



CHAIRMAN

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

February 23, 2007

Major General Don T. Riley
Director of Civil Works
U.S. Army Corps of Engineers
Washington, D.C. 20314

Dear General Riley:

I am responding to your request of February 8, 2007, seeking to conclude consultation and obtain Council on Environmental Quality approval of alternative arrangements pursuant to 40 C.F.R. § 1506.11 for implementing the procedural provisions of the National Environmental Policy Act (NEPA). The CEQ regulations implementing the procedural provisions of NEPA provide that where emergency circumstances make it necessary to take an action without observing the normal procedures set forth in those regulations, the federal agency taking the action should consult with the Council about alternative arrangements.

The U.S. Army Corps of Engineers is requesting NEPA compliance through the use of Alternative Arrangements for selected New Orleans and Vicinity Hurricane and Storm Damage Reduction measures funded by the 4th Emergency Supplemental Appropriations Act, Public Law 109-234, and has provided to the CEQ proposed alternative arrangements along with a description of the measures to be evaluated and accomplished. The measures describe the work necessary to reduce the imminent and continuing threat to life, health, and property posed by hurricane storm damage reduction systems damaged and weakened by Hurricanes Katrina and Rita and to put into place the infrastructure needed to protect human health and safety and to encourage recovery.

CEQ has had a number of meetings and conference calls with representatives of the Corps, as well as with representatives of other federal, state and local agencies, and interested citizens. In addition, the Corps and CEQ hosted four public meetings in New Orleans to assess the request and gather input on the proposed alternative arrangements. The input received during the course of the discussions and meetings provided strong support for alternative arrangements that allow for expedited decisions on actions to lower the risk of floods and that restore public confidence in the hurricane storm reduction system so that the physical and economic recovery of the area can proceed as citizens return and rebuild. It was also made clear that the alternative NEPA arrangements should provide the Corps with a way to proceed that complements other ongoing and proposed hurricane protection and coastal restoration efforts.

The continued consultation and comments received resulted in the formulation of the following modifications to the proposed alternative arrangements enclosed with your request.

- The proposed process will begin with one Federal Register notice that includes the alternative arrangements, and provides the Notice of Intent (NOI) that describes the

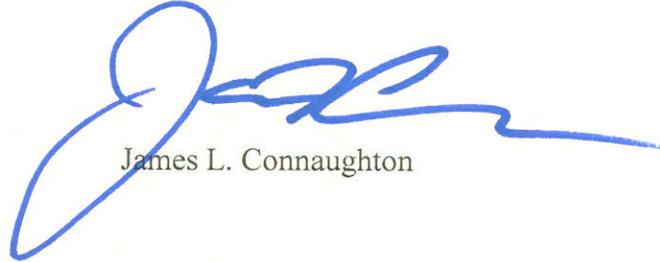
proposed actions analyzed in the Individual Environmental Reports (IERs). That NOI will also initiate the scoping process with a thirty-day public comment period.

- Concurrent with the Federal Register notice, the Corps will make its best efforts to ensure that the proposed notices reach citizens of New Orleans, including, to the extent feasible, persons who have relocated to other areas (including Atlanta, Houston, Memphis and Baton Rouge) using mailing and electronic mailing lists, website postings, notices or ads in broadcast media, and notices or ads in local newspapers and a newspaper with national distribution.
- The proposed mitigation plans will be analyzed and developed in one or more additional IER(s) that consider reasonable alternatives including pooling compensatory mitigation consistent with proposed coastal restoration initiatives.
- The external peer review of proposed levees and floodwalls analyzed in the IERs will be made available as soon as practicable and no later than publication of the Comprehensive Environmental Document (CED).
- The proposed monthly public meetings that provide comment opportunities for the IERs will also provide ongoing scoping for the CED. In the event that all IERs are completed prior to completion of the CED, the monthly agency and public meetings will continue to provide comment and feedback opportunities for the development of the CED.
- The CED will include the proposed systemic integration of the IERs as well as their relationship to proposed and reasonably foreseeable proposals for hurricane protection measures located within the Lake Pontchartrain and West Bank Hurricane Project areas and proposed and reasonably foreseeable proposals for hurricane protection and coastal restoration measures identified in the Louisiana Coastal Protection and Restoration Study and the Coastal Protection and Restoration Authority of Louisiana's Master Plan.
- The proposed web site will provide references and, where available, links to environmental analyses previously conducted in the area, as well as available links to proposed actions and ongoing environmental analyses by FEMA, HUD, FHWA and other agencies.

The CEQ commends the Corps for its open and thorough consultation on these alternative arrangements and agrees that the alternative NEPA arrangements proposed by the Corps, as modified by and agreed to by the CEQ, represent appropriate alternative arrangements for compliance with NEPA for actions taken to respond to this emergency. Alternative arrangements are limited to those actions necessary to control the immediate impacts of the emergency and will remain in effect during the preparation and completion of the Individual Environmental Reports (IERs) and Comprehensive Environmental Document (CED) included in the alternative arrangements.

We ask that you include CEQ in the distribution of notices. We are available to review these alternative arrangements in the event there are any concerns, questions or requests for clarifications from the Corps, other agencies and the public.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Connaughton', with a large loop on the left and a long horizontal stroke extending to the right.

James L. Connaughton