

U.S Army Corps of Engineers
New Orleans District
New Orleans, LA

Project Information Report
PL 109-148 Rehabilitation of Hurricane or Shoreline Protection Project

Lake Pontchartrain, LA and Vicinity Hurricane Protection Project, LA

St. Charles Parish

December 2006

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EXECUTIVE SUMMARY

This Project Information Report (PIR) identifies the need for restoration of levees, floodwalls, and floodgates to the authorized level of protection for which they were designed and previously constructed to, in the St. Charles Parish portion of the Lake Pontchartrain and Vicinity, LA Hurricane Protection Project.

This PIR discusses work needed on levees, floodwalls, floodgates and other miscellaneous structures in the St. Charles Parish portion of the Lake Pontchartrain and Vicinity project. The basis for the recommended work is per results of assessments that were conducted on all levees, floodwalls, floodgates and structures not repaired, replaced or rehabilitated by Task Force Guardian. The recommendations in this PIR are to restore to project grade all levees, floodwalls, floodgates and appurtenant structures previously constructed that do not provide the level of protection for which the project was designed and to incorporate construction features to meet the Interagency Performance Evaluation Task Force (IPET) recommendation.

This PIR provides details of potential work to be accomplished with 3rd Supplemental funding. Once the Fact Sheet for 4th Supplemental Funding (allows construction to 100 year levels) is finalized, a similar report will be prepared that identifies the plan to raise the structures to 100 year levels. Contracts will then be awarded utilizing the proper funding source to accomplish both 3rd and 4th Sup goals.

Funds in the amount of \$283,785,000 were provided from Class 337 Funds for all of the Lake Pontchartrain and Vicinity project. This is the total limit of funds that will be received for St. Bernard, St. Charles, Jefferson and Orleans parishes. Therefore, the full complement of work identified in the PIR's for each of the four parishes will not be performed with only \$283,785,000. Eventually, it will be determined which efforts can be completed based on sequencing and prioritization. Costs for the restoration to provide the level of protection for which the project for St. Charles Parish was designed are estimated to be \$ 198,438,590.

**PROJECT INFORMATION REPORT
REHABILITATION EFFORT for
LAKE PONTCHARTRAIN, LA and VICINITY
ST. CHARLES PARISH
HURRICANE PROTECTION PROJECT**

1. NAME AND LOCATION

a. Project Name: Lake Pontchartrain, LA and Vicinity Hurricane Protection Project.

b. Location: The project is located in St. Bernard, Orleans, Jefferson, and St. Charles Parishes in southeast Louisiana, generally in the vicinity of the city of New Orleans, and between the Mississippi River and Lake Pontchartrain. The subject of this report is the portion of St. Charles Parish that lies on the east bank of the Mississippi River (East St. Charles). East St. Charles is bounded by water bodies on the south and north (the Mississippi River and Lake Pontchartrain respectively), by Jefferson Parish on the east, and Bonnet Carre' Spillway to the west.

2. PUBLIC SPONSOR

The Project Sponsor is the Pontchartrain Levee District. The phone number is 225-869-9721 and the address is:

P.O. Box 426
Lutcher, LA 70071

3. POC FOR PUBLIC SPONSOR

The point of contact at the Pontchartrain Levee District is the Executive Director, Monica Salins. Her phone number is 225-869-9721 and her address is:

2204 Albert Street
Lutcher, LA 70071

4. PROJECT AUTHORIZATION

The project was authorized by the Flood Control Act of 27 October 1965 (PL 89-298) as amended and authorized as the "Lake Pontchartrain, Louisiana and Vicinity Hurricane Protection Project" substantially in accordance with House Document 231, 89th Congress, 1st session.

5. PROJECT CLASSIFICATION

The Lake Pontchartrain, LA and Vicinity Hurricane Protection Project is a Federal project. This project was Federally designed and constructed to provide protection for the Standard Project Hurricane (SPH).

6. DESIGN DATA OF PROJECT

The construction phase of the East St. Charles project was initiated in the early 1990's. The project consists of approximately 9.5 miles of levees and floodwalls, a rail road flood gate, a pump station and 5 drainage structures.

Earthen levees comprise the majority of the flood protection. The design levee elevations range from elevation 13 feet North American Vertical Datum (NAVD88) on the western end to elevation 12 feet NAVD88 on the eastern end. There are 4 locations where there are floodwalls either for pipeline relocations or in the proximity of bridges. They include the Shell pipeline floodwall, Goodhope floodwall (which includes a vehicular gate), Koch-Gateway pipeline, and the GulfSouth Pipeline Crossing . A floodgate is in place where the Railroad crosses the line of protection near the eastern end of the project. The Bayou Trepagnier pump station is located at the most western end of the project. The 5 drainage structures are located all along the line of protection. They include the Bayou Trepagnier drainage structure, Cross Bayou drainage structure, St. Rose drainage structure, Almedia drainage structure, and Walker Canal drainage structure. The drainage structures are designed to handle rainfall (intercepted drainage) during non-hurricane events. Appendix D provides a list of Design Memorandum for the St. Charles Parish portion of the project.

7. MAINTENANCE

a. Inspection Results:

- (1) Date of Last Inspection: May 2006
- (2) Type of Last Inspection: ICW Inspection
- (3) Project Condition Code of Last Inspection: Acceptable

b. Sponsor's Annual O&M Cost - unknown.

c. This project has no beach nourishment features.

8. PERIODIC NOURISHMENT

Not applicable.

9. PREVIOUS REPAIR AND REHABILITATION ASSISTANCE

Previous repair and rehabilitation assistance has been provided under the following documents:

1. Project Information Report, PL 84-99 Rehabilitation of Hurricane or Shoreline Protection Project, Lake Pontchartrain, La and Vicinity Hurricane Protection Project, Orleans Parish, LA, New Orleans East, dated 19 Oct 05
2. Project Information Report, PL 84-99 Rehabilitation of Hurricane or Shoreline Protection Project, Lake Pontchartrain, La and Vicinity Hurricane Protection Project, Orleans Parish, LA, Orleans East Bank, dated 18 Oct 05
3. Project Information Report, PL 84-99 Rehabilitation of Hurricane or Shoreline Protection Project, Lake Pontchartrain, La and Vicinity Hurricane Protection Project, Orleans Parish, LA, Orleans East Bank, Revision #01, dated 20 Jan 06 Main Report - Page 5 Project Information Report for Jefferson Parish East Bank Lake Pontchartrain, LA and Vicinity Hurricane Protection Project April 2006
4. Project Information Report, PL 84-99 Rehabilitation of Hurricane or Shoreline Protection Project, Lake Pontchartrain, La and Vicinity Hurricane Protection Project, Chalmette Area Plan, St. Bernard and Orleans Parishes, dated 01 Oct 05.
5. Project Information Report, PL 84-99 Rehabilitation of Hurricane or Shoreline Protection Project, Lake Pontchartrain, La and Vicinity Hurricane Protection Project, Chalmette Area Plan, Revision No. 1, St. Bernard and Orleans Parishes, dated 15 Oct 05.
6. Project Information Report, PL 84-99 Rehabilitation of Hurricane or Shoreline Protection Project, Lake Pontchartrain, La and Vicinity Hurricane Protection Project, Chalmette Area Plan, Revision No. 2, St. Bernard and Orleans Parishes, dated 18 Oct 05.
7. Project Information Report, PL 84-99 Rehabilitation of Hurricane or Shoreline Protection Project, Lake Pontchartrain, La and Vicinity Hurricane Protection Project, Chalmette Area Plan, Revision No. 3, St. Bernard and Orleans Parishes, dated 13 Dec 05.
8. Project Information Report, Rehabilitation and Repair of Hurricane or Shoreline Protection Project, Lake Pontchartrain, La and Vicinity Hurricane Protection Project, Jefferson Parish East Bank, dated 12 Apr 06.

10. DISASTER INCIDENT

Hurricane Katrina first made landfall as a category 1 hurricane on August 25, 2005 along the Miami Beach, Florida coastline and then continued into the Gulf of Mexico. Hurricane Katrina made its second landfall near the Buras-Triumph area on August 29, 2005 as a strong category three hurricane. At the time of landfall, Katrina's maximum sustained winds were 145 mph, with higher gusts. The barometric pressure at landfall was between 918-923 mb.

11. DAMAGE DESCRIPTION

As part of the emergency response and recovery from coastal storm damages and flooding related to Hurricane Katrina, Congress directed the restoration of certain projects.

12. NEED FOR REHABILITATION

The work reflected in this PIR is authorized under PL 109-148 to restore and rehabilitate completed project elements to design parameters and elevation. See Appendix N for implementation guidance for PL 109-148.

13. PROPOSED WORK

13.1 Alternatives Considered

The first alternative is no action. This alternative consists of providing no emergency repairs to this portion of the hurricane protection system under PL 109-148 authority or funding sources. The "protected" area inside of the hurricane protection system would have reduced protection and would be susceptible to future damage.

The second alternative is non-structural flood recovery / floodplain management. This alternative consists of non-structural strategies generally involving change in land use offered by other Federal and state programs. Such strategies would include; (a) Acquisition, relocation, elevation, and flood proofing existing structures; (b) acquisitions of easements and/or fee; and (c) restoration of wetlands. The sponsor has not expressed any desire to pursue any non-structural alternatives.

The third alternative is to restore and rehabilitate the levees, floodwalls and control structures to original design levels using current datum levels to provide the original level of protection for which they were designed. This alternative consists of enlarging levees and replacing or modifying structures in order to bring them up to their authorized levels. The designs will be in accordance with the project authority, and included measures for sustainability of the hurricane protection system in accordance with the IPET recommendations

13.2 Comparison of Alternatives

The no action alternative is not acceptable to the local Sponsor for restoring structures to their design elevations. The no action alternative would cause the east bank of St. Charles Parish to be susceptible to damage from storm events that the system is designed to protect against. St. Charles Parish would have reduced protection and would inhibit the rebuilding efforts.

The non-structural flood recovery / floodplain management alternative is not an acceptable solution to the local Sponsor. Additionally, this is not an acceptable alternative due to significant rebuilding and restoration already underway by both residential and commercial entities. In the damaged areas, most residents are repairing homes, with many already living in their repaired homes. Repairs to infrastructure (e.g., water supply, electrical service, cable service, sewerage treatment, traffic lights, etc) are mostly complete.

The structural repair alternative would restore the flood control structures to their design elevations. This alternative is fully supported by the local Sponsor. Restoring the system to the design elevation would provide the level of protection originally authorized for the project.

13.3 Recommendation

Structural Repair is the recommended alternative for floodwalls, floodgates, and drainage structures.

(a) Floodwalls. All of the floodwalls in St. Charles Parish must be rebuilt to USACE/IPET standards and to achieve proper design elevation. The first floodwall is the Shell Pipeline Floodwall, which is approximately 152 feet in length and has a design elevation of 13 feet. The second floodwall is the Goodhope Floodwall, which includes a vehicular gate. The floodwall on the west side of the vehicular gate is about 151 feet in length and the floodwall on the east side is about 371 feet in length. Both of these floodwalls have a design elevation of 13 feet. The last floodwall is the Gulfsouth Pipeline Crossing, which is approximately 231 feet in length and has a design elevation of 12.5 feet.

(b) Gate. There are two gates in St. Charles Parish, that must be rebuilt to IPET standards and to achieve proper design elevation. The first one is the Goodhope vehicular gate, which is 34 feet wide and has a design elevation of 13 feet. The second gate is the Railroad gate. This gate structure is a total of 690 feet in length and has a design elevation of 12 feet.

(c) Drainage Structures. There are a total of 5 drainage structures in St. Charles Parish that must be rebuilt to USACE/IPET standards and to achieve proper design elevations. Bayou Trepagnier Drainage Structure is a total of 550 feet in length, including tie-ins floodwalls, and has a design elevation of 13 feet. Cross Bayou Drainage Structure is just few feet longer at 553 feet in length and has a design elevation of 12.5 feet. The St. Rose Drainage Structure also has a design elevation of 12.5 feet and is 520 feet in length. The Walker Canal Drainage Structure has a design elevation of 12.5 feet and is a total of 459 feet long. And lastly, the Almedia Drainage Structure is the smallest structure at only 399 feet in length with a design elevation of 12.5 feet. The dimensions of these structures include tie-in floodwalls.

All structures are listed in Appendix J with additional detail.

14. COST ESTIMATE

Funds in the amount of \$283,785,000 were provided from Class 337 Funds for all of the Lake Pontchartrain and Vicinity project. This is the total limit of funds that will be received for St. Bernard, St. Charles, Jefferson and Orleans parishes. Therefore, the full complement of work identified in the PIR's for each of the four parishes will not be performed with only \$283,785,000. Eventually, it will be determined which efforts can be completed based on sequencing and prioritization. Costs for the restoration to provide the level of protection for which the project for St. Charles Parish was designed are estimated to be \$ 198,438,590.

<u>Item</u>	<u>Estimated Cost</u>
St. Charles Parish Floodwalls	\$ 23,017,400
St. Charles Parish Floodgates / Drainage Str	\$ 143,651,340
Construction Total	\$ 166,668,740
* 30%contingency and 10% Demolition cost built into Floodwall estimates 30 % Contingency built into Floodgate estimates	
Engineering & Design	\$ 12,284,940
Construction Management	\$ 12,284,940
Mitigation	\$1,012,500
Real Estate Cost	\$45,000
Relocation Costs	\$ 6,142,470
TOTAL	<u>\$ 198,438,590</u>

* Request approval for exceeding the E&D and S&A percentages and the contingency percentages set forth in ER 500-1-1, Chapter 5-2. The rationale for the use of 30%-35% contingency for the contracts yet to be awarded is based on the emergency conditions under which the design and contract documents have been prepared, the short amount of time allowed for construction completion, and the high level of competition for construction contractor resources in the area. The need for this is evidenced by bids received on awarded contracts generally exceeding construction estimates and it is anticipated that there will be a higher than normal percentage of contract modifications.

15. ECONOMICS

The economic analysis to restore the Lake Pontchartrain Hurricane Protection project elements to the design elevation is based on the Lake Pontchartrain, LA and Vicinity Hurricane Project Reevaluation Study (July 1984), as updated in June 2005 in support of 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. Additionally, when designing and constructing the project, a determination will be made as to the most cost effective alternatives in restoring the project to the design elevation. The most cost effective alternative that meets USACE/IPET design criteria will be implemented.

16. REAL ESTATE

It is assumed for this Project Information Report for work to “Restore to Design Elevation” the St. Charles Parish portion of the Lake Pontchartrain and Vicinity Hurricane Protection Project, St. Charles Parish, Louisiana, that the majority of the work will take place within the existing right-of-way. Any additional new perpetual flood protection levee easements required to accommodate the permanent levee and floodwall alignment and/or any other required real estate interests, will be acquired through the procedures set forth in paragraph 16.2. Earthen levee work is not anticipated on this project, however if needed, the Bonnet Carre Spillway, owned in fee by the Government, could be used as the borrow source. 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. The provisions of Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended, will be adhered to when acquiring new right-of-way. The cost estimate contained in Appendix K reflects the estimated real estate costs of obtaining the necessary rights of entry for construction, maintenance, and operation of the project.

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.

In accordance with ER 405-1-12, Chapter 12, paragraph 12-9e, concurrent approval was given by the MVD Realty Officer by memo of October 20,2006 to pursue one or both of the following two alternatives to borrow areas in order to expedite obtaining earthen clay material for immediate use:

- (1) Contractor-Furnished Borrow - Allowing large quantities of borrow material to be procured/supplied by the contractor. This alternative would require the contractor to provide its own suitable borrow, per criteria set forth in the plans & specifications (P&S). The P&S will identify available sites that are know to be suitable and environmentally cleared, but the contractor will also be allowed to pursue other borrow sources, provided the criteria are met. The stockpile locations, if needed, will be provided by the Public Sponsors.
- (2) Supply Contract – Borrow material procured/supplied by an Indefinite Delivery/Indefinite Quantity contract to furnish and deliver the material. With this alternative, the Government would provide the borrow material to the construction contractor, through the separate supply contractor. The stockpile locations, if needed, will be provided by the Public Sponsors.

These expedited alternatives will be used if necessary, once a variety of factors are weighed, including: (1) cost analysis of each borrow alternative; (2) time factors in performing the construction according to schedules; (3) availability of borrow sources; (4) proximity of

borrow to jobsite; (5) environmental clearances availability; and (6) any other related factors specific to each contract. Once the analysis is completed the selected alternative for the acquisition of borrow will be that alternative found to be in the best interest of the public. These alternatives will 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.

16.1 Lands, Easements, and Rights-of-Way (LER) and Relocations

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

16.1.1 LER Owned, Claimed or Controlled by the non-Federal sponsors: Upon the

Government's request that the non-Federal sponsors provide right of entry for LER determined by the Government to be necessary for the construction, operation and maintenance of the restoration efforts herein described, the non-Federal sponsor shall provide, a right of entry to LER on lands that are owned, controlled, or claimed by the non-Federal sponsor (hereafter "non-Federal sponsor LER") on the date of the Government's request for right of entry. The non-Federal sponsor shall provide such non-Federal sponsor LER in a manner that is free and clear of any liens, defects in titles, or encumbrances, and shall secure the subordination or release of all third party interests within said non-Federal sponsor LER, as required by the Government's request for right of entry. In the event that the Non-Federal sponsors cannot terminate or subordinate, or cause the termination or subordination of third party interests, after having exhausted all available remedies in contract, law, and/or regulation, excluding expropriation, then the Government may, within its sole discretion, elect to acquire the requisite interest from the third party interest owner.

16.1.2 LER Owned, Claimed or Controlled by Other Non-Federal Governmental Entities:

The non-Federal sponsor, at no cost to the Government, shall provide right of entry, as requested by the Government, to LER that were owned, controlled or claimed by other non-Federal Governmental entities on the date of the Government's request for right of entry (hereinafter "Other Non-Federal Governmental LER") 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 within such Other Non-Federal Governmental LER, as determined by the Government to be necessary for the construction, operation and maintenance of the project. In the event that the Non-Federal sponsors cannot terminate or subordinate, or cause the termination or subordination of third party interests, after having exhausted all available remedies in contract, law, and/or regulation, excluding expropriation, then the Government may, within its sole discretion, elect to acquire the requisite interest from the third party interest owner.

16.1.3 LER Owned by Private Interests:

For the construction efforts described herein, the Government shall fund the acquisition of LER 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 LER"). The Government's responsibility to fund the acquisition of Private LER shall be in accordance with the following procedures and requirements.

16.1.3.1 Exercise of Commandeering Powers:

Following the authorization of the PIR, the execution of a Cooperation Agreement, and upon the Government presenting the non-Federal sponsor with a request for right of entry, the non-Federal sponsor shall secure or cause to be secured from the public official with commandeering authority over the required property to sign an executive order commandeering the Private LER (hereinafter Commandeering Order"), pursuant to his/her powers pursuant to La. R.S. 29:721 et seq., and shall thereafter provide right of entry to the non-Federal sponsor (in the event that commandeering authority resides in a position other than the chief executive of the non-Federal sponsor) for the construction 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.

16.1.3.2 Provision of Right of Entry

After securing an executive commandeering order, the non-Federal sponsor shall promptly provide right of entry to the Government to the Private LER for the construction, operation and maintenance of repair and restoration efforts described herein.

16.1.3.3 Responsibility for Acquisition of Private LER

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, under Federal law, the acquisition of the Private LER determined by the Government to be necessary for the construction described herein. The acquisition of LER by the Government will be subject to the availability and receipt of 3rd Supplemental appropriations, the Commandeering Order and right of entry, provided by the non-Federal sponsor, at no cost to the Government, referenced in Paragraph 16.1.3.1 and 16.1.3.2, respectively.

16.1.3.4 Acquisition in the Name of the non-Federal sponsor

The Government shall acquire, as appropriate, any private LER and other non-Federal Governmental LER and relocations, as well as any subordinations or releases of interest required to be obtained from third parties in the name of a 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 authority, the Government shall file such proceedings in a Federal District Court, such that possession and ownership of the condemned LER and interests shall be in the name of the United

States of America. The Government shall thereafter quitclaim such interest to a non-Federal sponsor and the non-Federal sponsor shall agree in the Cooperation Agreement to accept the quitclaim of any LER and interests so acquired by the Government for the purposes of the construction effort herein described.

16.1.4 Relocations

The Government shall perform or cause to be performed, such relocations as it determines to be necessary for the purposes of the construction effort herein described.

16.1.5 Prevention of Encroachments and Retention of Interests in Public Ownership

The non-Federal sponsor shall prevent future encroachments on LER 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. Said real estate interests shall be retained in public ownership for uses compatible with the authorized purposes of the Project.

17. FEDERAL AND NON-FEDERAL COST-SHARING OBLIGATIONS

Federal

- Bear 100% of the cost to construct the "restore to design elevation" project features;
- Pay for 100% of the acquisition of the privately-owned lands, easements and rights-of-way, including borrow, relocations and disposal areas (LER's), necessary for the construction, operation and maintenance of the "restore to design elevation" project element in accordance with the procedures set forth in Paragraph 11 of this PIR;
- 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 "restore to design elevation" 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 "restore to design elevation" of construction under this PIR;
- 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 (OMRR&R) 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.
- Accomplish, at 100% Federal cost, the construction, operation, maintenance and rehabilitation of the mitigation required for the Lake Pontchartrain and Vicinity Hurricane Protection Project (LPVHPP).

Non-Federal

- Hold and save the United States free from all damages arising from the construction, operation and maintenance of the project and any project related betterments, except for damages due to the fault or negligence of the Government or its contractors;
- Provide all rights of entry to all LER's owned, claimed or controlled by the non-Federal Sponsor or any other non-Federal government 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 PIR;
- 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;
- Provide all interior drainage and pumping plants required for reclamation and development of the protected area;
- 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 LER's from private parties as determined by the Government to be necessary for construction, operation, maintenance, repair, restoration and rehabilitation of project elements implemented under "restore to design elevation" authority of PL 109-148. Provide a right of entry to the Government for LER's commandeered for the construction, operation, repair, replacement and rehabilitation of the project elements implemented under P. L. 109-148;
- Prevent future encroachments on LER 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 the obligation to keep the floodwalls and levee sections free of 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.

18. ENVIRONMENTAL CONSIDERATIONS

The New Orleans District Commander has considered the probable environmental consequences of the proposed work under this PIR and does not anticipate that this work will result in significant environmental impacts. For most projects, the repair of the floodwalls and earthen levees in the project area will be accomplished within the authorized footprint of the project. Repair of the flood walls and earthen levees within their existing footprints is categorically excluded from additional National Environmental Policy Act (NEPA) documentation as per Engineering Regulation ER 200-2-2, Paragraph 9.a., which provides for NEPA exclusion of "activities at completed Corps projects which carry out the authorized project purposes." Examples of such activities include "repair, rehabilitation, replacement of existing structures and facilities, such as ... levees." However, additional borrow sources may be needed and some changes such as alignment shifts may be made due to new engineering data. These changes will require the completion of new environmental compliance investigations and compliance documents. The District Commander made a determination on June 14, 2006 that an imminent threat exists for southern Louisiana . ER 200 -2-2, paragraph 8 allows for the completion of NEPA compliance as soon as practicable during an imminent threat. The declaration of imminent threat herein is proposed to be used in tandem with those certain Policy and regulation waivers granted on 21 August 2006 by MG Don T. Riley, Director of Civil Works, to allow the execution of a Cooperation Agreement pursuant to this PIR when approved. As stated previously, the District Commanders imminent threat determination allows NEPA compliance to be completed as soon as practicable, which means in some cases NEPA compliance may be achieved after construction start. Neither the waivers nor the imminent threat determination relieve the Corps of the duty to perform an alternative analysis for projects in which alignments have changed, new borrow sources are required, or in cases where modifications to the project are investigated that would alter the existing authorized project footprint. A waiver of real estate policy requiring that prior to the initiation of negotiations for the acquisition of interests in land, compliance with NEPA and the National Historic Preservation Act is required and a HTRW investigation must be conducted was also granted. This waiver requires, in part, that HTRW investigations will be completed prior to actually obtaining LER's and that preliminary cultural and Threatened and Endangered Species investigations will be completed prior to actually obtaining LER's. Completion of historic preservation compliance is required prior to construction contract award. The District has been, and will continue to coordinate the proposed action with other interested Federal and state resource and regulatory agencies. See additional information relating to environmental considerations in Appendix M.

19. MITIGATION

The first phase of construction of the mitigation required for the environmental impacts associated with the construction of the Lake Pontchartrain and Vicinity Hurricane Protection Project has been completed. Construction of the mitigation for the LPVHPP was started in 1996 and consists of a five mile long stone dike shoreline protection system constructed along the western edge of Lake Pontchartrain, adjacent to the Louisiana Department of Wildlife and Fisheries' Manchac Wildlife Management Area. The purpose of these breakwaters is to slow

down shoreline erosion in the Manchac WMA. The second phase of construction consisted of planting vegetation along the dike. This phase was not constructed. The LPVHPP mitigation area was constructed pursuant to the "Mitigation Study, Lake Pontchartrain, Louisiana and Vicinity Hurricane Protection Project, Final Supplement II to the Environmental Impact Statement" dated August 1994, as approved by Record of Decision dated November 3, 1994. As established in the mitigation plan and in the associated Fish and Wildlife Coordination report, the mitigation project life is 100 years.

The mitigation study provides for operation, maintenance, and rehabilitation of the mitigation project by replacing the dike every 20 years and replacing oyster grass every 10 years. The present estimated value of operating, maintaining, and rehabilitating the mitigation project is \$3,885,357 over the 100 year life of the mitigation project.

Beginning in 2002, CEMVN became aware that the mitigation project is deteriorating, that erosion is occurring behind the dikes constructed as part of the mitigation project and that it is not performing as anticipated in the mitigation study. The loss of shoreline behind the dike, which should have been prevented, will also need to be considered as possible unfulfilled mitigation. Repairs and rehabilitation to the breakwaters would consist of placing approximately 95,000 cubic yards of rock on top of the damaged sections of breakwaters to return the breakwaters to their original design elevations. This repair effort has a total ROM cost estimate of \$4,050,000 and will be funded with FCCE funds. This cost will be distributed among the four parishes.

Although the mitigation study stipulates that the cost of OMRR&R of the mitigation plan would be cost shared by the Government and the collective non-Federal sponsors on a 70%-30% basis, none of the LPVHPP non-Federal sponsors have agreed to enter into a binding agreement to OMRR&R the mitigation project. Non-Federal cost sharing is not required by the statutes which authorize and require the performance of mitigation for the LPVHPP. See 16 U.S.C. 662(c and (d); and 33 U.S.C. 2283(c). Even if the non-Federal sponsors for the LPVHPP were willing to assume such a cost share, the economic impact of Hurricane Katrina on the tax base and fiscal resources of at least three of the non-Federal sponsors (Lake Borgne Basin Levee District/St. Bernard Parish Government; Orleans Levee District, and East Jefferson Levee District) render it unlikely that they would be able to fulfill their respective responsibilities for operation, maintenance and rehabilitation of the mitigation project. Therefore, it is recommended that the Government assume full responsibility for the operation, maintenance and rehabilitation of the LPVHPP mitigation project at Manchac Wildlife Management Area as an item of OMRR&R cost.

20. PERMITS

The Corps will need to apply for a storm water pollution prevention permit from the Louisiana Department of Environmental Quality (LDEQ) pursuant to Section 402 of the Clean Water Act for each action described in this PIR that involves work near or in a water body. This permit is obtained routinely as a part of the construction process to discharge storm water runoff from the construction area and is incorporate into the Plans and Specifications phase of the work.

Report Prepared By: Marti Lucore 14 Nov 06 ^{MD 12/15/06}
Marti Lucore
Project Manager
Date

Emergency Management Approval By: Michael Lowe 12/05/06
Michael Lowe
Chief, Readiness Branch
Date

CERTIFICATION OF LEGAL REVIEW

The Project Information Report (PIR), PL 109-148 Rehabilitation of Hurricane or Shoreline Protection Project, Lake Pontchartrain, LA and Vicinity Hurricane Protection Project, LA, St. Charles Parish has been reviewed by the Office of Counsel, New Orleans District and is approved as a legally sufficient document for commencement of construction.

Reviewed by: Mary Kishay 15 Dec 2006
Assistant District Counsel
Date

Certified by: John P. Kinsey 15 Dec 2006
District Counsel
Date

District-Level Approval By: Richard P. Wagenaar 12-18-06
Richard P. Wagenaar
Colonel, U.S. Army
District Commander
Date

TECHNICAL POINTS OF CONTACT

Project Management

Project Manager Marti Lucore CEMVN-PM-OH 504-862-2057

Engineering

Civil Engineer Glenn Felger CEMVN-ED-E 504-862-2601

Environmental

Biologist Gib Owen CEMVN-PM-RP 504-862-1337

Real Estate

Real Estate Officer Janet Cruppi CEMVN-RE 504-862-1982

Economics

Economic Analyst Toni Baldini CEMVN-PM-AW 504-862-1913

Office of Counsel

Attorney Maurya Kilroy CEMVN-OC 504-862-1298

Executive

DDPM Chief Greg Breerwood CEMVN-EX 504-862-2204

District Engineer Col R. Wagenaar CEMVN-DE 504-862-2077

Sponsor Points of Contact

Pontchartrain Levee District

Monica Salins 225-869-9721

DIVISION PROJECT APPROVAL
Project Information Report, Lake Pontchartrain, LA and Vicinity Hurricane Protection
Project, LA in St. Charles Parish, LA

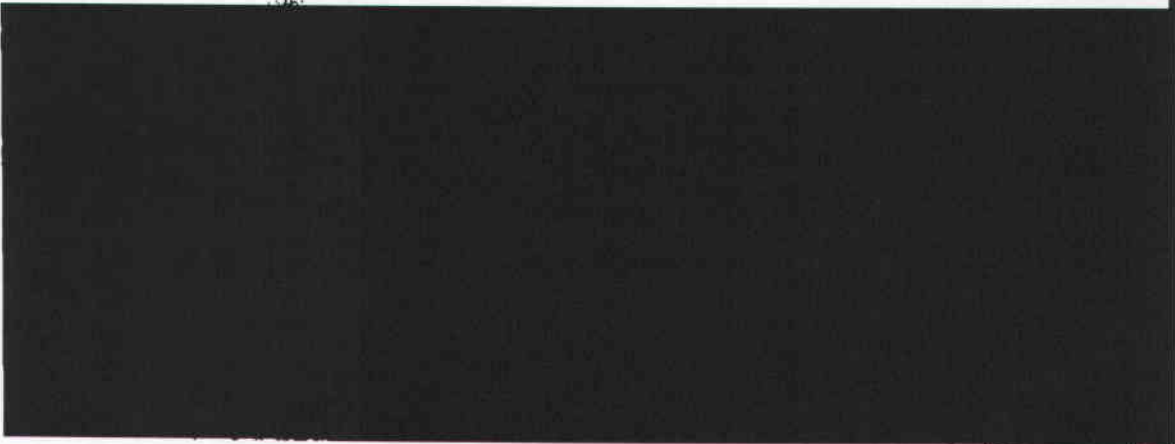
Emergency Management Approval by: Jerry Smith 12/19/06
Chief, MVD Emergency Operations Date

CERTIFICATION OF LEGAL REVIEW

The Project Information Report (PIR), PL 109-148 Rehabilitation of Hurricane or Shoreline
Protection Project, Lake Pontchartrain, LA and Vicinity Hurricane Protection Project, LA, St.
Charles Parish has been reviewed by the Office of Counsel, Mississippi Valley Division and is
approved as a legally sufficient document for commencement of construction.

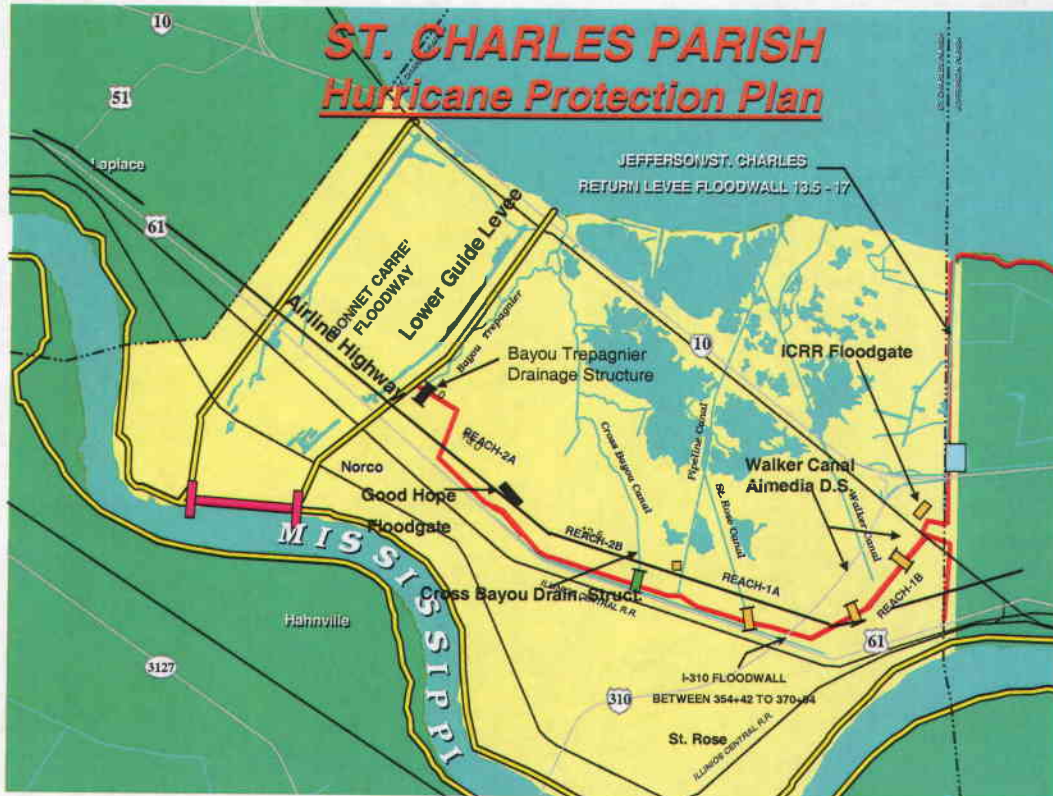
Certified by: J. Lawrence Bant 12/19/06
Mississippi Valley Division Counsel Date
Assistant Chief of Counsel

Division-Level Approval by: Albert M. Bleakley 12/20/06
Albert M. Bleakley Date
Colonel, Engineer
Deputy Division Commander



Appendix A
Project Sponsor's Request for Assistance
(Not Applicable)

Appendix B
Project Location (Maps)



Appendix C
Project Overview
(Not Available)

Appendix D
Project Design Data

Listed are the Design Memorandum for the St. Charles Parish portion of the Lake Pontchartrain and Vicinity, LA Hurricane Protection project. Detailed information is available on the project design in these large documents. The plans and specifications for more recent construction contracts can be made available upon request.

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

Appendix E
Project Maintenance Data
(See Section 7 of Main Report)

Appendix F
Periodic Nourishment Data
(Not Applicable)

Appendix G
Previous PL 84-99 or Other Federal Agency Assistance
(Not Applicable)

Appendix H
Disaster Incident
(See Section 10 of Main Report)

Appendix I
Damage Description
(See Section 10 of Main Report)

Appendix J
Proposed Work

Lake Pontchartrain and Vicinity Hurricane Protection Project

ST CHARLES PARISH

All Floodwalls and Floodgates

Project	Feature	STATION RANGE			Existing Grade	Design Grade	Deficiency	Square footage (Floodgates)
		Beginning	Ending	Length				
St Charles Parish Return Levee	Bayou Trepagnier DS	30	580	550.0		13	13	
	Shell P/L Xing F/W	9,575	9,727	152.0		13	13	
	Goodhope F/W	14,861	15,012	151.0		13	13	
	Goodhope Road Gate	15,012	15,046	34.0		13	13	442
	Goodhope F/W	15,046	15,417	371.0		13	13	
	Cross Bayou D.S	25,348	25,901	553.0		12.5	12.5	
	Gulfsouth P/L Xing F/W	28,155	28,386	231.0		12.5	12.5	
	St. Rose DS	32,590	33,110	520.0		12.5	12.5	
	Walker DS	45,177	45,636	459.0		12.5	12.5	
	Almedia DS	51,373	51,772	399.0		12.5	12.5	
Railroad Gate	51,709	52,399	690.0		12	12	8280	

Appendix K

Cost Estimate Data

Lake Pontchartrain and Vicinity Hurricane Protection Project

ST CHARLES PARISH

COST ESTIMATES

Project	Feature	Floodwall Unit Cost (\$/LF) x LF	Floodwall Cost plus 10% Demo & 30% Cont.	Floodgate Cost	Floodgate Cost plus 35% Cont.	TOTAL
St Charles Parish Return Levee	Floodwalls	\$16,441,000	\$23,017,400			\$23,017,400
	Floodgates			\$106,408,400	\$143,651,340	\$143,651,340
		\$16,441,000	\$23,017,400	\$106,408,400	\$143,651,340	\$166,668,740

Basis for calculations	\$122,849,400		Construction Total	166,668,740
			Support Total	31,769,850
E&D 10%	\$12,284,940			
S&A 10%	\$12,284,940		PROJECT TOTAL	198,438,590
Real Estate	\$45,000			
Mitigation	\$1,012,500			
Relocations 5 %	\$6,142,470	*5% of construction cost is the average cost of relocations for CEMVN projects. This is the total cost and does not represent only the relocations determined to be compensable		
Support Subtotal	\$31,769,850			

Appendix L

BCR Data

(See Section 15 of Main Report)

Appendix M
Environmental Considerations

Tab M-1. A statement on the effect of proposed work on the environment.

The New Orleans District Commander has considered the probable environmental consequences of the actions described in this PIR and does not anticipate that this work will result in significant environmental impacts. Some of the work may require new environmental investigations (NEPA, HTRW, CZM, etc) in order to achieve environmental compliance. Additionally, some of the new work may have unavoidable impacts to the human environment. These unavoidable impacts would be mitigated for in an appropriate manner. It is believed that these additional environmental investigations would have been completed regardless of the 3rd Supplemental funding.

Tab M-2. Environmental Assessment.

Currently no environmental assessments are being prepared for the Lake Pontchartrain and Vicinity New Orleans, LA Hurricane Protection Project for work described in this PIR

Tab M-3. Considerations under Section 7 of the Endangered Species Act of 1973 (PL 93-205).

The actions described in this PIR are not expected to cause any harm or impacts to any threatened or endangered species or any habitats currently listed as critical for any listed threatened or endangered species. District environmental staff will continue to coordinate with the U.S. Fish and Wildlife Service in regards to this matter and will reaffirm concurrence with the Corps determination of no significant impacts to any threatened and endangered (T&E) species and which T&E documentation will be completed prior to construction contract award.

Tab M-4. Archeological Investigations and Salvage Activities considerations.

The actions described in this PIR have been previously investigated for known cultural resources that may occur in the project area. A determination of the impacts associated with the projects was coordinated with the State Historic Preservation Officer prior to construction contract award.

Tab M-5. Section 404(b) evaluations.

The actions described in this PIR have been previously investigated or are being investigated in regards to impacts to waters of the United States subject to Section 404 of the Clean Water Act. Impacts to Section 404 waters have been identified in environmental impact statements and environmental assessment and appropriate actions (avoid, minimize, or mitigation) have been taken for projects that environmental compliance has been completed for.

Tab M-6. A statement on the applicability of EO 11988.

The New Orleans District Commander has considered the probable impacts to the flood plain in and around the project area described in this PIR. It is not expected that any changes to the local floodplain will occur as a result of the construction of the actions described in this PIR.

Tab M-7 Hazardous, Toxic and Radioactive Waste

Hazardous, Toxic and Radioactive Waste (HTRW) investigations have been completed and reports filed for the actions described in this PIR for all of the projects described in this PIR. Assessments of the project area indicate that the potential of encountering HTRW is a low probability during construction.

Tab M-8 Essential Fish Habitat

No impacts to Essential Fish Habitat are expected as a result if the actions described in this PIR. Coordination with the National Marine Fisheries Service will continue to ensure compliance with the Magnuson-Stevens Fishery Conservation and Management Act of 1976 is maintained.

Tab M-9 Air Quality

Rehabilitation activities will result in dust and exhaust fumes from equipment. These activities will result in short-term minor impacts that would terminate after the repair work is completed. Expected emissions levels have been estimated to be below the threshold *de minimus* levels as provided in the State Implementation Plan. Therefore a conformity determination is not required as a part the Air Quality investigation for compliance with the Clean Air Act.

Tab M-10 Cumulative Impacts

There are no new cumulative impacts associated with the actions described in this PIR.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P O BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

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

MEMORANDUM FOR New Orleans District Staff and All Interested Parties

SUBJECT: Imminent Threat of Flooding Due to Damaged Hurricane Protection Works

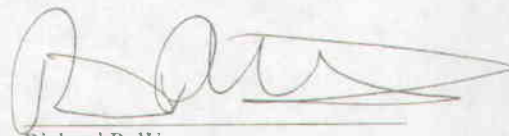
1. On August 29, 2005, Hurricane Katrina caused major damage to the hurricane protection system in Orleans, St. Bernard, Plaquemines, and Jefferson Parishes, Louisiana. Since the storm, the U.S. Army Corps of Engineers has been working to restore the hurricane protection system to the level of protection provided prior to the 2005 hurricane season. These efforts have been conducted mainly under the authority provided by Public Law 84-99, Rehabilitation of Damaged Flood Control Works.
2. While significant progress is being made in restoring the hurricane protection system to its pre-storm conditions, the system remains vulnerable to tropical weather systems. It is imperative that all hurricane protection works are restored to their pre-storm conditions as soon as possible to protect life, health, property, and economic losses.
3. Engineering Regulation 200-2-2, Environmental Quality, Procedures for Implementing the National Environmental Policy Act (NEPA) provides for District commanders to respond to emergency situations to prevent or reduce imminent risk of life, health, property, or severe economic losses without first preparing specific documentation and following the procedural requirements of the NEPA. Engineering Regulation 500-1-1, Emergency Employment of Army and Other Resources - Civil Emergency Management Program, provides that emergency flood control activities performed under Public Law 84-99 are not subject to the NEPA documentation requirements if risk to life, health, property, or severe economic losses is imminent. This regulation defines imminent risk as a subjective, statistically supported evaluation of how quickly a threat scenario can develop, how likely that threat is to develop in a given geographical location, and how likely the threat will produce catastrophic consequences to life and improved property. Implicit in the timing aspect can be considerations of time or season or of known cyclical activities.

4. Several words in the above definition are important in determining if there is an imminent threat to flooding within the four parishes listed above. The first is "subjective" which allows a decision to be based on sound reasoning. The second and third are "statistically supported evaluation" and "how likely that threat is to develop in a given geographical location." During the past four hurricane seasons, New Orleans has had 13 tropical storms or hurricanes pass within 300 miles of the city (three in 2002, two in 2003, three in 2004, and five in 2005), an average of over three storms per hurricane season. The National Hurricane Center has been reporting for the past several years that we have entered a period of more active hurricane seasons. The next key phrase is "how likely the threat will produce catastrophic consequences to life and improved property." Nothing demonstrates this better than Hurricane Rita in 2005. Hurricane Rita came ashore along the Louisiana/Texas state line, approximately 250 miles from New Orleans, yet the impacts of the storm in the Metropolitan New Orleans area were significant. Without a complete rehabilitation of the hurricane protection system to pre-storm levels, the New Orleans area could again be faced with the potential for catastrophic damages from a storm making landfall hundreds of miles away. The last phrase of significance is "known cyclical activities." As every day passes, the 2006 hurricane season gets closer, and the threat to life and property increases without adequate storm surge protection.

5. Based upon applicable regulations and guidance, I consider the Metropolitan New Orleans Area to be under an imminent threat from flooding due to the damaged hurricane protection system. I consider this threat to remain in effect until the hurricane protection system is restored to its pre-storm condition. The District will continue preparing an environmental assessment of the impacts associated with restoration of the hurricane protection system, and release the document for public and agency review and comment as soon as possible after all features of the restoration work are determined.

Date

11/5/06



Richard P. Wagenaar
Colonel, U.S. Army
District Engineer

Appendix N
**Implementation Guidance for Emergency
Supplemental Appropriation**



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CECW-HS

FEB 14 2006

MEMORANDUM FOR

**COMMANDER, SOUTH ATLANTIC DIVISION
COMMANDER, MISSISSIPPI VALLEY DIVISION**

SUBJECT: Post Hurricanes Katrina, Wilma, and Ophelia Expenditure of Flood Control and Coastal Emergency (FCCE) Funds for Restoration and Rehabilitation, and for Accelerated Work to Complete Authorized Projects, in accordance with the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza Act, 2006 (Public Law 109-148)

1. Reference:

a. Memorandum, HQ USACE, CECW-HS, 25 Oct 04, subject: Post-Hurricane Flood & Coastal Storm Damage Reduction Project Rehabilitation Policy Guidance.

b. Circular 11-2-189, CECW-I, 31 Dec 05, subject: Execution of the Annual Civil Works Program.

2. The purpose of this memorandum is to delegate certain approval authority and to provide guidance concerning restoration and rehabilitation of flood damage reduction and hurricane and storm damage reduction projects, and the acceleration of work to complete certain Federally authorized projects, in accordance with the funding and authority provided in Public Law 109-148.

3. In order to expedite the restoration and rehabilitation of flood damage reduction and hurricane and storm damage reduction projects damaged by Hurricanes Katrina, Ophelia, and Wilma, subject to the further guidance provided in this memorandum, authority is delegated to the Division Commander to:

a. Determine whether a storm qualifies as extraordinary under the criteria provided in ER 500-1-1, section 5-20, paragraphs a & b, for determining eligibility of damaged hurricane and storm damage reduction projects; and

b. Approve Project Information Reports (PIR), such as those prescribed in EP 500-1-1, to document restoration and rehabilitation determined to be eligible for FCCE funding.

CECW-HS

SUBJECT: Post Hurricanes Katrina, Wilma, and Ophelia Expenditure of Flood Control and Coastal Emergency (FCCE) Funds for Restoration and Rehabilitation, and for Accelerated Work to Complete Authorized Projects, in accordance with the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza Act, 2006 (Public Law 109-148)

4. Public Law 109-148 directs that in using funds appropriated for construction related to Hurricane Katrina in the areas covered by the disaster declaration, the Corps of Engineers will restore flood damage reduction and hurricane and storm damage reduction projects and related works to provide the level of protection for which they were designed, at full Federal expense. The Joint Explanatory Statement of the Committee of Conference accompanying Public Law 109-148 further clarifies that the funds are provided to fund repairs to non-Federal levees and pumps and to construct levees and floodwalls to original design levels, rather than to pre-storm condition. Therefore, within the funds provided, for Federally authorized projects with levee and floodwall components, and non-Federal levees and pumps, which were damaged by Hurricane Katrina, restoration and rehabilitation will be undertaken to the previously constructed design level. The costs for restoration and rehabilitation construction and construction related activities will be at full Federal expense. These costs include Engineering and Design, Supervision and Administration, actual construction, acquisition of real estate interests not already owned by or under the control of the non-Federal sponsor, and relocations. HTRW investigations will be performed at Federal expense; if HTRW is discovered, then a mutual decision will be made by the Federal Government and the non-Federal sponsor on whether to proceed with acquisition of the property; and if the parties mutually agree to proceed, then the non-Federal sponsor will be responsible for HTRW clean-up costs. Other non-Federal responsibilities, including operation and maintenance and the requirement to hold and save the Federal Government free from damages, remain.

5. Projects damaged by Hurricanes Ophelia and Wilma to be restored and rehabilitated to the pre-storm condition using FCCE funds will be implemented in accordance with cost sharing set out in ER 500-1-1, Paragraph 5-11. In some cases it may be appropriate to fully restore sacrificial beach elements of these projects beyond the pre-storm condition, with this work cost shared as periodic renourishment by the Federal Government (using Construction, General (CG) funds) and the non-Federal sponsor in accordance with the Project Cooperation Agreement. In these cases, following the guidance provided in memorandum referenced in paragraph 1, the PIR should document undertaking the CG-funded periodic renourishment at the same time as the FCCE-funded restoration and rehabilitation, except that as provided in paragraph 3. above, approval of the PIR shall be with the Division Commander.

6. Public Law 109-148 also authorizes, at full Federal expense, within the funds provided, acceleration of work to complete unconstructed portions of Federally authorized projects in the State of Mississippi along the Mississippi Gulf Coast and Federally authorized flood damage and hurricane and storm damage reduction projects in the greater New Orleans and South Louisiana area. The costs for new construction and currently ongoing construction and construction related activities to accomplish acceleration of completion of unconstructed portions of Federally

CECW-HS

SUBJECT: Post Hurricanes Katrina, Wilma, and Ophelia Expenditure of Flood Control and Coastal Emergency (FCCE) Funds for Restoration and Rehabilitation, and for Accelerated Work to Complete Authorized Projects, in accordance with the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza Act, 2006 (Public Law 109-148)

authorized projects will be at full Federal expense. These costs include Engineering and Design, Supervision and Administration, actual construction, acquisition of real estate interests not already owned by or under the control of the non-Federal sponsor, and relocations. HTRW investigations will be performed at Federal expense; if HTRW is discovered then a mutual decision will be made by the U.S. and the non-Federal sponsor on whether to proceed with acquisition of the property; and, if the parties mutually agree to proceed, then the non-Federal sponsor will be responsible for HTRW clean-up costs. Other non-Federal responsibilities, including operation and maintenance and the requirement to hold and save the Federal Government free from damages, remain. The non-Federal sponsor's operation and maintenance responsibilities will include operation and maintenance of the new construction under Public Law 109-148. Existing agreements will be amended to make it clear that 1) new construction and associated activities will be at full Federal expense; b) the non-Federal sponsor's operation and maintenance responsibilities will include operation and maintenance of the new construction; and c) HTRW investigations will be performed at Federal expense and if HTRW is discovered and the parties mutually agree to proceed, then the non-Federal sponsor will be responsible for HTRW clean-up costs.

7. For accelerated completion of projects in the South Atlantic Division, Accelerated Project Information Reports (APIRs) will be prepared to document proposed accelerated work for those unconstructed portions of authorized projects that are not covered by existing Project Cooperation Agreements (PCAs). The Accelerated Project Information Report will be approved by the Division Commander. The PCA will be approved by the ASA(CW).

8. For accelerated completion of projects in the Mississippi Valley Division, amendments to the existing agreements and sufficient supporting documentation will be developed in coordination, as appropriate, with the Headquarters and OASA(CW). Authority is delegated to the Division Commander to approve amendments to existing agreements for the accelerated construction to be undertaken in accordance with Public Law 109-148.


9. Construction and operation of the temporary closures in New Orleans, including temporary pumping stations, during the extended construction period of 1-3 years will be performed by the Federal Government in order to ensure optimum and safe construction. Funds provided in Public Law 109-148 will be used to fund operations of necessary temporary closures or temporary pumping at the outfall canals in New Orleans during the extended construction period of 1-3 years; however, FCCE funds other than those provided in Public Law 109-148 will not be available for this purpose.

CECW-HS

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10. We will manage Public Law 109-148 funding in the FCCE program as programs, projects, and activities (PPA) IAW reference 1.b above. Work allowance documents will be issued by project for work in these PPAs. Any re-distribution of funds allocated between projects as included in the 9 Dec 06 estimates of project requirements different from the work allowance must be coordinated with the headquarters FCCE program manager prior to re-distribution.

11. Questions concerning this policy should be directed to Jeffrey Jensen, HQUSACE, Civil Emergency Management Branch, (202) 761-7687.


DON F. RILEY
Major General, USA
Director of Civil Works

CF:

**COMMANDER, NORTH ATLANTIC DIVISION
COMMANDER, NORTHWESTERN DIVISION
COMMANDER, PACIFIC OCEAN DIVISION
COMMANDER, SOUTH PACIFIC DIVISION
COMMANDER, SOUTHWESTERN DIVISION
COMMANDER, GREAT LAKES & OHIO RIVER DIVISION**

Appendix O
Agreements with the Non-Federal Sponsor

- 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.

Appendix P -Y

(None)

Appendix Z
PIR Review Checklist

PIR CHECKLIST

YES	NO	N/A	
1. <u> X </u>	<u> </u>	<u> </u>	The project is a Federally authorized and constructed hurricane or shore protection project. [ER, 5-20.a.]
2. <u> X </u>	<u> </u>	<u> </u>	The project is active in the RIP. [ER, 5-2a] Last inspection date: April 2006
3. <u> </u>	<u> </u>	<u> X </u>	The Public Sponsor has requested HSPP Rehabilitation Assistance in writing. [EP, 5-18.b.]
4. <u> X </u>	<u> </u>	<u> </u>	The FCCE-funded HSPP Rehabilitation Assistance is necessary (a) to follow for adequate functioning of the project; (b) to reduce the immediate threat to life and improved property; and (c) is to a level no more than the pre-storm condition. [ER, 5-20.a., c., and d.]
5. <u> </u>	<u> </u>	<u> X </u>	There is sufficient evidence in the PIR to support a finding that the HSPP was damaged by an extraordinary storm. [ER,5-20.e.]
6. <u> </u>	<u> </u>	<u> X </u>	There are significant amounts of damage to the HSPP. [ER, 5-20.e.(2)]. The criterion to make this determination is: <u> </u> the cost of the construction effort to effect repair of the HSPP (<i>exclusive of dredge mom/demob costs</i>) (a) exceeds \$1million and (b) is greater than 2 percent of the original project construction costs (expressed in current day dollars); or <u> </u> the cost of the construction effort to effect repair of the HSPP (<i>exclusive of dredge mob/demob costs</i>) exceeds \$6 million; or <u> </u> more than one-third of the planned or historically placed sand for renourishment was lost. <u> </u> only hard features are involved.
7. <u> X </u>	<u> </u>	<u> </u>	The public sponsor has agreed to sign the Cooperation agreement, which will occur before USACE begins rehabilitation work. [EP, 5-18.1.]
8. <u> X </u>	<u> </u>	<u> </u>	The rehabilitation project has a favorable benefit cost ratio of greater than 1.0:1. [ER, 5-20.a.]
9. <u> X </u>	<u> </u>	<u> </u>	The Public Sponsor has access to sufficient funds to meet its required cost contributions. [EP, 5-18.h.]
10. <u> X </u>	<u> </u>	<u> </u>	The cost estimate in the PIR itemizes the work and identifies the Public Sponsor's cost responsibility for such items such as deferred and deficient maintenance.
11. <u> </u>	<u> </u>	<u> X </u>	The cost estimate in the PIR allocates costs between what may be paid for under PL 84-99 Rehabilitation Assistance, and what is cost shared between the Corps (using CG funds) and the public sponsor under periodic renourishment term of the project PCA. [EP, 5-18.d.].

YES	NO	N/A	
12. <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Dredge mobilization/demobilization costs are borne proportionally among contributing sources for sand renourishment. [ER 5-20.i.]
13. <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contingency funds for the FCCE-funded portion of the project are limited to 15 percent for dredging related costs, and 10 percent for all other costs. [ER, 5-2.v.]
14. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The repair option that is the least cost to the Federal government. [ER, 5-2.h.]
15. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The benefit cost ratio calculation excludes all recreation benefits.[ER, 5-20.a.]
16. <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Betterments are paid by the Public Sponsor. [ER, 5-2.o.]
17. <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cost for any betterments are identified separately in the cost estimate. [ER, 502.o]
18. <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the projected schedule, project history, anticipated degree of contention of undertaking the project, and similar items, the Rehabilitation Assistance will be finished prior to the onset of the next storm session or within one year of the date of occurrence of the damage, whichever is less. [ER, 5-20.j.]
19. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed work will not modify the HSPP to increase the degree of protection or capacity, or provide protection to a larger area. [ER,5-2.n]
20. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	An assessment of environmental requirements was completed. [ER, 5-13.e.]
21. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Endangered Species Act was appropriately considered. Dredging will not be adversely impacted. [ER, 5-13.e]
22. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Archeological and Historical Preservation Act was appropriately considered. [ER, 5-13.h.]
23. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	EO 11988 was appropriately considered. [ER, 5-13.f.]
24. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other permitting and evaluations were appropriately considered, and result in no impediment to the Rehabilitation Assistance . [EP, 5-18.f.(2)]
25. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The cover letter forwarding the PIR to the MSC will contain the projected schedule for completing the Rehabilitation Assistance. [EP, 5-18.f.(2)]
26. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The completed PIR has been reviewed and the PIR checklist has been reviewed and signed by the Emergency Management Office.[EP, 5-18.f.(1)]
27. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The completed PIR meets all policy, procedural, content, and formatting requirements of ER 500-1-1 and EP 500-1-1. [ER,2-3.d.]


 Alfred Naomi
 Senior Project Manager