9721.

3.2 Agreements With the Non-Federal Sponsors

The project cooperative agreements relevant to the East St. Charles portion of the LPVHPP include the following:

- Act of Assurance by the Board of Commissioners of the PLD signed on October 7, 1971 by Robert R. Faucheux, President of the Board of Commissioners of the PLD.
- Agreement between the Board of Commissioners of the Pontchartrain Levee District and the Secretary of the Army of the United States signed on September 20, 1976 by John L. Lauricella, President of the Board of Directors of the PLD and executed by the Acting District Engineer Contracting Officer and approved on December 7, 1977 by the Acting Director of Real Estate for the Secretary of the Army that provided assurance of compliance with various elements of local cooperation.
- Agreement between the United States of America, the Board of Commissioners of the Pontchartrain Levee District, the State of Louisiana; Department of Public Works, and the United States of America, whereby the Department of Public Works agreed that it would lend financial assistance to the PLD as necessary, signed by John L. Lauricella, President of the Board of Directors of the PLD on September 20, 1976, and by Roy Aguillar, Director of the Louisiana Dept. of Public Works on November 3, 1976, and executed the Acting District Engineer Contracting Officer on February 15, 1977 and approved on December 7, 1977 by the Acting Director of Real Estate for the Secretary of the Army.
- Supplemental Agreement for Local Cooperation signed by Aubury Leplace, President of the Board of Directors of the PLD on April 20, 1987, and executed by the District Engineer on August 7, 1987.

4. PROJECT LOCATION

Project Maps and detailed project information may be obtained from the responsible Project Manager. The locations of the project features proposed for accelerated completion are indicated on map shown in Figure 2 below.

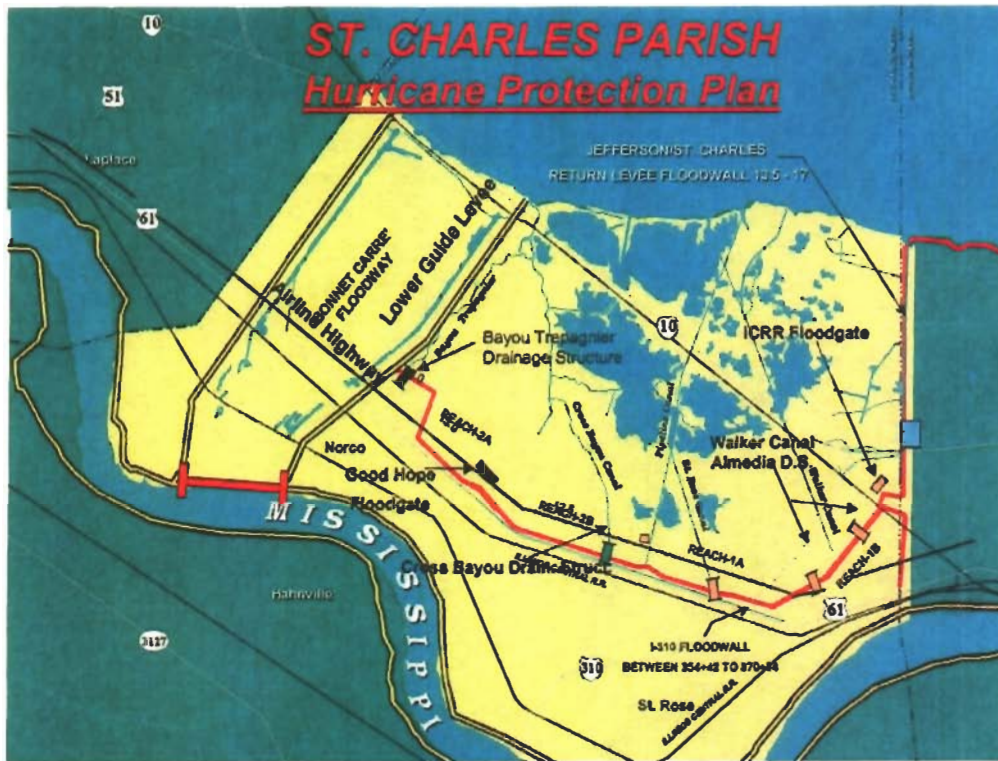


Figure 2

5. PROJECT PURPOSE/DESIGN

The project is designed to protect residents between Lake Pontchartrain and the Mississippi River levee from surges in Lake Pontchartrain and in other waters adjacent to the east bank New Orleans area driven by storms up to the Standard Project Hurricane (SPH).

5.1 Description Of The Event Currently Authorized For Protection By The Project

The design standard for the protection to be afforded by the LPVHPP is the Standard Project Hurricane (SPH). It is described as the maximum probable storm reasonably characteristic of the project area. For the LPVHPP it is currently defined by the following parameters:

Central Pressure: 27.6 inches of Mercury

Wind Speed: 100 mile per hour

Radius of Maximum Winds: 30 miles

Forward Speed: 5 – 11 knots

6. FEDERAL AND NON-FEDERAL COST-SHARING OBLIGATIONS FOR ACCELERATED COMPLETION (FOR CONSTRUCTION AND OMRR&R)

6.1 Federal:

- Bear 100% of the cost to construct the accelerated project features;
- Pay for 100% of the acquisition of the privately-owned lands, easements and rights-of-way, including borrow, relocations, and disposal areas (LERRDs), necessary for the construction, operation and maintenance of the accelerated project features in accordance with the procedures set forth in Paragraph 11 of this APIR;
- Accomplish 100% of all necessary alterations and relocations to roads, railroads, pipeline, cables, wharves, drainage structures and other facilities required by the construction of the accelerated project features, excepting however, those alterations and relocations below-described as the obligation of the non-Federal sponsor;
- Accomplish initial investigations for hazardous substances as are determined necessary by the Government to identify the existence and extent of hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 42 U.S.C. 9601-9675, on lands necessary to construction, operation, and maintenance of the project features or elements implemented as an item of accelerated completion of construction under this APIR.
- Notify the non-Federal Sponsor in writing of the completion of the project or a functional portion thereof and furnish the non-Federal Sponsor with an Operation, Maintenance, Repair, Replacement, and Rehabilitation Manual with copies of all of the Government's Written Notices of Acceptance of the Completed Work for all contracts for the project or the functional portion of the project.

6.2 Non-Federal:

- Hold and save the United States free from all damages arising from the construction of the project and any project related betterments, except for damages due to the fault or negligence of the Government or its contractors;
- Provide right of entry to all privately-owned lands, easements and rights-of-way owned, claimed or controlled by the non-federal sponsor or any other non-federal governmental entity in a manner that is free and clear of any liens, defects of titles, or encumbrances, including the release or subordination to the project of any third party interests, as determined by the Government to be necessary for the construction, operation and maintenance of the project, all in accordance with the procedures set forth in Paragraph 11 of this APIR;
- Compel the alteration or relocation of roads, railroads, pipelines, cables, wharves, drainage structures and other structures at the owners expense of any such facilities that exist by virtue of a permit or other authorizing instrument from the non-federal sponsor or any other non-federal governmental entity whereby the permit requires the owner to relocate at its own expense;

- Accept completed project or functional portion thereof and be solely responsible for OMRR&R of the project or functional portion thereof in accordance with regulations prescribed by the Secretary of the Army
- Use best efforts to request that the Governor use his/her commandeering authority under La. R.S. 29 §724 D. (4) in order to acquire LERRDs from private parties as determined by the Government to be necessary for construction, operation, maintenance, repair, restoration and rehabilitation of project elements implemented under accelerated completion authority on PL 109-148. Provide a right of entry to the Government for LERRDs commandeered for the construction, operation, repair, replacement and rehabilitation of the project elements implemented under P.L. 109-148;
- Prevent future encroachments on LERRD provided by and/or acquired on behalf of the Non-Federal Sponsor which may interfere with the proper functioning of the Project as determined by the Government including, but not limited to tree roots and deleterious plant material. Said real estate interests shall be retained in public ownership for uses compatible with the authorized purposes of the Project.
- If hazardous substances regulated under CERCLA are discovered during an investigation performed at Federal expense, or at any other time, and the parties mutually agree to proceed, the non-Federal sponsor shall assume, as between the Government and the non-Federal sponsor, responsibility for the cost of hazardous substance clean-up, including cost of studies and investigations necessary to determine an appropriate response to the contamination;
- Assure the operation, maintenance, repair, replacement and rehabilitation of the Project in a manner that complies with the requirements of CERCLA and the regulations thereunder.

6.3 Escrow Agreement

An escrow agreement for the LPV project in St. Charles Parish within the jurisdiction of the Pontchartrain Levee District was executed on 19 June 1997 by the Pontchartrain Levee District, the Department of the Army, and the First National Bank of Commerce. This agreement will remain in place as long as available non-cost-shared funds are insufficient to complete the authorized project.

7. ENVIRONMENTAL COMPLIANCE

7.1 National Environmental Policy Act Documents and Dates

Table 1 lists National Environmental Policy Act (NEPA) compliance documents and the associated dates of compliance.

Table 1
NEPA Compliance Dates

Final EIS, Lake Pontchartrain, Louisiana , and Vicinity Hurricane Protection Project, dated August 1974	Statement of Findings 2 December 1974
Final Supplement I to the EIS, Lake Pontchartrain, Louisiana , and Vicinity Hurricane Protection Project, dated July 1984	Record of Decision 7 February 1985
Final Supplement II to the EIS, Lake Pontchartrain, Louisiana, and Vicinity, Mitigation Plan, dated August 1994	Record of Decision 3 November 1994
Supplemental Information Report #10. Lake Pontchartrain, Louisiana and Vicinity Hurricane Protection, Bonnet Carre Spillway Borrow	3 September 1985
Environmental Assessment #164. Lake Pontchartrain and Vicinity Hurricane Protection – Alternate Borrow and Temporary Stockpile for St. Charles Parish Reach.	Finding of No Significant Impact (FONSI) 22 February 1991
Environmental Assessment #228. Lake Pontchartrain Hurricane Protection, Realignment of Levee at Airport	FONSI 5 September 1995
Environmental Assessment #289. St. Charles Hurricane Protection Levee, Realignment	FONSI 2 August 1999

7.2 Other Environmental Compliance Documentation

Table 2 provides the dates of environmental compliance for non-NEPA environmental laws.

Table 2
Non-NEPA Environmental Compliance

Endangered Species Act Section 7 Concluded USFWS	13 July 1981
Endangered Species Act Section 7 Concluded NMFS	30 November 1981
Coastal Zone Management Consistency Determination	19 June 1984
Clean Water Act Section 401	29 June 1984
Clean Water Act Section 404(b)(1) Signed	18 November 1983
CWA Sec 404(b)(1) Public Notice (date of notice)	29 November 1974 and 22 January 1975
Section 103 Marine Protection, Research, and Sanctuaries Act Evaluation	N/A – No ocean dumping
Sec 106 National Historic Preservation Act (SHPO or ACHP)	20 February 1984
USFWS Coordination Act Report	25 July 1984
Clean Air Act	N/A – Not a regulated area

7.3 ADDITIONAL REQUIRED ENVIRONMENTAL DOCUMENTATION

None anticipated.

7.4 MITIGATION AUTHORIZED OR REQUIRED

The mitigation for the LPVHPP consists of stone dike shoreline protection and it has already been constructed along the western edge of Lake Pontchartrain, adjacent to the Louisiana Department of Wildlife and Fisheries' Manchac Wildlife Management Area.

8. ECONOMIC ANALYSIS

The economic feasibility analysis for the accelerated completion of the Lake Pontchartrain Hurricane Protection project is based on the Lake Pontchartrain, La., and Vicinity Hurricane Protection Project Reevaluation Study (July 1984), as updated in June 2005 in support of the fiscal year 2007 Congressional budget submission. The ratio of remaining benefits to remaining costs for the overall project is 6.5 at the then current rate of 5.375 percent.

9. SECTION 902 COST LIMIT

A. Is Section 902 of WRDA 1986 Applicable to Project. Yes _____ No X

B. Section 902: \$ N/A. FULLY FUNDED AS OF 1 OCT FY N/A

10. COST ESTIMATE

Are Accelerated Completion authority and funding under Public Law 109-148 sufficient to complete all project elements? Yes _____ No X

10.1 Estimated Total Completed Project Cost

The costs shown in this section are for LPVHPP work only in East St. Charles. The approved cost estimate for the project was being revised as this report was being prepared. The estimate shown as "Current" is CEMVN's assessment of the project's cost, taking into account the increased cost of construction in the post-Katrina New Orleans area. Assigning Federal and non-Federal shares for the current estimate requires an assumption as to future funding of LPVHPP. The estimates shown below are based on the assumption that future funding (after accelerated completion, and restoration and rehabilitation with FC&CE funds are complete) will be cost shared in the traditional manner.

Estimated Project Cost

	Approved Cost Estimate (\$)	Current Cost Estimate (\$)
Total Project Cost	85,846,000	156,505,000
Total Federal Cost	60,092,000	132,311,000
Total Non-Federal Cost	25,754,000	24,194,000

10.2 Actual Project Cost to Date

The cost of functional portions of elements completed, or partially completed with CG funds prior to the date of this supplemental document within the jurisdiction of the Pontchartrain Levee District is as follow:

Actual Cost to Date

Total Project Cost	58,505,000
Federal Cost	40,311,000
Non-Federal Cost	18,194,000

10.3 Total Cost of Proposed Accelerated Completion Features

This is MVN's estimate of the cost of the project features whose completion is to be accelerated, based on current (post Katrina) construction cost indices.

Estimated Cost of Accelerated Construction	
Total Project	39,000,000
Total Federal	39,000,000
Total Non-Federal	0

10.4 Total Remaining Cost to Complete

The cost of completing the LPVHPP project within the jurisdiction of the East Jefferson Levee District once the features proposed for accelerated completion are constructed is as follows:

Estimated Cost to Complete Construction	
Total Project	59,000,000
Total Federal	53,000,000
Total Non-Federal	6,000,000

PL 109-148 funds available for all of the LPVHPP total \$120,000,000. These funds are intended to be utilized to accomplish accelerated completion of certain project features. The LPVHPP area is divided into four sub-areas, each with its own non-Federal sponsor. In addition to the Pontchartrain Levee District (the non-Federal sponsor in this instance) the LPVHPP area is sponsored by the Orleans Levee District (Orleans Parish), the East Jefferson Levee District (Jefferson Parish), and the Lake Borgne Basin Levee District (St. Bernard Parish). The estimated total cost for completing the accelerated completion items for all four sections of the LPVHPP is approximately \$200,000,000. This estimate is subject to adjustment as the accelerated completion effort becomes better defined, and as construction cost factors vary. Clearly, additional funding will be required to fully fund accelerated completion for the LPVHPP.

10.5 Estimated OMRR&R Costs

OMRR&R costs are not estimated to significantly change due to accelerated completion, restoration and rehabilitation, or repair of damaged features.

11. REAL ESTATE REQUIREMENTS AND ISSUES

It is anticipated that all work supporting advance completion of the Lake Pontchartrain and Vicinity Hurricane Protection Project, St. Charles Parish, Louisiana Project document will take place in existing Right of Way (ROW) and the borrow material will be obtained from the Bonnet Carre Spillway owned in fee by the Government. Therefore, there are no anticipated increases in costs for real estate acquisition. If, at a later date, it is determined that additional ROW will be required in these areas, then the real estate requirements will be reassessed and the costs adjusted accordingly.

At or before the time that additional ROW is found to be necessary, the New Orleans District Commander will make a decision whether to issue a Declaration of Emergency based upon a determination whether the work described in this APIR prevents or reduces an imminent risk of life, health, property, or severe economic losses pursuant to the

authority of ER 500-1-1, Paragraph 2-3.k(1), and ER 200-2-2, Paragraph 8. If a Declaration of Emergency has been issued at the time that a decision is made to acquire additional ROW or to acquire clay materials through an indefinite delivery/indefinite quantity contract (IDIQ), the effect of such acquisitions would then be included in an after-the-fact environmental assessment prepared concurrently with construction. In such event, the Government would obtain necessary permits, certifications and approvals from Federal and state resource agencies, including the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the State Historic Preservation Officer, and the Louisiana Department of Natural Resources before the commencement of construction within the new ROW or, with regard to the IDIQ contract, before the clay materials sources were approved for use.

11.1 ER 405-1-12 Exception

Typically, borrow areas required for construction projects are governed by ER 405-1-12, Chapter 12, as pertaining to the lands, easements, rights-of-way, disposal and borrow areas, which are all considered interests in real property. However, an exception exists for small amounts of borrow, which can be considered a construction supply item that is furnished by the construction contractor through use of a readily available commercial source.

11.2 Request for Concurrent Approval to Pursue Expedited Borrow Acquisition

In accordance with ER 405-1-12, Chapter 12, paragraph 12-9e, concurrent approval is requested to pursue one or both of the following two alternatives to borrow areas in order to expedite obtaining earthen clay material for immediate use should the Bonnet Carre Spillway become unavailable:

11.2.1 Contractor Furnished Borrow

Allow large amounts of earthen clay material to be procured/supplied by the contractor, as opposed to obtaining an interest in land. The construction contract solicitation documents would clearly request bids for the material and provision of such material by the construction contractor would be in the nature of a construction item.

11.2.2 Borrow Acquisition by ID/IQ Contract

Earthen clay material procured/supplied by an Indefinite Delivery/Indefinite Quantity contract solicited by the Government to furnish and deliver the material, as opposed to obtaining an interest in land. The Non-Federal Sponsors would receive stockpiled materials from the earthen clay material contractor by providing location(s) within its jurisdictional boundaries for use as stockpile area(s). If the stockpile area(s) are not owned or controlled by the sponsors, they must be commandeered and those interests in privately-owned real property will be Federally-funded.

11.3 Factors Relevant to Decision Regarding Borrow Acquisition Strategy

These expedited alternatives will be used if necessary, once a variety of factors are weighed that include an analysis of cost, reasonableness, time, availability, proximity to jobsite, etc., keeping in mind that any material used must be environmentally cleared, prior to its use. Both of these alternatives allow contractors to take advantage of access to known suitable commercial and/or acceptable clay material sources unknown to the Government, and allow for free and open competition among offerors to arrive at fair and reasonable prices for the needed clay materials.

11.4 Relevancy of Title II of the URA and RPAP Act of 1970

The provisions of Title II of the Uniform Relocations Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended, are not currently applicable since the construction of this project does not require the displacement of person and habitable or commercial structures. However, should current plans change, and the displacement of persons and habitable or commercial structures be required during the construction of this project, Title II of this Act may become relevant. There are no known public facilities or utilities that will be affected by the work.

11.5 Prior Acquisition of Rights of Entry

All applicable Rights of Entry will be obtained prior to each construction contract in accordance with the procedures set forth below.

11.5.1 Lands, Easements, Rights-of-Way, Relocation and Disposal or Borrow Areas (LERRD)

11.5.1.1 LERRD Owned, Claimed or Controlled by the Non-Federal Sponsor

Upon the Government's request that the Non-Federal Sponsor provide right of entry for LERRD determined by the Government to be necessary for the construction, operation and maintenance of the construction herein described, the Non-Federal Sponsor shall provide, at no cost to the Government, a right of entry to LERRD on lands that were owned, controlled, or claimed by the Non-Federal Sponsor on the date of the Government's request for right of entry (hereafter "Non-Federal Sponsor LERRD"). The Non-Federal Sponsor shall secure, at no cost to the Government, the subordination or release of all third party interests within said Non-Federal Sponsor LERRD, as required by the Government's request for right of entry.

11.5.1.2 LERRD Owned, Claimed or Controlled by Other Non-Federal Governmental Entities

The Non-Federal Sponsor, at no cost to the Government, shall use its best efforts to provide right of entry, as requested by the Government, to LERRD that were owned, controlled or claimed by other Non-Federal government entities on the date of the

Government's request for right of entry (hereinafter "Other Non-Federal Governmental LERRD"). If the Non-Federal Sponsor, despite diligent efforts, is unable to acquire right of entry to Other Non-Federal Governmental LERRD, the Government shall obtain right of entry to the Other Non-Federal Governmental LERRD from the non-Federal governmental entity who owns, controls or claims said LERRD.

11.5.1.3 Owned by Private Interests

For the construction described herein, the Government shall fund the acquisition of LERRD that are not owned, claimed or under the control of the Non-Federal Sponsor or any other Non-Federal governmental entities on the date of the Government's request for right of entry (hereinafter "Private LERRD"). The Government's responsibility to fund the acquisition of Private LERRD shall be in accordance with the following procedures and requirements.

11.5.1.3.1 Exercise of Commandeering Powers

Immediately upon the Government's request that the Non-Federal Sponsor provide Private LERRD, the Non-Federal Sponsor shall secure or cause to be secured an executive commandeering order or orders from the Governor of the State of Louisiana for Private LERRD situated in St. Charles Parish, Louisiana, without cost to the Government, (hereinafter "Commandeering Order"), pursuant to her powers under La. R.S. 29:721, et seq., and shall thereafter provide right of entry to the Non-Federal Sponsor for the construction of the permanent rehabilitation efforts herein described. The exercise of such commandeering powers and authorities is subject, under the cited state law, to the requirement that the owners of any commandeered interest that is compensable under the law be identified and justly compensated under the law.

11.5.1.3.2 Provision of Right of Entry

At no cost to the Government, the Non-Federal Sponsor shall promptly provide right of entry to the Government to the Private LERRD for the construction, operation and maintenance of the works described herein.


11.5.1.3.3 Responsibility for Acquisition of Private LERRD

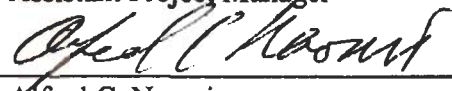
After receipt of the executed Commandeering Order and right of entry from the Non-Federal Sponsor, the Government will perform, or cause to be performed, the acquisition of the Private LERRD. The acquisition of LERRD by the Government will be subject to the availability and receipt of appropriated funds and the provision by the Non-Federal Sponsor, at no cost to the Government, of the Commandeering Order and right of entry referenced in Paragraph 11.5.1.3.1 and 11.5.1.3.2, respectively.

11.5.1.3.4 Acquisition in the Name of the Non-Federal Sponsor

The Government shall acquire, as appropriate, any private LERRD and other Non-Federal governmental LERRD, as well as any subordinations or releases of interest required to be obtained from third parties in the name of the Non-Federal Sponsor. Provided however, that if the Government is required to acquire said interests through the exercise of its Federal powers of eminent domain, the Government shall file such proceedings in a Federal District Court, such that possession and ownership of the condemned LERRD and interests shall be in the name of the United States of America. The Government shall thereafter quitclaim such interest to the Non-Federal Sponsor and the Non-Federal Sponsor shall agree in the Amended Project Cooperation Agreement to accept the quitclaim of any LERRD and interests so acquired by the Government for the construction.

DISTRICT PROJECT AUTHENTICATION
Abbreviated Project Information Report
Lake Pontchartrain and Vicinity, Louisiana Project
St. Charles Parish


APIR Prepared By: 
Mervin B. Morehiser
Assistant Project Manager

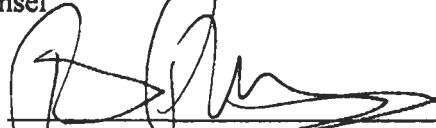
APIR Approved By: 
Alfred C. Naomi
Project Manager

CERTIFICATION OF LEGAL REVIEW

The Abbreviated Project Information Report for accelerated completion of the Lake Pontchartrain and Vicinity, Louisiana Hurricane Protection project has been reviewed by the Office of Counsel, New Orleans District, and is approved as legally sufficient.

Reviewed by:  6/14/06
Assistant District Counsel Date

Certified by:  6/14/06
District Counsel Date

District-level Approval by:  6/15/06
Richard P. Wagenaar Date
Colonel, US Army
District Commander

