



US Army Corps
of Engineers
Mississippi Valley Division



Corps Hurricane Response

Task Force Hope Status Report

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U.S. Army Corps of Engineers

Setting the Record Straight

Corps clarifies facts and corrects misinformation about some of its projects and issues

By Susan Spaht

As the Corps of Engineers presses forward with its mission to complete 100-year hurricane protection for the New Orleans area, it is faced with many challenging projects, tight schedules and the scrutiny of a concerned local citizenry.

“Our number one goal is to reduce risk from hurricanes,” said Karen Durham-Aguilera, Director of Task Force Hope. “To accomplish this enormous and important mission in the short timeframe we’ve set for ourselves, it is vital for us to have the participation, inclusion and trust of the area’s elected officials, community groups and the general public.”

Durham-Aguilera pointed out that the Corps has another important goal. “From the Chief of the U.S. Army Corps of Engineers down to each and every Corps organization, our



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The Corps of Engineers hosts periodic press conferences and frequent public meetings to inform the public of its ongoing work and its future plans. One informative press conference was held this past August to announce the new Risk Maps. Participating in the press conference were, from left: Donald Powell, Chairman of Gulf Coast Recovery; Maj. Gen. Don Riley, the Corps’ Director of Civil Works; Karen Durham-Aguilera, Director of Task Force Hope; and Lt. Col. David Berczek, who was assigned to New Orleans as the Corps’ Project Manager for Risk and Reliability.

intention is to be open and transparent with the public at every step of the way. The opinions and desires of the local citizens are important to us; we think of the public as our partners in this mission.”

With so many Corps projects moving at accelerated schedules, there is inevitably going to be occasional confusion or misinformation. In an

effort to explain the Corps’ position on some current issues, clear up inaccuracies about certain projects and clarify possible misconceptions about others, the Task Force Hope Status Report Newsletter addresses a few of the Corps’ hottest issues here in hopes of **setting the record straight.**

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Open and Transparent

Corps of Engineers answers questions about area projects and issues

Mississippi River Gulf Outlet (MRGO) and Inner Harbor Navigation Canal (IHNC) lock reliability

Q. What is the schedule for closing the (MRGO)? How will the IHNC Lock repairs affect the schedule?

A. By signature of the Chief of Engineers on January 29, the Corps completed the Mississippi River Gulf Outlet (MRGO) Deep-Draft De-

and environmentally compliant; obtain Office of Management and Budget (OMB) clearance; and send the report to Congress.

The Corps also is taking action to improve the reliability of the IHNC lock, and will perform repairs to the lock this summer. This work will be performed during the Mississippi River low water stages. The IHNC lock will be de-watered for an outage



Authorization Study. The Chief's report was transmitted to the Assistant Secretary of the Army for Civil Works (ASA-CW) who will determine if the project is economically justified

of 60 days. To allow shallow water traffic during the lock outage, the Corps will dredge Baptiste Collette channel so that marine traffic can bypass the lock. All of the material dredged from Baptiste Collette will be used beneficially to build coastal wetlands in the Mississippi River delta.

The work on the MRGO closure will also be coordinated with the storm surge protection measures in the IHNC. This work is an integral component of the commitment to provide 100-year risk reduction to the

Greater New Orleans area by 2011. The contract for that design-build project is planned for award this spring.

The Corps expects to begin the construction of the MRGO closure structure during the lock repair work, but completion of the MRGO closure will not occur until that work is completed. The Corps intends to begin construction of these projects early this summer and expects to complete them before the start of the 2009 hurricane season.

The Corps and the Coastal Protection and Restoration Authority of Louisiana have collaborated closely on this effort. The Corps is preparing the final engineering plans for the recommended closure structure while the State of Louisiana is beginning negotiations to acquire the necessary property to build and maintain the MRGO closure structure.

The Corps will closely coordinate all of these projects and continue to work closely with stakeholders and the state's Coastal Protection and Restoration Authority, as well as look for opportunities to expedite completion.

To view the Chief's Report and the Mississippi River Gulf Outlet Deep-Draft De-Authorization Final Report and the Legislative Environmental Impact Statement (LEIS), visit: <http://mrgo.usace.army.mil>.

Q. Who will be responsible for overseeing the MRGO once the closure is complete?

A. The State of Louisiana is the non-federal sponsor and has the responsibility for operations and maintenance of the completed closure structure.

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Louisiana Coastal Protection and Restoration (LACPR)

The U. S. Congress directed the Secretary of the Army to develop a technical report on the design and analysis of a comprehensive restoration and protection plan for coastal Louisiana. The U.S. Army Corps of Engineers submitted the Louisiana Coastal Protection and Restoration Preliminary Technical Report in June 2006. The Final Draft Technical Report was scheduled to be delivered in December 2007.

Q. Why was the LACPR Technical Report late? When will it be delivered?

A. Over the last two years, the Corps' technical team has accomplished a tremendous amount of work. Through collaborative relationships with the State of Louisiana, other federal agencies and stakeholders, the Corps completed all of the technical work required for a Technical Report.

The Corps is dedicated to providing the most technically accurate information possible. The team is engaging in an extensive review of the results of this technical effort which includes both independent reviewers within the Corps and external experts from the National Academy of Sciences.

A progress report, which summarized the work to date, was provided to the Assistant Secretary of the Army for Civil Works and will soon be transmitted to Congress.

Public and stakeholder engagement and the ranking of potential projects and alternatives will continue throughout 2008. This information will be included in the LACPR Report expected in late 2008.



Louisiana coastal marsh

Q. How are the actions of the LACPR and the MsCIP being coordinated?

A. Although Congress authorized two separate studies with slightly different objectives to address the Louisiana and Mississippi coasts, the Corps of Engineers has taken a systematic and regional approach in formulating solutions and in evaluating the impacts and benefits of those solutions.

The LACPR effort has been, and will continue to be, integrated with the Mississippi Coastal Improvements Program (MsCIP) efforts to ensure a consistent systems approach to computer modeling of storm events, data sharing, alternatives analysis and lessons learned.

As such, the Corps team is considering all potential impacts, both adverse and beneficial, without regard to geographic boundaries. Measures that induce adverse impacts either must be eliminated from further consideration or their impacts must be satisfactorily mitigated on a regional basis.

During the next steps of LACPR and MsCIP, the joint teams will be collaborating at a Northern Gulf of Mexico integrated systems scale. To ensure a fully coordinated approach, a "systems analysis" will be completed to support the development of a comprehensive coastwide plan.

Q. Is the Corps of Engineers proposing voluntary buyouts of private property in Louisiana?

A. The LACPR report is still in development. Many different alternatives are being explored in order to provide higher levels of protection and risk reduction. The voluntary buyout option is one of those alternatives. As report development continues, stakeholders and public officials will be given the opportunity to provide input on the various alternatives before any recommendations are made.

Real Estate Acquisition

Q. Is the Corps of Engineers taking private property to build the hurricane

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protection system in some areas?

A. To provide for public safety and to reduce risk from storms, there are times when the Corps of Engineers may require temporary and/or permanent rights to privately-owned properties.

Payment for real estate interests



To accomplish its mission, the Corps may require temporary and/or permanent rights to privately-owned property.

required for federal projects like those of the Corps of Engineers is governed by the Fifth Amendment of the U.S. Constitution which states "...nor shall private property be taken for public use, without just compensation." Some of the projects that might require private land use include temporary or permanent rights for access roads for construction; operation and maintenance; access to borrow material; stockpile of materials; staging areas; work areas; etc.

The Corps seeks to acquire only the minimum real estate interests required for each project and, when permanent rights are necessary, the Corps or the non-federal sponsor must pay just compensation for the property.

Environmental Justice**Q. What is Environmental Justice ?**

A. As the Corps of Engineers continues its mission to increase public safety through the design and construction of the 100-year level hurricane protection system, it seeks every opportunity to share information with the public. Listening to citizens and recognizing their concerns and ideas is a top priority and an obligation of the Corps.

Environmental Justice refers to the **fair treatment** and **meaningful involvement** of all people, regardless of race, color, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. President Clinton's 1994 executive order on environmental issues specifically refers to the inclusion of "minority populations and low-income populations."

tions and policies. President Clinton's 1994 executive order on environmental issues specifically refers to the inclusion of "minority populations and low-income populations."

Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

Meaningful involvement means that the public:

1. Will have an opportunity to participate in decisions about activities that may affect their environment and/or health;
 2. Will have its concerns considered in the decision-making process;
- and

3. Will be sought out by decision makers who will facilitate the involvement of those potentially affected.

The Department of Defense (DOD) and the Environmental Protection Agency (EPA) guidelines were used to formulate Environmental Justice procedures.

The Corps of Engineers is committed to the successful implementation of the Environmental Justice program in the greater New Orleans area and is currently scheduling Environmental Justice meetings to be held over the next year.

Q. Why do trees and fences need to**Tree Removal****be removed from the levees?**

A. Trees and large shrubs within six feet of a levee toe undermine the integrity of a levee and leave it dangerously vulnerable in a storm event or hurricane. Tree roots growing into levees provide pathways for seepage. Tree roots within the levee section not only violate Corps guidelines, they weaken the flood defenses of the entire city.

Root balls of trees that are blown over during a storm can create critical voids in the levees. These voids worsen seepage and weaken stability. Additionally, large overturned trees can fall on floodwalls and damage them. Trees can also restrict access to the area by Levee Board employees who are responsible for operating and maintaining levees and floodwalls. Fence lines on the slope and along the toe of levees also prevent proper levee inspections.



Trees growing in the levee “toe” undermine the integrity of a levee and leave it vulnerable in a storm event or hurricane.

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Fences hinder the Levee Board’s maintenance and flood-fighting activities. Periodic inspections of the levee toe are necessary to identify possible seepage or other potential problems.

Q. What statute or law regulates tree removal?

A. Removal of trees and fences infringing on the levees is done under right-of-entry laws granted by the Levee Boards. The right-of-entry is based on a Louisiana law that provides for the removal of any objects within six feet of levees that interfere with levee safety or obstruct inspection and maintenance of the levee. *(Louisiana Revised Statutes 38.225 and Attorney General Opinion 06-0168)*

Borrow

Q. Is the Corps finding enough borrow material (levee dirt) to raise the levees to the 100-year level of protection?

A. Working closely with the state, local governments and the levee authorities, the Corps of Engineers has undertaken an unprecedented search for clay material to rebuild

and reinforce levees across the five-parish hurricane protection system. To accomplish the 100-year level of protection, the levee system requires in excess of 100 million cu. yds. of borrow, a special type of clay material. That is enough dirt to fill

about 20 Superdomes.

Before borrow material can be used for levee construction, soil borings, testing and environmental clearance need to be completed. Presently, the Corps is aggressively pursuing three alternatives for acquiring borrow material: Government Furnished, Contractor Furnished and Supply Contracts.

For Government Furnished borrow pits, the Corps of Engineers will conduct site visits, perform soil borings and testing, acquire all pertinent environmental clearances, and be responsible for borrow material excavations. The landowner simply provides the Corps with a signed right-of-entry form and the Corps takes care of the rest.

For Contractor Furnished borrow pits, individual landowners are responsible for soil boring and testing

and for acquiring state and federal environmental clearances. After approval, the borrow site will be placed on the Government Approved List.

For Supply Contracts, the government may secure borrow material through a supply contractor that would deliver material to the construction site and/or stockpile area for placement by the construction contractor. Technical specifications and contracting procedures for this type of procurement are currently underway.

The Corps recently conducted a market survey (Sources Sought) to determine the availability of borrow



Trucks gather borrow from a local pit.

sources. The borrow team was very pleased that it received 64 responses from potentially qualified suppliers. At the end of February, the Corps will issue solicitations to receive proposals from potential bidders for evaluation.

To learn more about borrow material for levees, go to: http://www.mvn.usace.army.mil/HPS/borrow_pits_home.htm

