



# Public Meeting Summary

Non-Government Organization Meeting  
Tuesday, March 11, 2008

<b>Location</b>	US Army Corps of Engineers District Assembly Room 7400 Leake Ave. New Orleans, LA 70115
<b>Time</b>	4:30 p.m.
<b>Attendees</b>	approx 70 including 50 staff
<b>Format</b>	Presentation
<b>Handouts</b>	<ul style="list-style-type: none"> <li>Borrow, 3.11.08</li> </ul>
<b>Facilitator</b>	Welcome – Gib Owen, USACE Environmental Col. Al Lee

Each member attending the meeting introduced him or herself.

<b>Name</b>	<b>Affiliation</b>
Carl Anderson	Senior Project Manager –Jefferson and St. Charles Parishes, MVN Protection & Restoration Office
Libby Behrens	MVN Environmental Planning and Restoration Section
Bob Broder	MVN Engineering
Mike Brown	MVN Environmental Planning and Restoration Section
Carol Burdine	MVN Protection & Restoration Office
Rick Bush	Federal Emergency Management Agency
Randall Cephus	MVN Protection & Restoration Office
Frank Cole	Louisiana Department of Natural Resources
Getrisc Coulson	MVN Environmental Planning & Restoration Section
Carlton Dufrechou	Lake Pontchartrain Basin Foundation
John Ettinger	US Environmental Protection Agency
Joan Exnicios	Environmental Justice Coordinator & Chief, MVN Natural & Cultural Resources Section
LTC Andamo Ford	MVN Executive Office
Karen Gautreaux	Louisiana Department of Environmental Quality, Nature Conservancy
Chris Gilmore	Senior Project Manager – St. Bernard Parish, MVN Hurricane Protection Office
Horst Greczmiel	Council on Environmental Quality

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<b>Name</b>	<b>Affiliation</b>
Tom Griggs	Louisiana Department of Environmental Quality
Shelia Grissett	Times-Picayune
Wade Habshey	MVN Public Affairs Office
Rick Hartman	National Marine Fisheries Service
Sue Hawes	MVN Protection & Restoration Office
Brett Herr	MVN Protection & Restoration Office
Soheila Holley	Senior Project Manager - MVN Borrow Team
Garry Hovianson	Federal Emergency Management Agency
Bonnie Hurley	Earth Tech
Christina Hunnicutt	US Geological Survey
Cynthia Illick	Federal Emergency Management Agency
Donald Jolissaint	MVN Hurricane Protection Office
Barbara Keeler	US Environmental Protection Agency
Dr. Paul Kemp	National Audubon Society
Rick Kendrick	MVN Hurricane Protection Office
Dr. Barry Kohl	Louisiana Audubon Council
COL Alvin Lee	MVN District Commander
Patricia Leroux	MVN Environmental Planning & Restoration Section
Dr. John Lopez	Lake Pontchartrain Basin Foundation
Lissa Lyncker	MVN Environmental Planning & Restoration Section - Contractor
Dr. Ed Lyon	Environmental Justice Coordinator, MVN Natural & Cultural Resources Section
Reuben Mabry	MVD Task Force Hope
Darryl Malek-Wiley	Sierra Club
Leslie March	Sierra Club
CPT Eric Marshall	MVN Protection & Restoration Office
Jill Mastrototaro	Sierra Club
Julie Morgan	MVN Public Affairs Office
Mike Murphy	Tulane Environmental Law Clinic
MAJ Nicholas Nazarko	MVN Hurricane Protection Office

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<b>Name</b>	<b>Affiliation</b>
Bonnie Obiol	MVN Environmental Planning & Restoration Section
Gib Owen	Chief, MVN Environmental Planning & Restoration Section
Steven Peyronnin	Coalition to Restore Coastal Louisiana
Jamie Phillippe	Louisiana Department of Environmental Quality
René Poche	MVN Public Affairs Office
Thomas Podany	Chief, MVN Protection & Restoration Office
Molly Reif	US Geological Survey
Cheryn Robles	MVN Public Affairs Office - Contractor
Matt Rota	Gulf Restoration Network
Reneé Sanders	Louisiana Department of Natural Resources
Judy Smith	MVN Environmental Planning & Restoration Section - Contractor
Natalie Snider	Coalition to Restore Coastal Louisiana
LTC Murray Starkel	MVN Executive Office
Steve Synovitz	MVN Protection & Restoration Office - Contractor
Danielle Tommaso	MVN Environmental Planning & Restoration Section
Julie Vignes	Senior Project Manager – MVN West Bank and Vicinity
Stuart Waits	Senior Project Manager – MVN Floodwalls
Laura Lee Wilkinson	Environmental Coordinator, MVN Hurricane Protection Office
Kevin Wagner	Senior Project Manager – MVN Orleans Parish, Hurricane Protection Office
Lee Walker	MVN Hurricane Protection Office - Contractor
Elizabeth Wiggins	Chief, MVN Environmental Planning and Compliance Branch
Scott Wilson	US Geological Survey
Tawanda Wilson-Prater	MVN Hurricane Protection Office
Steve Wright	MVD Task Force Hope

Welcome, COL. Alvin Lee

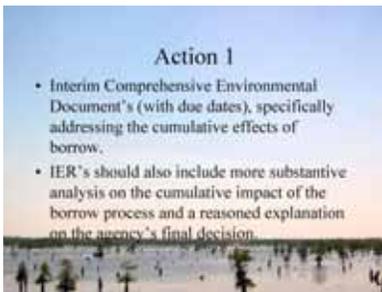
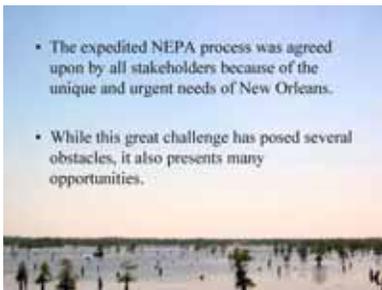
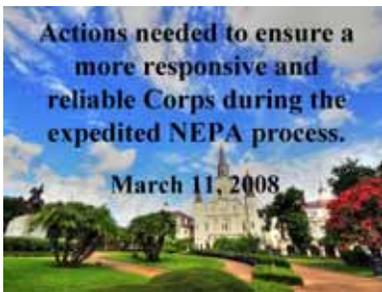
Thank everybody for coming. Over the last few days we've had meetings to discuss alternative arrangement issues. Today is the wrap up session to hear your concerns and issues and to figure out how to work together to better communicate. We've received good feedback from groups and at public meetings throughout the greater New Orleans area on how to communicate better to non-government organizations and the public. We are very appreciative of those comments.

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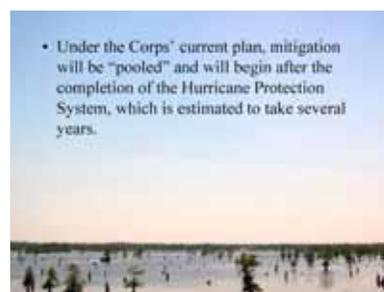
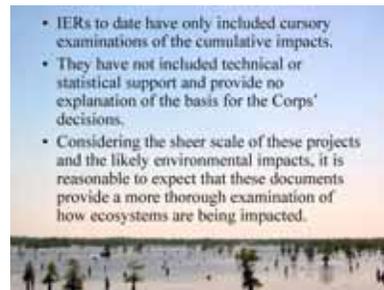
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In late 2007 we got comments about the District Web site. We have made efforts to make it more user-friendly, to help communicate and to help find things. I have trouble finding things too. We received that feedback and have a contract with a firm who is doing research on our Web site. They have experience with big organizations and are going to help us make the Web site more user-friendly. That's a minor component but we're working towards that. Your feedback is valuable. If you believe we're missing the mark I would appreciate future engagement. We're here to serve the public, we want to be effective in that venue. In the future I would encourage you to comment so we have your viewpoint. We hear from the public about their views and we want to hear from non-government organizations also. NGOs help us to see ourselves better. We are open and appreciate the feedback you provide. Thank you for coming.

**Horst Greczmiel**, Council on Environmental Quality: I'd like to echo thanks. Col. Lee and Task Force Hope, others and colleagues have been kind to host me and give me good information. I'd like to give thanks to the NGO community and citizens groups who have been contacting me. We're making strides to improve communication. When I was down here in late 2006 developing the alternative arrangements I had good feedback. I look forward to getting better. The important thing is that everyone at the table wants to get better. Thanks I look forward to your comments now and in the future.



**Matt Rota**, Gulf Restoration Network: I handle the water resources program for the Gulf Restoration Network. I want to outline the process since the first Individual Environmental Reports have come out. I've been to public meetings. I and the Lake Pontchartrain Basin Foundation and the Louisiana Audubon Council and the Sierra Club have been paying attention. We've been in conversations with Gib Owen and Horst Greczmiel and we'd like your indulgence for 15 minutes to go over large issues we've seen. I have copies of this



presentation. Please get the presentation posted to [nolaenvironmental.gov](http://nolaenvironmental.gov) so people can see it. I'll start by saying this is an extraordinary time. We want protection as quickly as possible. I just bought a house 2 months ago and I have a vested interest in making sure we have adequate protection. We want correct [inaudible] and environmentally sound protection.

This process is new, we got involved during pre-scoping, as Horst mentioned.

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**Action 2**

- Mitigation should be completed concurrently with work on individual projects, including immediate reservation of funds for mitigation work.



- The traditional image of the agency manager as the technical expert making benevolent decisions in the public interest has been undermined by recent events.
- Allowing NGOs, that represent the public, to more fully participate in this expedited NEPA process will help reestablish that trust.
- A more collaborative approach will also help increase the capacity of these agencies and increase our ability to deal with problems in the future.



**Action 3**

- Interested stakeholders should participate in the Corps' mitigation planning meetings with other federal agencies.



- NEPA documents must be supported by empirical or experimental data, scientific authorities, or explanatory information.
- Otherwise the public cannot properly comment on the document.



**Action 4**

- Access (without FOIA requests) to all pertinent documents that we request.
- To better accommodate the unique needs of displaced New Orleanians, the Corps should establish a library with all relevant documents to the IER process open and available to the public.



- Wetlands are storm protection.
- Even if wetlands are within levee systems, the amount of environmental services they provide far outweigh any amount of dirt they could provide.



**Action 5**

- A commitment that neither the Corps nor contractors hired by the Corps will enter wetlands for borrow.



- The Corps has an opportunity to reestablish trust with residents by making a larger effort to thoughtfully include stakeholders.



One concern we have is about cumulative impacts. We have concerns with the expedited process also. We want to make sure we do not have too many cumulative impacts especially if we don't want to do the project. [Inaudible] then look back and see damage. We want to use a preemptive approach. We want to see the rolling process that could have cumulative impacts for borrow because IERs 18 and 19, 22 and 23, and now 25 and 26\* [inaudible]. To make sure we have the impacts [catalogued] we might want to do a cumulative impact [document] that might be [inaudible]. With borrow and the IER process in general, we need more than just [inaudible] at the end of the IERs. We already ran into an issue and requested a map of all borrow sites [under investigation]. The map is in the packet at the front door but we want it as part of the official document.

The next thing is mitigation. We're just making sure mitigation happens. There are many projects where mitigation was scheduled but then the project ran out of money and there was no mitigation. Now we're told mitigation will be pulled into one IER. We're not against

that but feel mitigation needs to happen concurrently. We have a general idea of what the impacts are. We feel mitigation should be moving forward and if that doesn't happen, we should have a commitment and money set aside to make sure mitigation happens. Mitigation can augment projects. It shouldn't be separate. Healthy wetlands in front of the hurricane system are [inaudible].

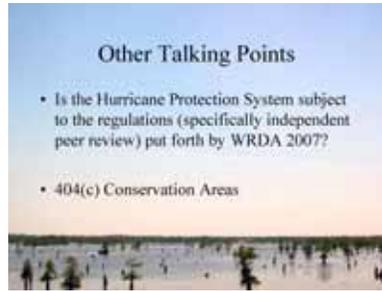
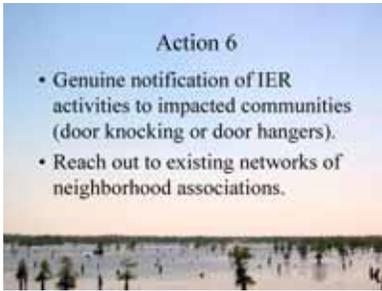
With mitigation we're looking for a more collaborative process. NGOs feel like they would like to be more involved. One option is being involved in an interagency [inaudible] or a liaison to be involved and know what's happening. I hear stuff is happening but all we have to work with is what we're given.

Several of you have had issues with policies but you have always responded with the Freedom of Information Act process. The 30-day public comment period is pointless because we need information. This goes against transparency. If this

information used to make decisions we should have access to it without going through an official FOIA request where we still don't get necessary information we ask for.

One issue is digging up wetlands for borrow. The Corps has said publicly that you're not looking at wetlands now but you might in the future. That causes us great concern, especially if the wetlands are The following notes were recorded by USACE contractors. These notes are intended to provide an overview of the presentations and public questions and comments, and are not intended to provide a complete or verbatim account of the meeting. This account is not intended to be a legal document.

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within the hurricane system. The Governor said to keep up with state plan [for coastal restoration]. Also, wetland soils are of lesser quality. Another issue is consistency and discretion. One borrow criteria is that wetlands are not used. If we go back, what else do you have discretion on? What rules will you follow if you back

up on the borrow criteria?

People are directly or very closely impacted by borrow pits or toes of levees. You say that the Corps can't knock on doors but please rethink that policy. If I have a kid and they have asthma and heavy machinery will be around, I would like to know. People need to know. An ad in the newspaper and on a Web site isn't good enough. We encourage you to continue and reach out with more community neighborhood associations to make sure notifications get out.



If a hurricane system falls under the Water Resources Development Act of 2007, this should be subject to peer review, how is that happening under the expedited framework?

There was a 404c area [inaudible] thanks for removing it. We want to let you know 404c areas need to be very protected so they are not impacted directly or indirectly by projects.

At some meetings it was stated that the Corps doesn't have to abide by local laws. For example, the local ordinance about backfilling. It's been stated that the Corps doesn't have to abide by local laws regarding Government Furnished borrow material. That might be true but confidence in the Corps isn't strong. Making sure the public is involved and respected and to say you're not going to follow local law takes more finessing. You need to respect those laws and the will of the people.



I really appreciate this meeting and the opportunity to have a candid discussion because we don't want to be adversarial. We want to make sure we have the best protection as possible. This is a great step towards that. Thank you for allowing us to outline our issues.

**Col. Lee:** We will respond to some questions now and others we'll take on as we proceed. On the point about a comprehensive document with the cumulative affects, we've been having discussions about that. We've made good efforts to make sure borrow sites are identified in Geographic Information Systems. The first comment about, "you're going to dig everything up and then we'll have nothing to protect," I look at the GIS and I see well distributed sites for borrow. I have to balance the needs we have to provide safety to citizens and balance that with [inaudible]. We fully understand the cumulative effects of borrow and more than just the sites, there will be trucks, transportation, noise, air pollution other environmental factors impacted during the activities. Then there are environmental justice issues also. We are concerned with cumulative impacts. In the future, Matt talked about a

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rolling review, I'm interested in understanding what you mean. I want to get your ideas on how to do that under the alternative arrangements. I'm charged to keep the process moving but we want to track cumulative impacts. We're not glossing over it and then looking back. We need to focus on cumulative impacts so we can minimize those.

Regarding Mitigation, Gib Owen can answer those questions.

**Owen:** We have a program cost estimated at \$15 billion, we reserved \$590 million for mitigation. We won't be able to avoid mitigation. You talked about setting aside money, that's how the system is set up. We put aside budget for mitigation.

**LTC Starkel:** [Inaudible] contracts awarded?

**Owen:** We haven't awarded contracts for any 100-year projects, yet.

**Rota:** If the project goes over budget, will money still be set aside for mitigation?

**Owen:** Money is set aside now, we'll hold it in an off site area. It won't be touched by construction.

**Col. Lee:** Mitigation was built into the risk analysis. [Inaudible] a whole list, contingency cost estimation and mitigation, it was built in project by project. That money is identified for mitigation, there's no concern for that.

**Rota:** Would [inaudible] be included in IERs?

**Owen:** During Task Force Guardian we impacted 57 acres of wetlands. We have \$26 million set aside for that now.

**Rota:** Where is the process for that?

**Owen:** [Inaudible] Individual Environmental Reports 20 and 21 right now. We've done some mitigation in New Orleans East in Bayou Sauvage. The impacts were in New Orleans East.

**Col. Lee:** Another issue you brought up was that the IER documents should include soil quality. I thought we covered this earlier but I will cover it again. The borrow criteria went through a review process with other experts from the Corps. It went externally and was reviewed by the National Academy of Science. That standard is etched in stone. We can't change that standard because we're having trouble finding borrow material. We have information that can provide you statistics of the failure rate of borrow material. Borrow can fail for wetlands, cultural, actual standards not meeting criteria. Those are no-go or go screenings. We're focused on that. In a meeting last year we talked about having Government Furnished, Contractor Furnished and a Supply Contract for borrow. Since that meeting in late 2007 we did a Sources Sought to seek suppliers of Contractor Furnished borrow. The rationale was from comments from you that people didn't want their backyard dug up so we were trying to find sources from outside the area. We got good feedback, about 60 contractors sent in

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information [about their sites]. We didn't stop [asking for sources of borrow] we've continued [identifying] sources. We're in the process of the Hurricane Protection Office working a solicitation to obtain a supply contract because of requirements in St. Bernard. We don't have Government Sources in St. Bernard. We've listened to some input and we're trying to minimize impacts of borrow in St. Bernard and other parts of the system.

**Rota:** Wetlands are a no-go area?

**Col. Lee:** It's the same as last time. The first thing we're going to avoid is wetlands. We'll do that as long as we can. Through three different acquisition methods [inaudible] enforce that more. We're not just saying if we can't find Government Furnished borrow. We've shown that we went out, put out a sources sought to find sources and maybe [inaudible] to bring in the requirement. We're taking a hard look to make sure we go through the process and eliminate all sources first. I can't say we'll avoid wetlands but we're going through a process of avoidance first. We'll minimize second, and mitigate as a third option. We're committed to doing that. We're not going to jump to wetlands. We're committed to doing whatever we can to avoid wetlands first.

**Barry Kohl:** In Addendum 18, I asked what happens if we can't meet the cubic yards requirements. It was stated that wetlands could be investigated. For a number of reasons the proposed site would be removed. And presence of wetlands would be removed second. The third consideration is endangered species, fourth is hazardous waste and fifth would be soil standards. It says soil standards must be met in order to construct the hurricane protection system. You should change "must" to "shall." Rather than "must" it should say "shall" which is more of an absolute. There appears to be wiggle room in the wording. My concern is soil will be from wetlands, if you go to wetlands, then material from wetlands may not meet the standards. Then if that is the case you would relax the standards.

**Col. Lee:** I've answered that. The borrow standard is not flexible. We'd have to go back to peer review. That's been established, it went through internal vetting and the National Academy of Science and the Interagency Performance Taskforce reviewed the borrow standard. I don't see flexibility. If we make a decision it would still go under investigative requirements, if it didn't meet the standards the soil would be screened out, just like an uplands site. If it doesn't meet the standard, it would be no-go site.

**Kohl:** In June of last year at an IER public meeting, I asked for standards. He [unclear reference] said he would provide them. The meeting was June 16, on July 9 I still hadn't received them. Then you said [the request] must go through a FOIA request. That's a big issue in "transparency." Eventually Gib took over and I received the standards on August [inaudible] after I asked for them in June. Then IER 18 and 19 come out and the standards weren't in there either. Rather than provide them, I had to go through long hurdles including a FOIA until [inaudible] intervened and it was decided I could get the standards. Then when the borrow IERs came out, the standards weren't in the IERs. It appears to me that there was reluctancy. My suspicion is you didn't want those made public.

**Col. Lee:** We address your concerns in the Addendum to IERs 18 and 19. Unfortunately they were not provided quickly and earlier. Dr. Bea requested them too. We provided them on design criteria. What we're trying to do on the Web site is creating a mapping function [inaudible] that is intuitive to find something easily [inaudible] we're working toward that. I don't see why not to include borrow or

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design criteria to look at. We're focused on getting there. We will do follow up to make sure the standards are posted. They are working on the Internet and working on usability of the site because it's not as easy as it should be.

**Horst Greczmiel:** Yes, there were problems because we're all learning. Unfortunately it took a long time to get you that document. If anyone thinks we could do this without standards, they would be from a different planet. The Corps wasn't hiding. We're trying to get access this information. There may have been bumps but we can get through this and hopefully we won't have [inaudible]. This is a firm commitment that every bit of borrow won't come from wetlands. Every piece of borrow will meet standards. That's a point going forward.

**Kohl:** Accountability. I asked about the IER on borrow about contractors and how they get borrow and how they test standards. You said you would test on site. To make sure the soil used would [inaudible] I asked in a letter that a Corps geologist be a part of the borrow review team. There was no response in my letter to that request. As a scientist, you must have engineers involved and a trained geologist there who knows soil to be part of the team reviewing rejection and acceptance of borrow. Why are the borrow team members not geologist?

**Col. Lee:** I'll take a look at that. I need to discuss that with the team but I will provide feedback. We had James Dalton here last week in New Orleans. His focus is quality assurance. He came to meet with [inaudible] and [inaudible] to approach quality assurance to ensure quality is consistent. That's ongoing. We've doubled surveillance on the ground for these projects. We've doubled the number of people on the ground and this occurred in Task Force Guardian. We'll make sure people are on the ground to ensure contract standards and compliance. Mr Dalton was down here to get a comfort zone and identify resources to address issues.

Another issue is the Water Resources Development Act of 2007. There is a requirement in WRDA for external peer review and also for a safety review. Those issues are being worked concurrently. Headquarters has a team [working that issue]. Representatives from Task Force Hope, Hurricane Protection Office and headquarters at USACE are determining how to implement those. There's an implementation strategy, as we implement, must set up a process. We're setting up a process and within the hurricane system there will be part of an external review. As information is flushed out and we get fidelity we'll share. Who has responsibilities and how it will be executed? We'll share when that information when we get it. That's being worked aggressively.

**Rota:** This expedited process for IER 11 [Inner Harbor Navigation Canal] is moving quickly. The contract could be issued in the short term. When does that peer review come into play? Almost not as [inaudible] as peer review during planning.

**Rick Kendrick:** You're talking about IER 11. While WRDA is being worked, at the same time we're working with the National Academy of Science to contract that piece out. It would be an outside agency like IPET review process. They'll be working with us. The North Atlantic Division in Baltimore will help get [that review] in place.

**Col. Lee:** The LACPR technical report, which is on the Web site, was sent to an independent review team in the North Atlantic Division in Baltimore. They reviewed it and [inaudible] they coordinated with the National Academy of Science. So if they want to call and set a meeting to discuss meeting they can but we don't have direct interaction with the National Academy of Science. I would image

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[inaudible] external review for HSDRRS also. The other part of the IHNC is we're not designing here. It's design-build. Even when the contract is awarded it allows external review as it's going through design. It has input from stakeholders as they are building the project. [Inaudible] ensure they have those inputs.

**Unidentified stakeholder:** Thanks for having this meeting. Is the state involved in this process? The Levee Board said they are requiring second opinions. Is there an institutional way they're involved?

**Col. Lee:** The Hurricane Protection Office has the Southeastern Louisiana Flood Protection Authority – East. They attend bi-weekly huddles. They're engaged on the technical perspective and Mr. Benderwald attends many Project Delivery Team meetings and has a strong construction background. From what he sees at those meetings he has brought suggestions to us. I meet with him periodically with the state Coastal Protection and Restoration Authority and levee and flood authorities. We're interested in expanding [inaudible] in a useful way. The London Avenue Canal test was externally reviewed. We had someone there through the whole process. Steve Spencer was involved. We're trying to open up and get the right people in there. Whenever we get more brainpower early, it's more effective at the project level and the executive level. That'll help us solve bigger problems.

**LTC Murray Starkel:** The Louisiana Water Resources Council, we're trying to [inaudible] that group. We're taking a multiple latitude approach.

**Jill Mastrototaro:** A major thing brought to the table was public participation. I recognize that in the federal register it has requirements that meetings [inaudible] we made a request for records of meetings. That was sent at the end of January and we haven't heard back. Given the quick process can you give us idea of when we'll have that information?

**Owen:** We have letters in executive office awaiting signatures. We're directing you back to the Web site. It's a lot of reports. A couple team members went back [to find the information]. We didn't take as good of notes initially. I think the letter is addressed to Carlton Dufrechou.

**Mastrototaro:** We had an e-mail exchange on the Web site. [Inaudible] difficult for the general citizen to navigate [the Web site] and [inaudible] to find the right document. This doesn't sit well when you're trying to find information. That causes suspicion. The public would reengage if there were updates on nolaenvironmental.com, it would be positive.

**Owen:** USGS is here today, they manage the Web site. We're working through the process. If you click on IER 1 it would bring every document related to IER 1 from the library. You won't have to do searching.

**Mastrototaro:** The information shouldn't just be available from the Web site, not everyone has a computer. If the Corps were willing to house all those documents at one place [inaudible]. There have been public meetings where the Corps is shouted down because of in-access to information. That doesn't go well for the agency or the public. That's something that might go a long way.

**Col. Lee:** So you're thinking of something like, we put documents in the public library?

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**Mastrototaro:** Something along that line. When suggested public library but citizens said they didn't have a library. That would help.

**Greczmiel:** We met with homeowners associations and community groups. We had a discussion with how to better reach them to make sure we get copies to those citizens to house in community centers because there are still areas without a library. We appreciate that not everyone has Web site. Since we develop [inaudible] I asked the group to give us an idea of how to help that. [Inaudible] should have access to documents.

**Kohl:** If [the requester] receives a reply saying documents are on the Web site, that's not enough. If there are specific documents, you should give the URL rather than say "look for a needle in a haystack." You should say where they can be found on the Web site. I've been to a lot of public meetings. In a letter dated Feb. 23, 2008 from James [inaudible] to the CEQ and General Riley on the alternative arrangements, it says the proposed public meetings will also provide ongoing scoping for the CED. The way I read that, a summary of issues, those should be recorded those issues should be included on the Web site and comments should be a part of ongoing scoping for CED. My understanding is that [this information] is not collected and when we asked for it we were told it didn't exist. If you didn't record what was said, you should include it in scoping.

**Owen:** [Walks guests through nolaenvironmental.gov] There was an IER public meeting on Jan. 17. If you go to the site, click on "meetings" choose the date, you see the presentation, minutes from the meeting, a copy of the news release and a copy of the handout from that night. Public meeting minutes weren't as good at first but these are pretty thorough now. We're getting stuff almost verbatim. The Web site shows the presentation and what they said about that slide. And [the summary] goes down to the question and answer period. The first meetings weren't as good, but we're getting better.

**Kohl:** So this started in January, how many meetings weren't covered by this process? It's Lissa's job to find all this stuff. We didn't do as good a job at recording at first but we have minutes, they just aren't as thorough. We're learning this, it has never been done before.

**Mastrototaro:** This is one of the biggest projects. There are resources to get this done. We value this [information]. We want a commitment on action and to know if borrow [inaudible] in backyard and [inaudible] congress.

**Rota:** There are areas for improvement. I received a mailing today about a meeting yesterday. I don't know if it's the mail system but I just received it today reminding meeting yesterday, still kinks on mailing process.

**Kohl:** The 404c area. In Jefferson Parish in Bayou [inaudible] swamp. If you have a map you can put up a south, V-shaped levee in Jefferson Parish. This area is set aside as a 404c area to protect [inaudible]. The history behind this area is the Corps wanted to develop it into subdivisions. This was fought by environmentalist and community groups. Subsequently, the agency got involved and the area was eventually set aside with the Corps and EPA. EPA can give more details. As a major wetlands [inaudible] value it's only 404c in middle of the U.S. We're concerned about borrow sites and that it

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may be used as staging areas. We understand those [maps used at an earlier meeting] had mistakes but we're concerned that one IER [12] considers putting a levee over the 404c area. We fought to protect that area. [Inaudible] transfer by Sen. Landrieu to a national park. That would be part of a continued Jean Lafitte National Park. We don't look at favorably that the Corps is considering a 404c area, whether or not you are using a special process. Gib Owen said that just part of the IER could impact. We want more than an expedited process. We fought for 20 years to preserve that area. We don't want a levee to go across this area without all alternatives [inaudible]. We want to alert [inaudible] that we're very concerned and looking at legal to approaches that [inaudible] whatever process it should be thorough. And [inaudible] public participation and understands the process.

**Barbara Keeler, EPA:** I took that action in 1985 and this is the first opportunity I've had to talk about it. It behooves us to have a conversation about expectations. There have only been 11 actions like this and now we're engaged in the 12<sup>th</sup> action. This stood the test of time for 22 or 23 years. In setting expectations how this property is handled, that it may or may not be considered, that process should be scrupulously transparent. What's going on here is, this was a federal action on behalf of the government-at-large therefore there are no processes to retract that determination. Nothing sets a bureaucracy in a tizzy like something without a process. The new proclamation may not fit well with the IER process, it may not allow the opportunity for public input. We went through public hearings and comments. It would be hard to envision [inaudible]. It would be hard [inaudible] if not at least as rigorous. We want to make a case for advance [inaudible]. If the alternative that is bearing down on us and Gib Owen says there is an alternative that would cut through the 404c area, we want to engage as early as possible to discuss those narrowed down alternatives. What analysis [inaudible] out. It'll be incumbent upon us to defend that. We need an iron clad rationale with a description of hurricane protection benefits. What is so unique about this property that you can't run a levee there? We need to be sure that we have examined all possible alternatives to provide flood protection to avoid damages. We saw the flood scenarios. All areas outside the 404c area [inaudible] so if you are going to change a federal action we need to be sure that the action will provide substantial flood protection to minimize [inaudible]. We need to be your partner with this before it escalates beyond [inaudible].

**Col. Lee:** I appreciate your comments. We'll engage you and others as we go through this process. It's in the early stages. We have the opportunity to improve and make informed decisions. I commit to that. We've asked hard questions. There are issues we need to discuss about alternatives, we need to get them on the table to be transparent.

**Keeler:** Do you have a process on how to proceed with this? Are you setting aside a different analysis for this?

**Col. Lee:** This is still early in the process.

**Owen:** IER 12 is around a sector gate, this is an IER 12 alternative. We knew that [impacting the 404c area] is one alternative. It is part of IER 12.

**Keeler:** The typical IER process is perhaps not way to go in this process.

**Owen:** We knew this would be more complex. We knew [inaudible] time.

**Keeler:** Do you have a schedule?

**Tom Podany:** We're developing a timeline and schedule for how to get from the alternatives to making a recommendation. This is a complicated area. We'll have coordination with EPA. [Inaudible] public participation at the beginning and at the end to address their concerns. This is a little different with proceeding with an authorized project. With public input, local, state and federal

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concerns we need to make sure that at the end we have by-in on the way. We'll provide you that schedule. We may have to add to it [inaudible]. We planned on having two [inaudible] at this time we don't know the alternative. It could be an 100-year protection authorization. Depending on what comes out [inaudible] it could be less traditional or more like this [inaudible]. We're looking at raising levees and putting in a floodwall. We're also looking at gates in other areas. We'll give that information to you and work a plan ahead to present to the public.

**Owen:** We are just starting to get engineering in. We're at the point where want to bring you [EPA] down and have a field trip so we can talk about the path forward.

**Keeler:** We're not engineers. It'll take time to understand certain alternatives. As you have partial information and partial products, it would help the process along. It would allow us to understand the concept and set a national [inaudible].

**Col. Lee:** Barbra thanks. The project manager [Julie Vignes] is in the room and so is her supervisor. We're committed to doing what you'd like to make sure you're engaged. Tom can't tell you the alternatives but we can bring you in early to get the alternatives and shape alternatives that are the least damaging. When we lay out [inaudible] you'll see how they provide flood protection.

**Kohl:** Since there is legislation in the Senate and the House to change the boundaries of Jean Lafitte National Park to enclose the 404c area, I request that you include someone from the national park service in meetings. Please ask David Wessinger to participate in the meetings to discuss the evolution of this process as it would affect the new park service.

**Col. Lee:** We'd be willing to bring in others.

**Owen:** We have David Nuse from Jean Lafitte National Park involved.

**Kohl:** I'd keep [inaudible] in the loop as he's concerned with his property and also Senator Landrieu. I'd hope you wouldn't have to go through congress to get proper oversight of this process.

**Greczmiel:** After meeting with the National Park Service, they understand and know it's important to local citizens and the environmental groups today.

**Keeler:** Something that didn't occur with the 404c area, I assumed all along that it was the Corps coming up with the alternatives and engineering and the decision. But then there's design-build. Can you clarify?

**Owen:** We came up with some alternatives and asked for public involvement. We have four alternatives, one includes the 404c area and there are two other actionable items. We have a public meeting on Thursday and are publicizing each meeting at other meetings.

**Podany:** We've also asked our AE for solutions. We need parallel protection. We found that to raise levees to 100-year protection level we'd have to relocate homes and businesses. That's what inspired a number of folks in the Corps to look at alternatives that are different than raising the levee. A sector gate idea was looked at and at that time, we were able to economically justify it. Now with changes in the design and with levees higher, it looks better. The AE firms have some direction but added some alternatives. We're asking folks for innovative solutions.

**Col Lee:** Whether it is design or design-build there is government oversight in every project.

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**Steven Kearny**, Coalition to Restore Coastal Louisiana: A draft technical report came out today. How is borrow going to be coordinated with LACPR? We're strong proponents of multiple defense strategies. There are some natural protection features that effectively [inaudible]. Those are critical, they could be off the table for evaluating borrow sites. Have you reconciled LACPR with other borrow plans?

**Col. Lee:** The technical report tries to get at structural, non-structural [inaudible] and ecosystem. It's trying to give methodology and the Multi-Criteria Decision Analysis tries to inform the decision. We get stakeholder input then evaluate, there is some trade off. We might not be willing to construct a levee, or maybe buyouts. The key is the engagement process. Are we looking at borrow? My engagement with parish officials includes conferences about HSDRRS. The same borrow standard will be replicated for all projects. People want to use native materials. If we certify a system it's going to be the same standard that we use in HSDRRS and Morganza to the Gulf, etc. For example modeling is being rolled out across all studies. We're going back to re-evaluate to see if there is a cost-benefit ratio with new standards and 100-year elevations. We're looking across the system. We're moving toward that.

**Kearny:** Some areas [inaudible] are going to enhance the system because of the protection you provide. Maybe we should look at borrow in those areas but if it could be better used for a protection feature in itself [inaudible]. Natural ridges, etc. I understand the myriad of issues but I encourage you to look at that.

**Col. Lee:** When we came up with modeling, we were modeling with no friction and we needed to capture friction of wetlands and features of the barrier islands. This has never been done. We're going to get feedback from the National Academy of Science. We thought it was important to show wetlands and the barrier islands so we could show the benefits, and to make a determination of what type of project to build. Economics, structure, non-structural, LACPR is trying to touch on that. There will be more public engagement.

**Dufrechou:** Thanks to the Corps and Dr. Kohl. We're asking questions so we can be your champion. The only way to do that is to help communicate. These answers may seem redundant, Steven brought up issues on borrow. You need 100 million cubic yards of material. How much have you identified so far?

**LTC Starkel:** Under investigation we have about 41 percent of the total. What's been cleared is about 20 percent. We have additional investigations to get to 125 million cubic yards. Our failure rate because of the stringent borrow standards is high. This doesn't count as [inaudible]. We only find out about soil quality after packages are submitted. They have to be the right quantity then meet quality requirements, and then we begin the reverse bid options. [Inaudible] there is no stopping them being on the supply contract.

**Dufrechou:** To make the 2011 deadline, we appreciate the urgency, I assume there has to be point where all borrow must be identified by a certain time?

**LTC Starkel:** We're trying to get it here as fast as possible. I can't give you a date of when it must happen but yes it has to. To meet 2011 we have to meet construction deadlines.

**Col. Lee:** I've asked the team for details project by project to make sure everything is identified for projects in 6-months in 6-months to a year and borrow needs for projects in more than a year. The

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answer is that's being worked, it's according to what is being asked. We need to make sure we have the borrow for those projects first. It's taking more borrow than initially anticipated to provide material to use to build the system.

**Dufrechou:** [Inaudible] 2011 would [inaudible] cheer the District to achieve that goal. The reality is borrow needs are becoming a bigger and bigger question. If it looks like borrow will become an issue on meeting the 2011 deadline, will you please inform us as early as possible? We would appreciate it.

**Col. Lee:** We engaged state and local leadership. They have a vested interest in getting borrow to fund for the system. If borrow comes in at a high rate the non-federal sponsor has to pay a higher cost-share. We're engaging [inaudible] at a lot of levels to make sure we're looking at three different acquisition methods. There's Government Furnished, Contractor Furnished and a Supply Contract, we're going to do what's in the best interest of the government. We also have to have a backup and contingency plans in case supply or Government Furnished doesn't work so that we get material.

**Dufrechou:** We can help you to get consistency [inaudible]. Have estimates been made for costs for Morganza to the Gulf?

**Col. Lee:** There are a number of studies right now and I can't comment on what they are. From Morganza to the Gulf we're redoing cost estimates. We're evaluating cost estimates to ensure projects still have a cost benefit ratio.

**Dufrechou:** [Inaudible]

**Col. Lee:** That's what we're looking at.

**Kohl:** Back to borrow soil standards, I requested, in letters regarding IER 18 and 19, I requested documents. There's a problem in the format for the IERs. We requested and suggested there be a matrix to compare acceptance and rejection criteria. Originally, in September, there was a borrow handout that listed acres and site criteria. That information is not in the IER. Besides a geologist, to inform the Corps and be on track, what you have is what's on the Web site. You go through the whole process. What we're asking for is a matrix in the document so we can see if a site is rejected, why it was rejected. We want to see because of credibility, we want to go through your process so that it's used for each of your sites. We want to see the criteria of rejection in each IER, you're just not sharing it with the public. We want to see, it, it's simple. You've explained it on the Web site but we want to see for each site.

**Owen:** What level of detail would you like? You wanted specific reasons each area was rejected?

**Kohl:** We want to see detail of why an area is accepted or rejected. We want to see the process used and applied based on what the Corps promises to do.

**Owen:** Anything accepted meets the borrow criteria. Sites rejected don't meet the criteria. We don't give the reason a site was rejected. It would be wrong, for example, to highlight that we rejected 20 acres because of a bald eagle's nest. We're hesitant to include that type of information.

**Kohl:** That doesn't follow [inaudible]. Why not say it was an endangered species issues? We want you to be open. Are you thinking people will go out to shoot the eagle?

**Owen:** We're prohibited from including that information.

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**Kohl:** We're not going to shoot an eagle. That shouldn't be the criteria. I'll meet with you to satisfy my concern and with other geologists here. And others can meet to discuss wetlands and hazardous waste issues. I don't want to just see accepted or rejected sites, we want to see why.

**Owen:** If we laid out a matrix everything is going to have a check mark. All you'd see is a check mark.

**Kohl:** If you have 1,000 acres and only 500 is suitable because it's not meeting the criteria I want to know that it has gone through the process to be rejected. That raises issues on the credibility of the Corps. To say just "accepted" I don't buy that. If you want to be transparent and open I want to see the reasons. Explain the process, the corps isn't laying out the standards.

**Owen:** The standards are in there. I followed through and got them to you.

**Col. Lee:** We can come to an understanding of what we can and can't provide. I'm not sure the details are there but we'll attempt to get there. We should be able to show the process and give general categories as to something that was accepted and denied. But we can have a discussion on that.

**Kohl:** Can I meet with your staff?

**Col. Lee:** Sure.

**Owen:** We've been willing to have several meetings.

**Kohl:** An engineer said we would need go through a FOIA to get detail. Why do I have to go through FOIA to get more information?

**Owen:** If we can show a direct connection to the IER process we'd provide that information.

**Col. Lee:** We get massive requests for information and we try to deal with everything with the resources we have. We need a prioritization otherwise we'd spend our full time doing requests for information. We're trying to be consistent across the board. If there are areas we need to improve we can make an effort to make information available to the public as expeditiously as we can. We're not there yet but headed in right direction.

**Kohl:** I made a request on [inaudible] for Jean Lafitte maps. I got in touch with the engineer and he gave me the numbers of maps. I got the maps in Sept, 105 days after my request. The engineer told me they were on his desk, all he had to do is call me I could pick them up but it was 105 days after I talked to the engineer who had them on the desk. When someone says they're on my desk, that's [inaudible].

**Col. Lee:** All I can speak to is as a commander. We're trying to ensure transparency and are headed to the right direction. If we're not working the way it needs to, I just heard about that, we'll look into it. We have lots of information demands. I deal with them and there are not just engineering considerations. We consider litigation and a number of things. We, as an agency, have to look to balance the needs as expeditiously as we can. We're trying to do that and get stuff on the Web site. A contractor came in to ask me about what I envision as the Web site. I envision an iPod. You don't need an instruction manual, it's pretty simple. We want to get the public in [the Web site] so we can show our capabilities. We want it to work like typing a key word in on Google.

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**Man in a green shirt:** We talked about mitigation. You mentioned \$15 billion with \$500 million set aside and you mentioned 100-year protection completed by 2011. What is the schedule for completion of mitigation? Is there any urgency to do this or do the right thing even though costal restoration [inaudible]?

**Owen:** We have an interagency team. We're moving forward concurrently with mitigation and construction because we don't know what we're impacting yet. Are we going to impact 100-acres of marsh or 1000-acres of marsh or marsh?

**Man in a green shirt:** Will restoration be done by 2011?

**Owen:** Our goal is to stay concurrent.

**Man in a green shirt:** What degree of access to planning of mitigation [inaudible] money?

**Owen:** We can bring that to public meetings.

**Man in a green shirt:** We can have pub meetings?

**Owen:** We had one meeting in November. We had a meeting for non-government organizations. We can meet whenever NGOs want to at whatever level of detail you would like.

**Man in a green shirt.** What about the priority for \$590 million? You mentioned Bayou Sauvage, that's inside flood protection. That's not the best choice.

**Owen:** We're trying to stay in-kind and in basin.

**Man in a green shirt:** What's the priority?

**Unidentified Man:** If we loose a wetland inside a levee we try to do mitigation inside the levee. There's nothing to tie us to that. You've discussed measures to restore Labranch Wetlands and if we can do that by 2011, we'll pursue it because it will be impacts we're expecting. Labranch is an area we should be talking about.

**Unidentified Man 2:** In IERs 10 and 11, those will have acreage. [Inaudible]. We've made sure the Corps understands the idea of in-kind and onsite. We may have mitigation marked at the base of the levee, that way they build it as they build the levee.

**Unidentified Man:** This is a big pot of money. The State has a wetlands master plan. That amount of money has to be synchronized. There is an annual planning process. You may be overworked here but there is a process going on at the state level. When you have a pot of money you can do some good things with it. We're going to have to set aside in-kind

**Unidentified Man3:** The goal is not to spend \$590 million, the goal is to avoid it in the first place. You know where impacts are going to be [inaudible] these big ideas take more time. You'll sacrifice some time but I understand trade offs.

**Owen:** The CEQ and Louisiana Department of Environmental Quality are all on this team.

**Unidentified Man 2:** That could be in the IER.

**Owen:** The mitigation IER will lay that out.

**Rota:** There is public concern in St. Bernard. There are whole ordinances about backfilling borrow sites. I've been assured that for Contractor Furnished sites, the contractor has to abide but the Corps

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doesn't have to. I urge you to reconsider. I've been told that it's not a federal [inaudible] with levees. I feel you need to show the public why that is not feasible. Show some numbers and show the cost to demonstrate why doing what you're doing. Be transparent and explain, prove that it is [too expensive].

**Col. Lee:** We've been working for 4-5 months to get an understanding and policy [inaudible] of our agency. We've heard \$1.50 a cubic yard to \$10 cubic yard. Sometimes the cost to backfill is more than getting material from the pit. We can make that public record because we have that available.

**Rota:** Yes, I'd like to see the trade offs the Corps is willing to do.

**Col. Lee:** That was the driver for why we went to another source for acquisition.

**Rota:** The idea was brought up of non-structural alternatives. I saw in IER 11 there was a non-structural alternative it was raising homes. That alternative was taken off the table because of the price to raise homes was billions of dollars. We agree that not just a non-structural [alternative is not the solution] but need to be part of the solution. If it's going to take raising houses, not saying non-structural is not an option that is not acceptable.

**Col. Lee:** LACPR looks at that. I lived in Charleston, they had Hurricane Hugo. If go back and look at the building zone, you have to build a "low country home." It has to accept a surge to blow through so the structure remains. Some of those are zoning ordinances. I know LACPR will look at those because the assumptions in LACPR are that non-structural alternatives are beneficial.

**John Ettinger:** We concurred non-structural wasn't an alternative but believe it is a complementary action. Even though the IER isn't to promote non-structural we could incorporate it in LACPR. You could look at proactive language in the IER so you don't just rest on laurels. That would be another venue.

**Col. Lee:** We've done that but maybe not as effectively. We were getting pressure to provide maps but when you look at them there's still risk. We want people to know its risk reduction. On a flight home a man near me said he was rebuilding in Lakeview. He said he was elevating his home. Even that [inaudible] consistent standard on elevation. I agree it needs to be complementary.

**Owen:** The IERs are looking at non-structural alternatives. It was eliminated [inaudible] non-structural could be viable. We worked with John to see what else we can do to add it as a complementary [inaudible].

**Rota:** It's not an alternative in relation to NEPA but it just makes [sense]. The alternative [inaudible] is not only the solution, it's not viable.

**Owen:** John brought that up too, we'll do better in future IERs.

**Rota:** I talked to Dr. Kohl on issues. What is the process from here? There are a lot of questions. Where is the process from here? When can we set up meetings?

**Col. Lee:** I'll be talking with people here and we can move forward to meet. Maybe we need to set up more frequent meetings to communicate. Perhaps a forum like this, or maybe something different. I'm supportive of continuing that. I can't answer this minute but we are committed to doing that.

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**Owen:** You asked for quarterly meetings, we can do that. I'll set something up for early April.

**Kohl:** My letter to you [inaudible] issues within the Corps. I think that besides the alternative arrangements there are other issues like regulatory [inaudible]. We want to say alternative arrangements [inaudible] and other process issues with the Corps that we'd like to discuss.

**Col. Lee:** We can have more sessions that are open.

**Owen:** Thanks everyone for coming. Our meetings will be every quarter.