



REPLY TO
ATTENTION OF

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

October 18, 2010

Regional Planning and
Environmental Division, South
New Orleans Environmental Branch

John Trask
974 Topaz Street
New Orleans, LA 70124

Re: IER #27, Outfall Canals Remediation on the 17th Street, Orleans Avenue, and London Avenue Canals, Jefferson and Orleans Parish, Louisiana comment

Dear Mr. Trask:

This letter is in response to your letter dated September 16, 2010 and received during the IER #27 public review process. The US Army Corps of Engineers, New Orleans District (CEMVN), would like to thank you for your participation in the IER #27 public review process.

The CEMVN Commander, Colonel Edward R. Fleming, signed the IER #27 Decision Record on October 7, 2010. This decision allows the CEMVN to proceed with its proposed action to remediate the floodwalls along the three outfall canals (17th Street, Orleans Avenue, and London Avenue) in Jefferson and Orleans Parish, Louisiana to strengthen the canal walls to reduce the flood risk and water damage to residences, businesses, and other infrastructure within the project area.

The Commander considered the information provided in the IER document as well as those comments received from the public and from interested agencies. Colonel Fleming made his decision based upon what is in the best interest of the people of southeastern Louisiana. The human environmental impacts were considered along with traditional engineering criteria that include risk and reliability, constructability, construction schedule, operation and maintenance, real estate requirements and cost. Public safety is the primary consideration for the Hurricane Storm Damage Risk Reduction System and the CEMVN is committed to completing the work necessary to provide a 100 year level of protection to the community by June 2011.

We would like to thank you for your comments and for taking the time to participate in the IER #27 public review process. Should you have additional questions please contact Ms. Laura Lee Wilkinson at (504) 862-1212 or at laura.l.wilkinson@usace.army.mil.

Sincerely,

Joan M. Exnicios
Chief, Environmental Planning
and Compliance Branch



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October 18, 2010

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

Ms. Beth Altazan-Dixon
Performance Management
Louisiana Department of Environmental Quality
P.O. Box 4301
Baton Rouge, LA 70821-4301

Re: Draft IER #27 Outfall Canal Remediation on the 17th Street, Orleans Avenue and London Avenue Canals, Jefferson and Orleans Parish, Louisiana

Dear Ms. Altazan-Dixon:

This letter is in response to your letter dated September 21, 2010 and received during the IER #27, public review period. The U.S. Army Corps of Engineers, New Orleans District (CEMVN), would like to thank you for your participation in the IER #27 public review process.

The CEMVN Commander, Colonel Edward R. Fleming, signed the IER #27 Decision Record on October 7, 2010. This decision allows the CEMVN to proceed with its proposed action to remediate the floodwalls along the three outfall canals (17th Street, Orleans Avenue, and London Avenue) in Jefferson and Orleans Parish, Louisiana to strengthen the canal walls to reduce the flood risk and water damage to residences, businesses, and other infrastructure within the project area.

The Commander considered the information provided in the IER document as well as those comments received from the public and from interested agencies. Colonel Fleming made his decision based upon what is in the best interest of the people of southeastern Louisiana. The human environmental impacts were considered along with traditional engineering criteria that include risk and reliability, constructability, construction schedule, operation and maintenance, real estate requirements and cost. Public safety is the primary consideration for the Hurricane Storm Damage Risk Reduction System and the CEMVN is committed to completing the work necessary to provide a 100 year level of protection to the community by June 2011.

CEMVN wishes to thank you for taking the time to submit your concerns, recommendations and findings regarding the draft IER #27.

Comment #1: If your project results in a discharge to waters of the state, submittal of a Louisiana Pollutant Discharge Elimination System (LPDES) application may be necessary.

CEMVN response #1: It is anticipated that an LPDES stormwater general permit for construction activity would be required. CEMVN would include contract clauses indicating that the selected construction contractor would be required to obtain all necessary permits prior to commencing construction. Construction contractors would be required to develop a Storm Water Pollution Prevention Plan, a Spill Prevention Control and Countermeasures Plan, and implement all applicable necessary best management practices. Additionally, CEMVN would have construction site inspectors at construction locations at all times to ensure compliance with all applicable rules, regulations, and contract specifications.

Comment #2: If the project results in a discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify their LPDES permit before accepting the additional wastewater.

CEMVN response #2: The project would not result in a discharge to an existing wastewater treatment system.

Comment #3: LDEQ has stormwater general permits for construction areas equal to or greater than one acre.

CEMVN response #3: See CEMVN response #1.

Comment #4: All precautions should be observed to control nonpoint source pollution from construction activities.

CEMVN response #4: See CEMVN response #1.

Comment #5: If any of the proposed work is located in wetland or other areas subject to the jurisdiction of the U.S. Army Corps of Engineers, you should contact the Corps to inquire about the possible necessity for permits. If a Corps permit is required, part of the application process may involve a Water Quality Certification from LDEQ.

CEMVN response #5: Clean Water Act Section 404 public notice or a Water Quality Certificate was not required because no in water work would be completed and no work would impact wetlands or waters of the United States.

Comment #6: All precautions should be observed to protect the groundwater of the region.

CEMVN response #6: No effects to groundwater would occur from remediation of the canal walls.

Comment #7: Please be advised that water softeners generate waste waters that may require special limitations depending on local water quality considerations. Therefore if your

water system improvement include water softeners, you are advised to contact LDEQ, Water Permits to determine if special water quality based limitations will be necessary.

CEMVN response #7: No water system improvements, including water softeners, are included in the project.

Comment #8: Any renovation or remodeling must comply with LAC 33:III.Chapter 28.Lead-Based Paint Activities, LAC 33:III.Chapter 27.Asbestos-Containing Materials in Schools and State Buildings (includes all training and accreditation) and LAC 33.III.5151 Emission Standard for Asbestos for any renovations or demolitions.

CEMVN response #8: No such renovations or remodeling are included in the project.

Comment #9: If any solid or hazardous wastes, or soils and/or groundwater contaminated with hazardous constituents are encountered during the project, notification of LDEQ's Single-Point-of-Contact (SPOC) at (225) 219-3640 is required. Additionally, precautions should be taken to protect workers from these hazardous constituents.

CEMVN response #9: If any solid or hazardous wastes, or soils and/or groundwater contaminated with hazardous constituents are encountered, the contractor will provide appropriate notification to the LDEQ and other agencies, as required. Construction contractors would be required to implement all applicable necessary best management practices to protect the environment and a Health and Safety Plan to protect the health and safety of employees. Additionally, CEMVN would have construction site inspectors at construction locations at all times to ensure compliance with all applicable rules, regulations, and contract specifications.

Comment #10: Currently, Jefferson and Orleans Parishes are classified as attainment parishes with the National Ambient Air Quality Standards for all criteria air pollutants.

CEMVN response #10: Acknowledged.

We would like to thank you for your comments and for taking the time to participate in the IER #27 public review process. Should you have additional questions please contact Ms. Laura Lee Wilkinson at (504) 862-1212 or at laura.l.wilkinson@usace.army.mil.

Thank you for taking time to review the IER and provide input.

Sincerely,

Joan Exnicios
Chief, Environmental Planning
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October 18, 2010

Regional Planning and
Environmental Division, South
New Orleans Environmental Branch

Natanya Black
100 Geneva Street
Metairie, LA 70005

Re: IER #27, Outfall Canals Remediation on the 17th Street, Orleans Avenue, and London Avenue Canals, Jefferson and Orleans Parish, Louisiana comment

Dear Ms. Black:

This letter is in response to your letter dated September 17, 2010 and received during the IER #27 public review process. The US Army Corps of Engineers, New Orleans District (CEMVN) would like to thank you for your participation in the IER #27 public review process.

The CEMVN Commander, Colonel Edward R. Fleming, signed the IER #27 Decision Record on October 7, 2010. This decision allows the CEMVN to proceed with its proposed action to remediate the floodwalls along the three outfall canals (17th Street, Orleans Avenue, and London Avenue) in Jefferson and Orleans Parish, Louisiana to strengthen the canal walls to reduce the flood risk and water damage to residences, businesses, and other infrastructure within the project area.

Regarding the new bike path along the 17th Street Canal, the bike path will be removed for construction and reinstalled as part of this project. Deep soil mixing will be done on the protected side of the floodwall. Work will be constructed from the flood side when feasible. All of the construction is to be completed by June 2011. An approximated time for deep soil mixing on the Jefferson parish side of the 17th Street canal is 120 linear feet per week. You should expect construction in the 4-5 blocks around your house over a period of a few months rather than a few weeks. Currently, there are no other remediation projects scheduled for the 17th Street canal floodwalls. The bike path will be reinstalled after the deep soil mixing is complete, but this work will all be within the same project.

Regarding noise in the area, individual pieces of heavy equipment typically generate noise levels of 80 dBA to 90 dBA at a distance of 50 feet. With multiple items of equipment operating concurrently, noise levels can be relatively high during daytime periods at locations within several hundred feet of active construction sites. The zone of relatively high noise levels typically extends

to distances of 400 feet to 800 feet from the site of major equipment operations. Locations more than 1,000 feet from construction sites seldom experience substantial levels (greater than 62 dBA) of noise. As a result, you could continue to hear machinery two blocks away. To comply with local noise ordinances, sound generating equipment would be partially enclosed with noise barriers at some locations, and mitigation measures would be used to address noise impacts identified at the construction sites.

The Commander considered the information provided in the IER document as well as those comments received from the public and from interested agencies. Colonel Fleming made his decision based upon what is in the best interest of the people of southeastern Louisiana. The human environmental impacts were considered along with traditional engineering criteria that include risk and reliability, constructability, construction schedule, operation and maintenance, real estate requirements and cost. Public safety is the primary consideration for the Hurricane Storm Damage Risk Reduction System and the CEMVN is committed to completing the work necessary to provide a 100 year level of protection to the community by June 2011.

We would like to thank you for your comments and for taking the time to participate in the IER #27 public review process. Should you have additional questions please contact Ms. Laura Lee Wilkinson at (504) 862-1212 or at laura.l.wilkinson@usace.army.mil.

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Joan M. Exnicios
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Planning, Programs, and
Project Management Division
Environmental Planning
and Compliance Branch

Mr. Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division
National Marine Fisheries Service
263 13th Avenue South
St. Petersburg, FL 33701

Re: Draft IER #27 Outfall Canal Remediation on the 17th Street, Orleans Avenue and London Avenue Canals, Jefferson and Orleans Parish, Louisiana

Dear Mr Croom:

This letter is in response to your letter dated September 10, 2010 and received during the IER #27, public review period. The U.S. Army Corps of Engineers, New Orleans District (CEMVN), would like to thank you for your participation in the IER #27 public review process.

The CEMVN Commander, Colonel Edward R. Fleming, signed the IER #27 Decision Record on October 7, 2010. This decision allows the CEMVN to proceed with its proposed action to remediate the floodwalls along the three outfall canals (17th Street, Orleans Avenue, and London Avenue) in Jefferson and Orleans Parish, Louisiana to strengthen the canal walls to reduce the flood risk and water damage to residences, businesses, and other infrastructure within the project area.

The Commander considered the information provided in the IER document as well as those comments received from the public and from interested agencies. Colonel Fleming made his decision based upon what is in the best interest of the people of southeastern Louisiana. The human environmental impacts were considered along with traditional engineering criteria that include risk and reliability, constructability, construction schedule, operation and maintenance, real estate requirements and cost. Public safety is the primary consideration for the Hurricane Storm Damage Risk Reduction System and the CEMVN is committed to completing the work necessary to provide a 100 year level of protection to the community by June 2011.

We would like to thank you for your comments and for taking the time to participate in the IER #27 public review process. Should you have additional questions please contact Ms. Laura Lee Wilkinson at (504) 862-1212 or at laura.l.wilkinson@usace.army.mil.

Thank you for taking time to review the IER and provide input.

Sincerely,

Joan Exnicios
Chief, Environmental Planning
and Compliance Branch

cc: Hartman NMFS Baton Rouge, LA



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October 18, 2010

Regional Planning and
Environmental Division, South
New Orleans Environmental Branch

Paul Hubbell
127 Athenia Parkway
Metairie, LA 70001

Re: IER #27, Outfall Canals Remediation on the 17th Street, Orleans Avenue, and London Avenue Canals, Jefferson and Orleans Parish, Louisiana comment

Dear Mr. Hubbell:

This letter is in response to your letter dated September 9, 2010 and received during the IER #27 public review process. The US Army Corps of Engineers, New Orleans District (CEMVN), would like to thank you for your participation in the IER #27 public review process.

The CEMVN Commander, Colonel Edward R. Fleming, signed the IER #27 Decision Record on October 7, 2010. This decision allows the CEMVN to proceed with its proposed action to remediate the floodwalls along the three outfall canals (17th Street, Orleans Avenue, and London Avenue) in Jefferson and Orleans Parish, Louisiana to strengthen the canal walls to reduce the flood risk and water damage to residences, businesses, and other infrastructure within the project area.

The New Orleans District is in receipt of your backflow, surge concept, Utility Patent Pending Publication No. US 2010-0143037 A-1 Application No. 61/199, 428 filed as Provisional on November 18, 2008, Titled: Water/Fluids Surge/Backflow Protection System and Management as how it relates to IER #27. Your alternative solution has been forwarded to our project team for evaluation and consideration.

The Commander considered the information provided in the IER document as well as those comments received from the public and from interested agencies. Colonel Fleming made his decision based upon what is in the best interest of the people of southeastern Louisiana. The human environmental impacts were considered along with traditional engineering criteria that include risk and reliability, constructability, construction schedule, operation and maintenance, real estate requirements and cost. Public safety is the primary consideration for the Hurricane Storm Damage Risk Reduction System and the CEMVN is committed to completing the work necessary to provide a 100 year level of protection to the community by June 2011.

We would like to thank you for your comments and for taking the time to participate in the IER #27 public review process. Should you have additional questions please contact Ms. Laura Lee Wilkinson at (504) 862-1212 or at laura.l.wilkinson@usace.army.mil.

Sincerely,

Joan M. Exnicios
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Regional Planning and
Environmental Division, South
New Orleans Environmental Branch

Re: IER #27, Outfall Canals Remediation on the 17th Street, Orleans Avenue, and London Avenue Canals, Jefferson and Orleans Parish, Louisiana comment

This letter is in response to your email dated September 17, 2010 and received during the IER #27 public review process. CEMVN wishes to thank you for taking the time to submit your concerns and would like to address a few of the issues that you brought up in your email.

1. *Strengthen is a very vague term that in no way explains what needs to be accomplished by construction of the proposed action.*

Section 1.1 provides a brief paragraph description of the purpose and need for the proposed action. As stated, the floodwalls along the 17th Street, Orleans Avenue, and London Avenue Canals have been examined for stability, seepage, settlement, and deflection. Approximately 7 miles of these floodwalls have been identified to need to be strengthened or "remediated" to reduce the flood risk and water damage to residences, businesses, and other infrastructure within the project area. Section 2.2.1 provides additional information including a layman's definition of these failure mechanisms as well as drawings and a description for the methods proposed to address seepage, stability, and deflection to strengthen/remediate the floodwalls along the three outfall canals.

2. *Public meeting statement was that purpose is to raise the safe water elevation, but Mr. Bradley was not able to describe any flood damages that are occurring at this time.*

The purpose of the project is described in Section 1.1 of the IER. The federal government is not required to wait for damage to occur in order to justify projects to decrease the risk of such damage. The Corps has recognized that several reaches of the I-walls must be improved and is committed to move expeditiously to implement the required improvements based on the most stringent criteria and following rigorous methods of analysis. The need for the proposed project is clearly stated as "The proposed action results from a NEED to reduce flood risk and water damage to residences, businesses, and other infrastructure with the project area". Draft IER 27, Paragraph 1.1. An indirect benefit of strengthening the outfall canal floodwalls is increased operational parameters of the Sewerage and Water Board. Finally, Congressional appropriations were made "...for reinforcing or replacing floodwalls, as necessary, in the existing Lake Pontchartrain and

Vicinity project ...to improve the performance of the systems.” P.L. 109-234, Title II, Chapter 3.

3. *Stated project need in 1.1 is vague and lacks quantifiable documentation*

Please see response to comment #1 and #2.

4. *Report does not contain any information on any flood damages of residences, business, or infrastructure that is occurring during rain or storm events.*

The purpose of this project is to reduce the risk of flood damage. The federal government is not required to wait for damage to occur in order to justify projects to decrease the risk of such damage. Congressional appropriations were made “...for reinforcing or replacing floodwalls, as necessary, in the existing Lake Pontchartrain and Vicinity project ...to improve the performance of the systems.” P.L. 109-234, Title II, Chapter 3.

5. *Fails to identify exact area where work will occur, leaving public at disadvantage in trying to understand the true extent of impacts to residents along the canals*

Sections 1.6 and 2.2.2 explain that because final engineering details were not available at the time of this document’s release, a maximum footprint along with the full array of possible remediation methods were analyzed in order to capture the highest level of impacts to the human and natural environment. Impacts to residents were analyzed within each significant resource section using the maximum possible footprint and all possible remediation methods to ensure the maximum extent of impacts was captured.

6. *Stated purpose does not provide enough detail to properly evaluate the action*

We disagree with this statement. Please see response to comment #1.

7. *If there is no documented flood damages occurring during rain events then there is no documented need for this work; federal law requires a quantified need for a federal action to proceed.*

Please see response to comment #2.

8. *Section 2.2 states that remediation is necessary to ensure walls support S&WB requirements. This is a broad statement and the report does not provide a discussion of what these requirements are.*

The need for the proposed project is clearly stated as "The proposed action results from a NEED to reduce flood risk and water damage to residences, businesses, and other infrastructure with the project area". Draft IER 27, Paragraph 1.1. An indirect benefit of strengthening the outfall canal floodwalls is increased operational parameters of the SWBNO. Congressional appropriations were made “...for reinforcing or replacing floodwalls, as necessary, in the existing Lake Pontchartrain and Vicinity project ...to

improve the performance of the systems.” P.L. 109-234, Title II, Chapter 3. For the Drainage Pump Stations, the current pump nameplate capacities are 10,500cfs for 17th, 8,000 cfs for London and 2,700 cfs for Orleans. The future planned pump nameplate capacities are 12,500 cfs for 17th, 9,000 cfs for London and 2,700cfs for Orleans.

9. *What analysis was done to determine what action is needed to meet the SWBNO need to pump rain water from the city unimpeded? Where is the data? Public should be provided a copy of any data or report collected and analyzed by the Corps to arrive at the proposed action. If 8 foot is the SWE needed, how did the Corps determine that 8 feet is the elevation needed that would allow the SWBNO to pump unimpeded?*

The remediation of the outfall canals is based on site investigations, analysis and evaluations documented in the following reports: Safe Water Elevation Evaluation, 17th Street Canal, Safe Water Elevation Evaluation, London Ave. Canal and Safe water Elevation Evaluation, Orleans Canal. These reports were prepared for the U.S. Army Corps of Engineers, Hurricane Protection Office by ECM-GEC, Joint Venture, supported by Black and Veatch Special Projects Group. The criteria and methodology used to prepare the reports is based on the HSDRRS Design Guidelines and Supplemental Criteria for the Partial Gap Analysis and Heave Evaluation prepared by the Mississippi Valley Division Geotechnical Criteria and Applications Team. These reports are available by request. HEC RAS hydraulic modeling using several combinations of lake levels for both current and future pumping capacities resulted in an optimal maximum operating water level.

10. *Discussion of proposed action in 2.2.1 is too vague for the public to gauge impacts. Does not say where the work will occur, what work will be done on the protected side, what work will be done on the flood side, what the impacts will be to private property such as trees, pools, fences, etc.*

We disagree with this statement. Please see response to comment #5. The IER states that there will be no impact to private property aside from the use of staging areas shown in figures 11-13 in the report. Therefore there was no such impact to private property such as pools and fences to describe.

11. *Report says all work will be within existing ROW. Over past two years, Corps has provided ROW maps to landowners along canals that showed that there are what the Corps deems encroachments into the ROW, so it stands to reason that some impacts to private structures will occur.*

No additional ROW will be required for the project and all work will be done within existing ROW, except for staging areas shown in figures 11-13 in the report.

12. *What are the impacts going to be from placing a retaining wall at the edge of the ROW as in figure 10? In some cases that wall could be within inches of private property such as pools and in other cases could bisect private property that the Corps considers encroachments.*

The retaining wall could be used in areas where the remediation abuts private property, and would be used to avoid physical impact to private property. Section 3.2.11 acknowledges that there would be minimal visual impacts within the project area due to such work.

13. *Report needs to give exact location of work, what work will occur on the protected side, what equipment would be used on the protected side, and the exact access points that will be used to get to the protected side work areas.*

Please see response to comment #5. Equipment to be used is provided Appendix B, and the description of the proposed action explains that work could occur on either the flood or protected side of the existing floodwalls.

14. *The lack of sufficient information to justify the proposed action is in itself sufficient for the proposed actions to be considered to be arbitrary and capricious.*

We disagree with this statement. The purpose, need, impacts analysis and selection rationale provide adequate justification for the proposed action.

15. *Section 2.2.2.2 there is a description of concrete slab tying into the cutoff wall to increase the embankment. If understood correctly this would mean that in some areas the embankment may be paved over to allow for a steeper slope then could be achieved using grass. Then landowners along the outfall canals could find their backyards paved over. The lack of specific information in this report on where these impacts will occur is not acceptable since such a change will have dramatic and significant impacts to the people's lives and property values.*

No additional ROW will be required for the project and all work will be done within existing ROW, except for staging areas shown in figures 11-13 in the report.

16. *Section 2.3. Corps has not met the requirements of 40 CFR 1502.14 and 1505.1 that establishes the government responsibility to consider and document all reasonable alternatives.*

All reasonable alternatives were evaluated. Some alternatives, not deemed reasonable by the action agency, were discussed and eliminated per 40 CFR 1502.14, with the reasons for their elimination discussed in IER 27, Paragraphs 2.4.1 and 2.4.2.

17. *Under section 2.4.1 and 2.4.2 alternatives are arbitrarily and capriciously eliminated because they fail to meet the stated purpose and need of the project in a timely manner and is not funded or authorized. I fail to see how either alternatives eliminated do not meet the purpose and need. Nowhere in the purpose and need is there a time limit, or data on flooding to justify need for an arbitrary deadline.*

The purpose and need statement is a "brief" statement. 40 CFR 1502.14. As stated on page 1 of Draft IER 27, NEPA compliance is being achieved under emergency Alternative NEPA Arrangements pursuant to emergency NEPA procedures. 40 CFR 1506.11. Said emergency Alternative Arrangements were approved by the Council on Environmental Quality (CEQ) and published in the Federal Register in order to facilitate the speedy revival of the Greater New Orleans area following Hurricanes Katrina and Rita. Page 6 of Draft IER 27 states that Congressional appropriation for replacement or reinforcement of floodwalls was accomplished by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery of 2006 (P.L. 109-234, Title II, Chapter 3), pursuant to "Flood Control and Coastal Emergencies", 33 U.S.C. 701n. Draft IER 27, Paragraph 1.5, first paragraph, addresses the public's concern for storm damage risk reduction. Paragraphs 2.4.1 and 2.4.2 of Draft IER 27 state that the eliminated alternatives will take too long to construct and thus they will not provide timely flood risk reduction which is the purpose of the proposed project and Congressional directive and intent. Draft IER 27, Paragraph 4.3, states that the cumulative impact of the proposed project would significantly reduce storm surge-induced flooding which fulfills the Congressional directive and agency mission of providing timely flood protection. The proposed action is to proactively prevent flooding caused by a failure of the outfall canal wall by "strengthening approximately 7 miles of floodwalls", rather than to stop present flooding.

18. *40 CFR 1502.14 and CEQ 40 questions requires that the government examine all reasonable alternatives regardless of authority or funding.*

Alternatives outside the legal jurisdiction of the lead agency must be analyzed in the EIS only if they are reasonable. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable by a commenter. See NEPA 40 Questions, Paragraph 2b.

19. *Both alternatives eliminated are reasonable. The report fails to provide detail on why the alternatives are not considered reasonable as defined under federal law.*

The alternatives eliminated don't provide hurricane and storm damage risk reduction in a timely manner or cost effective manner. NEPA regulations only require that an agency "briefly" discuss the reasons for an alternative's elimination. 40 CFR 1502.14a.

20. *Why are alternatives that could achieve similar results eliminated from consideration?*

The alternatives eliminated don't provide hurricane and storm damage risk reduction in a timely or cost effective manner. Reasonable alternatives include those that are practical or

feasible from the technical and economic standpoint and using common sense, rather than simply desirable by a commenter. See NEPA 40 Questions, Paragraph 2b.

21. Why not consider water to the top of the wall, why not elevation 6 or 10?

Based on historical lake levels, a maximum operating level of 8' would require closing of the outfall canal gates only during tropical events. The maximum operating level was derived using historical lake level data, hydraulic flow models of each canal, current and future pumping capacities of all pump stations pumping water into the outfall canals and constant maximum operating conditions.

22. Based upon information in this report and lack of quantifiable data or reports to substantiate the government verbal claims that 8 is the right SWE it is apparent that the gvmt has made an arbitrary and capricious decision.

Please see response to comment #9.

23. Section 3, affected environment lacks any discussion of current conditions that demonstrate flood damages are occurring. This lack of info directly challenges purpose and need project. Report needs to be rewritten to include specific information on the current conditions and damages that occur.

Please see responses to comments #2 and #4.

24. Section 3.2.2 lacks any discussions of what the current flood conditions are that would justify project. No action states that lower operational level could restrict pumping resulting in slowed water drainage which could increase flooding. This statement says to me that under the current safe water elevations no flooding or flood damages are occurring and only if the safe water elevations were lowered would street runoff drain slower. This section makes the case that there are no existing flood damages occurring that would justify the government's construction of the proposed action and again substantiates the premise that the government's proposed action has been determined in an arbitrary and capricious manner.

Please see responses to comments #2 and #4.

25. *Section 3.2.2.2 states that the strengthen wall would provide a direct benefit to the 100 year hurricane system, but fails to explain this logic or to provide and quantified information to justify the statement. At the September 16, 2010 public meeting Mr. Bradley stated that the proposed outfall canals project is not needed to meet the 100 year level of protection. Report needs to clearly state what benefits are accrued to the 100 year hurricane protection system if the government were to construct the proposed action (assumed to be safe water elevation 8 feet) if that is part of the reason for this project to proceed.*

The outfall canals are a component of the HSDRRS. What was previously authorized in the Lake Pontchartrain and Vicinity Project (LPV) is incorporated into the HSDRRS in order to address flood risk reduction in a larger systems approach rather than as individual projects. While the canal walls themselves don't supply 100 year level of protection, by strengthening the canal walls the HSDRRS gates/pumps at the mouths of the outfall canals, which do provide 100 year level of protection, need be operated less often. HSDRRS 100 year level of protection from gates/pumps at the mouths of the outfall canals were addressed in IER 5. Further, Congressional appropriations were made "...for reinforcing or replacing floodwalls, as necessary, in the existing Lake Pontchartrain and Vicinity project ...to improve the performance of the systems." P.L. 109-234, Title II, Chapter 3.

26. *Report should quantifiably describe the reduced flood damage impacts that will occur if the government's action is constructed and then explore what the direct benefits to the 100 year hurricane protection system would be if work was done to raise the safe water elevation to 8 foot, to top of the wall, and if either of the 2 alternatives eliminated from further consideration were to be constructed.*

We believe that this IER adequately describes the benefits of the proposed action.

27. *Section 3.2.10.2.1 again reinforces the premise that no flood damages are occurring currently that would justify that the construction of the government's action is in the best interest of the government or the people of the United States. The discussion clearly states that localized street flooding would temporarily impact traffic flow and increase traffic congestion during pumping events. Hardly a testimonial to spending 90 million dollars or a justification that the project is in the governments best interests. The absurdity of this detail in this report actually makes a case for requesting a Government Accounting Office investigation of this project as a waste, fraud, and abuse of federal dollars.*

Section 3.2.10.2.1 describes impacts to just one of the resources described in this IER. The report cites elsewhere the other socioeconomic impacts that could occur as a result of possible flooding under the no action alternative.

28. *Section 3.2.11.2.1, makes a statement that the only direct action that will occur if government does not construct the proposed action is the potential for slower water removal. No quantified information on flood damages that may be occurring.*

Please see responses to comments #2, #4, #26 and #27.

29. *The discussion of the impacts to aesthetics if the government proceeds with the construction of the proposed action fails to discuss the visual impacts that will occur as a result of people having a vertical retaining wall built in their backyard at the edge of the SWBNO right of way; the loss of pools, utility buildings, etc due to the construction of the retaining walls; or the visual impacts to property owners who's backyard will be covered in slope pavement*

There will be no loss of pools, utility buildings, etc. due to the construction, nor will the slope pavement be constructed to the toe of the levees. The aesthetics impact discussion does acknowledge that there will be minimal visual impacts.

30. *Section 3.3 socioeconomic impacts is inadequate in regards to addressing the impacts and benefits that would occur if the proposed action is constructed. There is no discussion of what the current flood damages are or the impacts those damages are having on the socioeconomic structure of New Orleans.*

Please see responses to comments #2, #4, #26 and #27.

31. *The discussion clearly misses the Council on Environmental Quality standard of providing a clear and concise document.*

We disagree with this statement. We believe the document balances the need to provide an adequate level of detail with the need to provide a clear and concise document.

32. *This section should be rewritten to quantifiably discuss the current flood damages that are occurring and the flood damage benefits that would be achieved if the project is constructed. Same write up should be done for all the reasonable alternatives so that the public and the decision maker are able to make a rationale and informed decision.*

Please see responses to comments #2, #4, #26 and #27. We believe that this IER adequately describes the benefits of the proposed action.

33. *Section 3.3.2 discusses that the socioeconomic considerations in the write-up are those that are immediately within the project site and right of way. The construction of the government's action will have impacts far outside the project side and right of way and should be discussed in detail.*

We disagree with this statement. Section 3.3.1 and 3.2.2 consider the larger project area and Region of Influence as appropriate.

34. *If flooding is occurring as is the premise of this document then socioeconomic impacts are occurring outside of the project area. It also stands to reason then that benefits will occur outside of the project area if the government builds something. Other impacts to business will occur when roads are closed; impacts to private property values will occur when pools, houses, utility buildings, etc are removed from the right of way; impacts to private*

property values will occur when retaining walls are built at the right of way line or people's back yards are slope paved.

The premise of this document is not that flooding is occurring. The premise is that flooding could occur if the walls are not remediated. The impacts discussed in this comment, with the exception of those which will not occur such as the taking of private property, are discussed in the socioeconomics section. Section 1.6 cites the uncertainty of impacts to home values as a result of the proposed action.

35. *Where is the analysis of the property values of a residence that currently has a grassed backyard that is 50 feet deep, but due to the Corps actions the property owner finds himself with a backyard of grass 15 feet deep, a two foot or higher vertical wall, and 35 feet of concrete slope pavement?*

No additional ROW will be required for the project and all work will be done within existing ROW, except for staging areas shown in figures 11-13 in the report.

36. *The discussions of the current flooding conditions and the flood damage benefits that could be realized if the government's action were built are inadequate in most of the other Section 3 write-ups. All sections should be rewritten to clearly state what the current flood damage conditions are and what flood damage benefits would accrue if the government took action.*

Please see responses to comments #2, #4, #26 and #27. We believe that the description of socioeconomic benefits is adequate.

37. *Section 4.3 states that IER 27 in combination with hurricane protection projects in the vicinity would significantly reduce storm induced flooding from Lake Pontchartrain. This statement has no credibility since IER 27 as written has no bearing or impact on 100 year hurricane protection system benefits. Conversely the construction of the hurricane protection projects to hold back the storm surges will have no impact on rain water flood damages.*

The outfall canals are a component of the HSDRRS. What was previously authorized in the Lake Pontchartrain and Vicinity Project (LPV) is incorporated into the HSDRRS in order to address flood risk reduction in a larger systems approach rather than as individual projects. The 100 year hurricane risk reduction system is not merely limited to surge barriers, but also includes secondary lines of defense and other elements, which all would include the risk reduction features along the outfall canals. While the canal walls themselves don't supply 100 year level of protection, by strengthening the canal walls the HSDRRS gates/pumps at the mouths of the outfall canals, which do provide 100 year level of protection, need be operated less often. HSDRRS 100 year level of protection from gates/pumps at the mouths of the outfall canals were addressed in IER 5. Further, Congressional appropriations were made "...for reinforcing or replacing floodwalls, as necessary, in the existing Lake Pontchartrain and Vicinity project ...to improve the performance of the systems." P.L. 109-234, Title II, Chapter 3.

38. *The Section 5 discussion on the selection rationale provides no logic or rationale for the selection of the proposed government action; the elimination of the no action alternative; the 2 alternatives eliminated from further consideration; or an alternative that might provide a different safe water elevation than 8 feet.*

The no action alternative was not eliminated from consideration; however it was not selected as the proposed action in part because it would have greater socioeconomic impacts. The justification for elimination of other alternatives is provided in Section 2.4. See also responses to comments # 16, #17, #18, #19 and # 20. Based on the data described in the response to comment #21, alternatives with different safe water elevations would not be considered reasonable.

39. *The discussion in Section 5 incorrectly states that the no action alternative fails to meet the project purpose and need of providing 100 year level of hurricane risk reduction to the project area and that the no action alternative would restrict full operation of the SWBNO pumping stations. This statement is not consistent with the stated IER 27 purpose and need. The logic that the SWBNO pumping stations could not operate at full capacity is flawed since the operation of those pump station at full operation levels is not the stated purpose or need for this project.*

The outfall canals are a component of the HSDRRS. What was previously authorized in the Lake Pontchartrain and Vicinity Project (LPV) is incorporated into the HSDRRS in order to address flood risk reduction in a larger systems approach rather than as individual projects. The stated project purpose is to strengthen approximately 7 miles of floodwalls that have been examined for stability, seepage, and deflection. Draft IER 27, Paragraph 1.1. The need for the proposed project is clearly stated as "The proposed action results from a NEED to reduce flood risk and water damage to residences, businesses, and other infrastructure with the project area". Draft IER 27, Paragraph 1.1. An indirect benefit of strengthening the outfall canal floodwalls is increased operational parameters of the SWBNO.

40. *Given the lack of any data or analysis on flood damages or the benefits that would be achieved if the government took action in this report the obvious rationale would lead an informed decision maker to select no action as the government's decision.*

Please see the responses to comments #2, #4, #26 and #27 regarding flood damage. We believe that the benefits of the government's proposed action are adequately described in this IER.

41. *Based upon the above 5 pages of comments I believe that beyond a shadow of doubt my comments are substantive and that an addendum should be prepared that properly addresses the purpose and need for this project. Additionally, the addendum should concisely state what the purpose and need of the project are; what flood damages are currently occurring and with what frequency; what flood damage benefits to the government and the people of the United States would be if the government takes action;*

the specific areas that will be impacted by reducing flooding; and those areas that will be directly impacted by construction. Addendum should also provide a rigorous and objective analysis of all the reasonable alternatives including the 2 alternatives eliminated without cause.

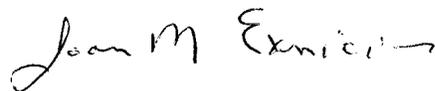
Based on the responses provided above, we disagree that these comments are substantive and do not believe that an addendum is warranted.

The CEMVN Commander, Colonel Edward R. Fleming, signed the IER #27 Decision Record on October 7, 2010. This decision allows the CEMVN to proceed with its proposed action to remediate the floodwalls along the three outfall canals (17th Street, Orleans Avenue, and London Avenue) in Jefferson and Orleans Parish, Louisiana to strengthen the canal walls to reduce the flood risk and water damage to residences, businesses, and other infrastructure within the project area.

The Commander considered the information provided in the IER document as well as those comments received from the public and from interested agencies. Colonel Fleming made his decision based upon what is in the best interest of the people of southeastern Louisiana. The human environmental impacts were considered along with traditional engineering criteria that include risk and reliability, constructability, construction schedule, operation and maintenance, real estate requirements and cost. Public safety is the primary consideration for the Hurricane Storm Damage Risk Reduction System and the CEMVN is committed to completing the work necessary to provide a 100 year level of protection to the community by June 2011.

We would like to thank you for your comments and for taking the time to participate in the IER #27 public review process. Should you have additional questions please contact Ms. Laura Lee Wilkinson at (504) 862-1212 or at laura.l.wilkinson@usace.army.mil.

Sincerely,



Joan M. Exnicios
Chief, Environmental Planning
and Compliance Branch



REPLY TO
ATTENTION OF

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

October 18, 2010

Regional Planning and
Environmental Division, South
New Orleans Environmental Branch

Ms. Marcia A. St. Martin
Executive Director
Sewerage and Water Board of New Orleans
625 St. Joseph Street
New Orleans, LA 70165

Re: Draft IER #27 Outfall Canal Remediation on the 17th Street, Orleans Avenue and London Avenue Canals, Jefferson and Orleans Parish, Louisiana

Dear Ms. St. Martin:

This letter is in response to letters dated September 14, 2010 and September 16, 2010 received during the IER #27, public review period. The U.S. Army Corps of Engineers, New Orleans District (CEMVN), would like to thank you for your participation in the IER #27 public review process.

The CEMVN Commander, Colonel Edward R. Fleming, signed the IER #27 Decision Record on October 7, 2010. This decision allows the CEMVN to proceed with its proposed action to remediate the floodwalls along the three outfall canals (17th Street, Orleans Avenue, and London Avenue) in Jefferson and Orleans Parish, Louisiana to strengthen the canal walls to reduce the flood risk and water damage to residences, businesses, and other infrastructure within the project area.

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We would like to thank you for your comments and for taking the time to participate in the IER #27 public review process. Should you have additional questions please contact Ms. Laura Lee Wilkinson at (504) 862-1212 or at laura.l.wilkinson@usace.army.mil.

Sincerely,

Joan Exnicios
Chief, New Orleans Environmental Branch



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NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P. O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

October 18, 2010

Regional Planning and
Environmental Division, South
New Orleans Environmental Branch

Sam Scandaliato
SZS Consultants, Inc.
616 Baronne Street, Suite 302
New Orleans, LA 70113

Re: IER #27, Outfall Canals Remediation on the 17th Street, Orleans Avenue, and London Avenue Canals, Jefferson and Orleans Parish, Louisiana comment

Dear Mr. Scandaliato:

This letter is in response to your letter dated September 27, 2010 and received during the IER #27 public review process. The US Army Corps of Engineers, New Orleans District (CEMVN), would like to thank you for your participation in the IER #27 public review process.

The CEMVN Commander, Colonel Edward R. Fleming, signed the IER #27 Decision Record on October 7, 2010. This decision allows the CEMVN to proceed with its proposed action to remediate the floodwalls along the three outfall canals (17th Street, Orleans Avenue, and London Avenue) in Jefferson and Orleans Parish, Louisiana to strengthen the canal walls to reduce the flood risk and water damage to residences, businesses, and other infrastructure within the project area.

The Commander considered the information provided in the IER document as well as those comments received from the public and from interested agencies. Colonel Fleming made his decision based upon what is in the best interest of the people of southeastern Louisiana. The human environmental impacts were considered along with traditional engineering criteria that include risk and reliability, constructability, construction schedule, operation and maintenance, real estate requirements and cost. Public safety is the primary consideration for the Hurricane Storm Damage Risk Reduction System and the CEMVN is committed to completing the work necessary to provide a 100 year level of protection to the community by June 2011.

We would like to thank you for your comments and for taking the time to participate in the IER #27 public review process. Should you have additional questions please contact Ms. Laura Lee Wilkinson at (504) 862-1212 or at laura.l.wilkinson@usace.army.mil.

Sincerely,

Joan M. Exnicios
Chief, Environmental Planning
and Compliance Branch



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

October 18, 2010

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

Mr. James F. Boggs
Supervisor
U.S. Department of the Interior
Fish and Wildlife Service
646 Cajundome Blvd., Suite 400
Lafayette, LA 70506

Re: Draft IER #27 Outfall Canal Remediation on the 17th Street, Orleans Avenue and London Avenue Canals, Jefferson and Orleans Parish, Louisiana

Dear Mr. Boggs:

This letter is in response to your letter dated October 1, 2010 and received during the IER #27, public review period. The U.S. Army Corps of Engineers, New Orleans District (CEMVN), would like to thank you for your participation in the IER #27 public review process.

The CEMVN Commander, Colonel Edward R. Fleming, signed the IER #27 Decision Record on October 7, 2010. This decision allows the CEMVN to proceed with its proposed action to remediate the floodwalls along the three outfall canals (17th Street, Orleans Avenue, and London Avenue) in Jefferson and Orleans Parish, Louisiana to strengthen the canal walls to reduce the flood risk and water damage to residences, businesses, and other infrastructure within the project area.

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CEMVN wishes to thank you for taking the time to submit your concerns, recommendations and findings regarding the draft IER #27.

Comment: If the proposed project has not been constructed within 1 year or if changes are made to the proposed project, the Corps should re-initiate Endangered Species Act consultation with the Service to ensure that the proposed project would not adversely affect any federally listed threatened or endangered species or their habitat.

CEMVN response: If the project is not completed one year from the date of the Decision of Record for IER #27, USACE will re-initiate Endangered Species Consultation with USFWS.

We would like to thank you for your comments and for taking the time to participate in the IER #27 public review process. Should you have additional questions please contact Ms. Laura Lee Wilkinson at (504) 862-1212 or at laura.l.wilkinson@usace.army.mil.

Thank you for taking time to review the IER and provide input.

Sincerely,

Joan Exnicios
Chief, Environmental Planning
and Compliance Branch