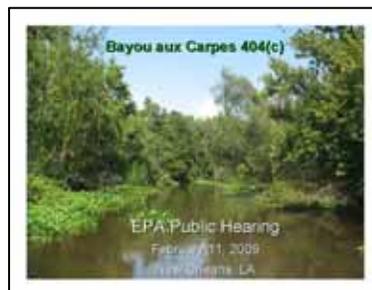
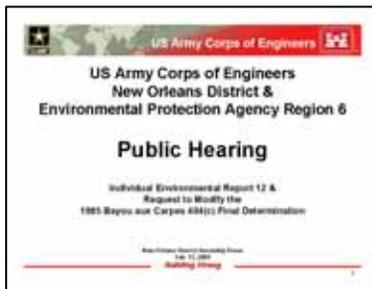


Public Meeting Summary

Individual Environmental Report 12 GIWW West Closure Complex Public Hearing Wednesday, Feb. 11, 2009

Location	USACE, New Orleans District DARM A 7400 Leake Ave. New Orleans, LA 70118
Time	Presentations and Hearing: 6:00 p.m. Open House to follow hearing
Attendees	Approx. 46
Format	Corps Presentation EPA Presentation Hearing Open House
Handouts	<ul style="list-style-type: none"> • Presentations • Status Maps • Process Brochure
Facilitator	MAJ Tim Kurgan, public affairs chief LTC Mark Jernigan, deputy district commander

Major Tim Kurgan, public affairs chief



Thank you for coming this evening. We will have a couple of speakers and presentations before the comment period begins. I ask that everyone holds their questions until the end of the presentations at which point we

will take a 5 minute break before opening the floor to comments. Thank you for being here and I would now like to introduce the Lieutenant Colonel Mark Jernigan, the New Orleans deputy district commander.

Lieutenant Colonel Mark Jernigan, deputy district commander

Good evening. Thank you for joining us this evening and welcome to the U.S. Army Corps of Engineers, New Orleans District. My name is Lt. Col. Mark Jernigan. This is a joint public hearing with the Environmental Protection Agency to discuss the proposed project called the

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Public Meeting Summary

Gulf Intracoastal Waterway West Closure Complex and the Corps' request to modify the 1985 Bayou aux Carpes 404 (c) Final Determination. The New Orleans District has been working diligently to develop alternatives on the Hurricane and Storm Damage Risk Reduction System. When the system is completed we will have over 350 miles of levees and floodwalls that reduce the impacts of a storm event with a 1 percent chance of occurring in any given year. The West Closure Complex project is the most significant project in the Westbank and Vicinity portion of the hurricane system. We have been working closely with the Environmental Protection Agency and numerous stakeholders including: the navigation industry, the Coast Guard, the state of Louisiana, Jefferson, Orleans and Plaquemines parishes to reach this project milestone. Many of our stakeholders are here tonight and I thank you for attending. I would also like to recognize Barbara Keeler and Mike Barra from the Environmental Protection Agency and the EPA Region 6 staffs for helping us reach this milestone. Now I would like to introduce Tim Connell to go over a brief description of the project.

Tim Connell, project manager



Good evening. I will walk you through the project and features. When I am finished, Barbara Keeler will walk you through a presentation on the significance of the Bayou aux Carpes 404 (c). After Barbara is finished with her presentation Mark Barra, the hearing office, will start accepting comments. Then there will be an open house after the comment period.



We are here tonight to provide an overview of the project we are proposing. We are going to accept comments on the Corps' proposal to reduce risk to the communities near the Harvey and Algiers canals as discussed in Individual Environmental Report 12. A part of the proposed action would impact the spoil bank of the 404 (c) wetlands area. The Environmental Protection Agency is here tonight to take comments to modify the determination on the Bayou aux Carpes 404 (c).



The National Environmental Policy Act is required of all major federal actions. To comply with NEPA we have to analyze the potential impacts to the human and natural environments and to identify reasonable alternatives. The key to the process is public involvement. The goal is to make a more informed decision

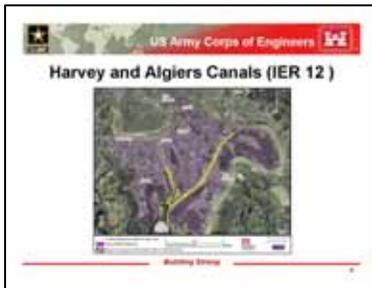
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Public Meeting Summary

through public involvement. Some of the public input received has changed how we approach the project. The analysis is then documented in the Individual Environmental Report. IER 12 covers this project and the comment period ends tonight at midnight.



This is an overview of the Westbank and Vicinity Risk Reduction project. Outlined in red is the project area and it is approximately 66 miles of levees and floodwalls.



This is the area studied under IER 12. It encompasses the major population areas of the Westbank which are Harvey, Marrero, and Belle Chasse. In yellow is the current alignment of the system in this area.



These are the four different alternatives studied in detail. We considered a wide range of alternatives and narrowed them down to four. We developed the GIWW West Closure Complex alternatives by working with the EPA, National Park Service and with the Federal and state resource agencies. We investigated four alternatives in depth and this one [pointing] cuts across the 404

(c). This [pointing] is the proposed action in the same location but it goes around the 404 (c). This [pointing] is another alternative studied that involves placing a gate structure in the Algiers Canal. Then this was the option studied that was parallel protection with no structures in the Algiers Canal, Harvey Canal, or the GIWW. Some of the other things done to develop the proposed action were the development of a working stakeholder group with monthly meetings.



We coordinated a helicopter flyover and partnering session with the EPA that was helpful in developing the proposed alternatives. We engaged the state, local and federal agencies individually and later they became part of the stakeholders group. We hosted 10 official public meetings on this project and we participated in a number of neighborhood association meetings. We continue to

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Public Meeting Summary

explore the feasibility and constructability of the GIWW West Closure Complex along the east bank of the Bayou aux Carpes 404 (c).



We coordinated a technical review with the Coast Guard, navigation industry, and with the Jefferson, Orleans and Plaquemines parish drainage entities. Then we formally requested modification to the Bayou aux Carpes 404 (c) Final Determination on Nov. 4, 2008. The Corps released IER 12 for public review and the EPA released the notice of request for modification on Jan. 5, 2009.



Of the four alternatives this is the Corps' proposed action. The major components involve the relocation of the east side of the Bayou Road levee [pointing], construction of a pump station [pointing] and navigable floodgates [pointing]. Then there would be a floodwall along the Bayou aux Carpes 404 (c) [pointing]. The floodwall will be constructed in an area no longer than 100 feet wide and 4,200 feet long along the edge of the Bayou aux Carpes 404 (c). It would be constructed with marine equipment and the total area of impact would be 100 feet from the bank. A levee on the west side and a T-wall on the north side of the Old Estelle Outfall Canal would be constructed. I am going to go over this several times so there is a clear understanding of what is going to be happening in this area.

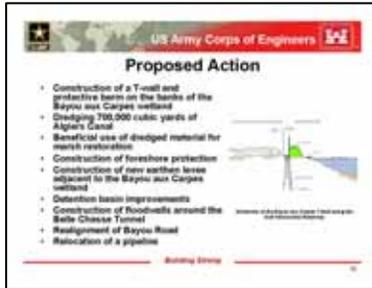


Several things are going to result because of the proposed action. The most important is the increased system reliability of risk reduction. There would be a reduction of risk to the 245,000 people in the area shown in purple on an earlier slide. If we were to implement this proposed action it would take out 26 miles of levees and floodwalls that currently serves as the primary source of protection against storm surge. That is about 40 percent of the 66 miles. This project would put that 26 miles behind a more compact and robust structure. It would leave the 26 miles behind the structure as a secondary system to work with the primary system to provide risk reduction. Another key component is it reduces the risk to businesses along the Harvey and Algiers canals. Currently, the businesses between the floodwall on Peters Road and the Harvey Canal would be subject to storm surge inundation under the 100-year storm. This structure will be placed south and west of the floodwall which would block storm surge. Another result with the proposed action is the construction of navigable floodgates across a major inland commercial waterway without closing the navigation channel. Navigation would

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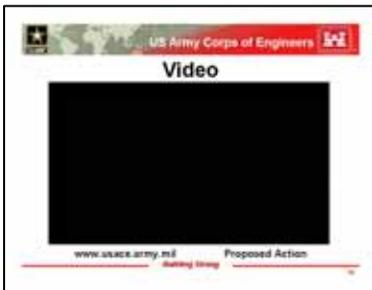
Public Meeting Summary

end up passing through a no less than a 200 foot opening during the entire construction period. Part of that is the construction of a permanent bypass channel for navigation. This proposed action is placed in the main drainage conduit for the Westbank. Nine pump stations pump storm water from the streets of the Westbank into the canal. To deal with that aspect, we will be constructing 20,000 cubic feet per second capacity pump station and this drawing shows the configuration the pump station will be utilizing. One of the key things about this pump station is it is at elevation 16 and there would be no possibility for backflow with this pump station we are proposing.



The proposed action also includes the construction of a T-wall and protective berm on the banks of the Bayou aux Carpes 404 (c) wetland. It is 100 feet from the water's edge. The impacts will not be greater than 100 feet. We are looking at other features to try to minimize the 100 feet. Another feature is the main drainage conduit for the Westbank and it was determined that to maintain the water flow in the canals we would have to dredge the Algiers

Canal from the Belle Chasse tunnel to this pump station which is about 700,000 cubic yards. We plan to use the 700,000 cubic yards beneficially by taking it by barge to the crib area along Bayou Segnette and Lake Salvador. Another component is the construction of foreshore protection which we'll go over in the next slide. There is a new levee on the west side by the Bayou aux Carpes wetland. There are detention basin improvements. The detention basins are the levees along the Algiers and Harvey canals that will remain in place but they will be improved. There will be construction around the Belle Chasse tunnel as part of the detention basin improvements. There will be realignment of Bayou Road and of the Enterprise gas pipeline that currently goes under the GIWW where the structure will be placed. The pipeline will be directionally drilled to go under the 404 (c) wetlands with no impacts or no future impacts with the maintenance of the pipeline.



[Video] Hopefully that was informative on how we plan to construct this project.



As part of the project we have the construction of a T-wall along the north bank of the Old Estelle Outfall Canal. Then there is the construction of a levee on the west bank of the 404 (c). These projects will have no impact on the 404 (c) wetlands and there

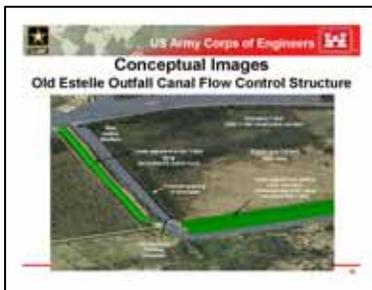
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Public Meeting Summary



would be no additional right of way required for the construction of those features. The 404 (c) floodwall is within the 100- foot corridor. This feature has potential beneficial affects on the 404 (c) in the form of a flow control structure. It regulates water from the Old Estelle Canal. If the water is desirable then the gate would be open to allow it into the GIWW. If it is more beneficial for the rain water to be allowed in, then the control structure would be closed. This feature is being studied. The two gates are under close study and we are confident the large gate will be on the other side now. The large gate is going to be a 225 foot clear opening. The secondary gate is going to be somewhere between 75 and 110 feet.

This shows the large gate where we anticipate it to be located.



This shows the flow control structure with the water flow coming out of the Old Estelle Outfall Canal. The possible gapping of the soil embankment is being studied to see if it is beneficial to allow the water to go into the 404 (c) as apart of the project.



There are plenty of opportunities to provide public input on any of the projects either by attending public meetings, visiting the nolaenvironmental.gov Web site, or by contacting Gib Owen. The public review period for IER 12 closes tonight at midnight.

Now I will turn things over to Barbara Keeler to discuss the significance of the Bayou aux Carpes 404 (c) wetland.

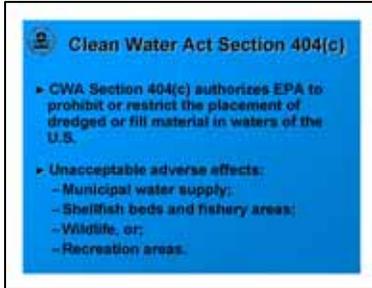
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Public Meeting Summary

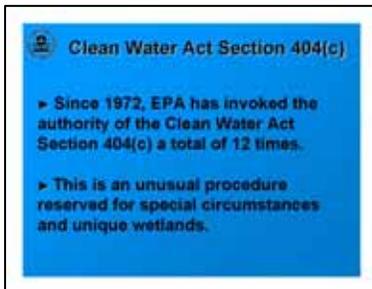
Barbara Keeler, Coastal and Wetlands Planning Coordinator



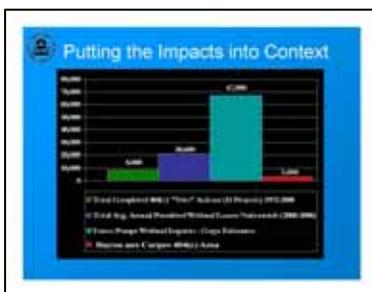
Good evening I am here to explain the 404 (c) aspects. The area outlined in red [pointing] is the Bayou aux Carpes 404 (c) wetlands.



The Bayou aux Carpes 404 (c) is a section under the Clear Water Act that authorizes the EPA to prohibit or restrict access when there are unacceptable adverse effects on the municipal water supply, shellfish beds, and on the fishery, wildlife, or recreation areas.

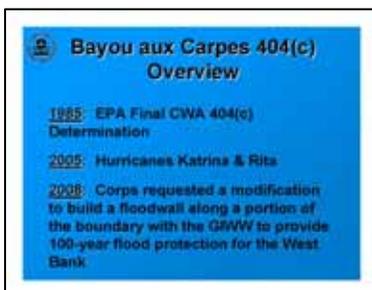


Since 1972 the EPA has only invoked the provision of the Clean Water Act 12 times. This unusual procedure is reserved for special circumstance and unique wetlands.



To put things in context I will walk you through this chart. The EPA has only evoked this provision 12 times in the history of the Clean Water Act. The first bar with the 8000 figure represents the total acres protected or restricted by the first 11 404 (c) acts in history. Of the 8,000, 3,000 are represented by the Bayou aux Carpes 404 (c). Last year there was the 12th incident to invoke the Bayou aux Carpes 404 (c) for an area in Mississippi for the Yazoo pumps which added 67,000 acres under this total provision. The

blue box in the middle is to compare the acres protected by the 404 (c) to the average annual loss of wetlands.



It was 1985 when the EPA took this action on the Bayou aux Carpes area. Then in 2005 Hurricane Katrina and Rita exposed the vulnerability of the flood protection system on the Westbank. As a part of the Corps' efforts to upgrade the system they have by USACE contractors. These notes are intended to provide an overview of the and comments, and are not intended to provide a complete or verbatim account intended to be a legal document.

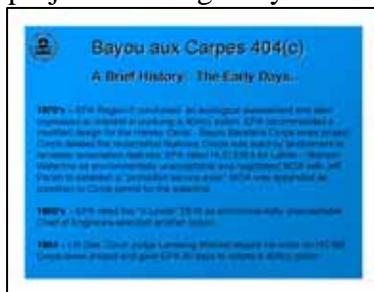
Public Meeting Summary

requested the EPA to modify the action to allow construction in the area Tim described.



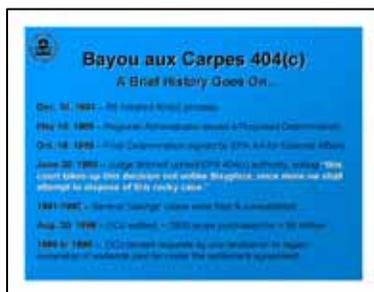
The Corps of Engineers has agreed to post this presentation on their www.nolaenvironmental.gov Web site under IER 12. The federal interest in this property started in the 1960s with the Corps of Engineers flood control and reclamation project called the Harvey Canal-Bayou Barataria Levee project.

In the 1970s, the Corps of Engineers and EPA agreed on a modified design for this project. This project was originally a flood control and reclamation project. There was a proposal for



development in the Bayou aux Carpes and other areas. The EPA and Corps worked together and came up with a modified project which eliminated the reclamation features. At the same time the Corps and EPA were working together to eliminate the reclamation features, some land owners sued the Corps to reinstate those features. In the same time frame, Jefferson Parish applied for a Community Development Block Grant from the

Housing and Urban Development federal agency. As part of the project there was a waterline proposed to bring water to this planned new development. The EPA then worked with Jefferson Parish to come up with an agreement to prohibit water provided within the confines of the Bayou aux Carpes 404 (c). In 1984 the U.S. Supreme Court Judge Landsing Mitchell stayed his order because he heard the EPA considered putting a 404 (c) action and he wanted to know what they had proposed to do. So we took the 90-days.

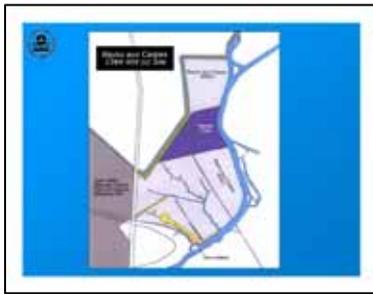


Then in 1984 the EPA did initiated the 404 (c) processes and concluded in 1985. A couple of years later the EPA was sued because there was a claim we did not have the authority to invoke 404 (c), we did not follow the proper procedures, and that we came up with the incorrect final answer. Judge Mitchell upheld the EPA on all 3 points. Then in the early 1990s and there were several takings cases filed against the EPA for evoking 404 (c).

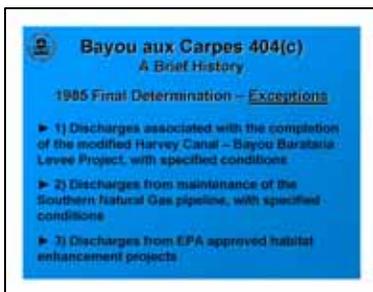
Takings are the final clause in the 5th amendment of the constitution where it limits the powers of domain. The clause provides for if private property is taken for public purpose then there needs to be just compensation. Then in 1996 the Department of Justice settled that case by purchasing 2,800 acres of the Bayou aux Carpes area for \$8 million dollars.

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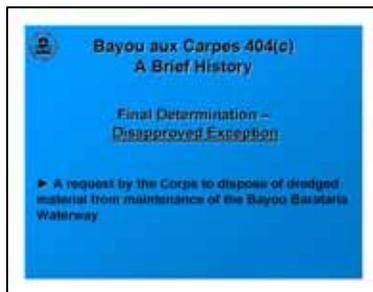
Public Meeting Summary



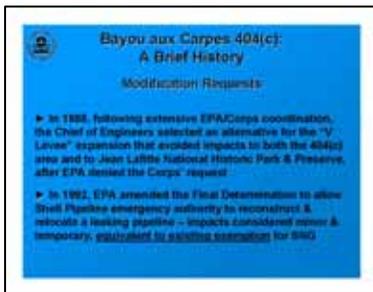
As I mentioned earlier, the site contains about 3,000 acres but we purchased 2,800 acres. This area [pointing] is the Bayou aux Carpes sandwiched between Bayou Barataria, the GIWW, and the Jean Lafitte National Historic Park and Preserve. The EPA purchased the light shaded areas up top and down here [pointing]. It did not purchase the purple area titled the Harvey Track because those landowners were not involved in the suit. The Federal government owns this property here and here [pointing]. The 404 (c) actions apply to this area [pointing].



The 1985 determination included three exceptions. We said the discharges of dredged or filled material are restricted except for in these situations. The first one did not come into play but it was a provision related to the Harvey Canal and Bayou Barataria levee project. The second came into play to allow discharge from the maintenance of the Southern Natural Gas pipeline which has existed on the property in 1985. The last one is that we were going to potentially allow discharge from future activities to improve the habitat.



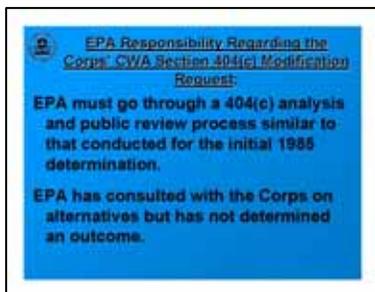
In 1995, the Corps requested a 4th exemption to dispose dredged material from the maintenance of the Bayou Barataria Waterway which the EPA denied.



Since 1985 there has been other request for modifications. There was one in 1988 with the expansion of the V-levee on the western side of the Bayou aux Carpes area. The EPA and Corps worked out an alternative which avoided impacts to the 404 (c). In 1992, based on the Southern Natural Gas exception, the EPA granted Shell's request to fix a leaky pipeline. The request was granted for a few reasons. The EPA determined the environmental impacts of not repairing the pipeline were too great and that the impacts were going to be limited. They would cover less than half an acre in scope which amounted to about 300 cubic yards of dredged material. We required that the pre-project contours be reestablished after the work was completed.

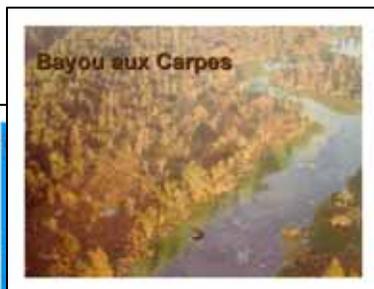
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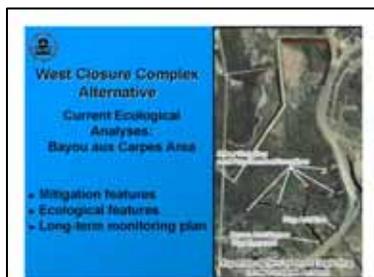
In 2008 the Corps has requested that the EPA make a modification to allow the construction of the floodwall. The 404 (c) never envisioned a need to make modifications which means there are no clear procedures or guidelines. The EPA has decided to go through a detailed analysis to look at the modification request as we did in invoking it in 1985. The EPA has consulted the Corps on alternatives as they have gone through the NEPA

process. We have worked closely with them to identify alternatives to minimize the impacts to the 404 (c) which is one hat we wear under the National Environmental Policy Act. Another hat

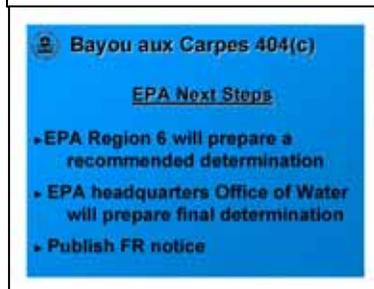


we wear is our 404 (c) hat and we have not determined if we will grant the modification to the Corps. Tonight we are here to hear what the people who live and work on the Westbank think about the situation.

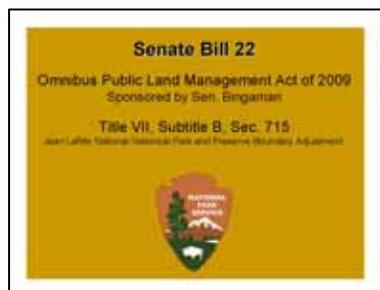
Again, we worked with the Corps to develop the practical alternatives and the Corps came up with a plan to reduce the impacts of the alternative. The original plan would impact 636 acres of wetlands in the Bayou aux Carpes area but now they are down to 9.6 acres. We are still working on some enhancement projects, mitigation features and a long term modification plan.



I am going to skip over this slide because Tim covered this in his presentation.



The EPA's next steps are to take the comments from tonight along with input from the federal, local, state, and other stakeholders and add our own analyses to analyze the information. Then the Region 6 office will make a determination on the matter to give to the EPA headquarters Office of Water. They would then make an independent analysis and publish the final decision in the federal registrar.



Now I have told you about the EPA, Corps, and parish involvement. The one agency we need to mention specifically is

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Public Meeting Summary

the National Park Service. Our site adjoins and is connected to the Jean Lafitte National Historic Park and Preserve. Senate Bill 22 was passed by the senate a few weeks ago and is heading to the house is called the Omnibus Public Land Management Act 2009. The act compiles about 150 separate public land actions across the country into one bill. It would result in allowing the Federal property in the 404 (c) to be placed under the management of the National Park Service. I know it sounds odd because the Federal government owns the property but legislative authority is required before the park service can manage those lands.

Now I would like to show those who have not been out to the Bayou aux Carpes why this area is special and deserves this level of protection in 1985 and how the same qualities exist today in 2009. This picture is of the Bayou aux Carpes from 1985.



This is another shot from the water of the Bayou aux Carpes from a few months ago.



This shows the different habitats. All of this area is in the 404 (c). This is the crook of the V-levee [pointing] and this is the national park [pointing].



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Public Meeting Summary

As seen in the video this is the Estelle pump station and outfall canal. This area [pointing] represents the northern boundary of the 404 (c). This [pointing] is some of the cypress tupelo habitat.



Now we are moving down the canal. This area [pointing] will be lined with the floodwall. There are some bottomland hardwoods lining the canals moving into Cypress Swamp and to open floatant marsh in this area.



This is a look from Bayou Barataria to the plugged mouth of Bayou aux Carpes. It is no longer connected to Bayou Barataria. There has been a plug in there for many years.



This is a shot from 1985 of the typical Cypress Tupelo Swamp taken from one of the interior waterways. The second shot is from 2008 from a waterway in the cypress tupelo habitat.



Again 1985, on the top, the picture was taken in a different season and locations. It shows the expansive areas of floatant marsh in the middle of the 404 (c).

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Public Meeting Summary



This is a 1985 shot taken in a different growing season than from the picture on the right in 2008. It is a photograph of some of the typical Cypress Swamp located in the interior.



This is another example of the cypress habitat from one of the interior waterways on the site.



This site of the bottomland hardwoods is where the proposed floodwall would be. It shows the habitat located in that area.



This shows one of the unique aspects of the 404 (c). These dark trees [pointing] in the shadows are large cypress trees and the younger trees [pointing] are generating new cypress trees on the site.



This is an example of the expansive flotant marsh in the interior area. A flotant marsh is how it sounds. It rises and falls with the organic mass and vegetation with the water. In places it can support the weight of scientist and in others not so much.

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Public Meeting Summary



This is the flora and fauna characteristics of the site.



It makes us realize this is a special place and a national treasure.

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