



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

IN REPLY REFER TO
LHMED-42

19 March 1973

Honorable Russell B. Long
United States Senate
Washington, DC 20510

Dear Senator Long:

This is in reply to your letter dated 13 March 1973 relative to Louisiana State Senator George T. Oubre's inquiry concerning the St. Charles Parish lakefront levee feature of the Lake Pontchartrain, Louisiana and Vicinity, hurricane protection project.

The New Orleans District is in the process of completing the final environmental impact statement covering the entire Lake Pontchartrain hurricane protection project in accordance with the National Environmental Policy Act of 1969. In evaluating data presented in the statement, I am required to review all features of the project in the light of all known engineering, economic, social, and environmental factors and to make recommendations concerning actions to be taken which will best serve the total public interest.

In my review of the total project, I concluded that the St. Charles levee portion appears to possibly have more adverse environmental impacts than can be reasonably justified by offsetting flood protection benefits. Therefore, I plan to initiate a complete reevaluation of this project feature to include additional detailed environmental studies designed to more thoroughly evaluate the natural values associated with the St. Charles levee. The Pontchartrain Levee District, the St. Charles Parish Police Jury, and the Louisiana Department of Public Works were so informed 9 January 1973. The reevaluation study will be organized to provide a very comprehensive plan for public participation. Not until completion of this study can a final recommendation be made concerning the St. Charles levee which will best serve the total public interest. The study should be completed in about 12 months.

LINED-MP

19 March 1973

Honorable Russell B. Long

It should be noted that if the aforementioned study results in a recommendation to construct the St. Charles levee, the items of local cooperation for the Lake Pontchartrain project as specified in the authorizing document will require, in part, "...that prior to construction of each separable independent feature local interests furnish assurances satisfactory to the Secretary of the Army that they will, without cost to the United States...Provide all interior drainage and pumping plants required for reclamation and development of the protected areas;...." Inclusion in the project of interior drainage facilities, should the levee be constructed, would be limited to provide essentially the same degree of drainage as existed prior to levee construction.

If I can provide you with any additional information concerning this matter, please let me know.

Sincerely yours,

RICHARD L. HUNT
Colonel, CF
District Engineer

United States Senate

WASHINGTON, D.C. 20510

March 22, 1973

Honorable George T. Oubre
State Senator
9 Apple Street, P. O. Box 158
Norco, Louisiana 70079

Dear George:

With further reference to your recent communication concerning the hurricane protection levee along Lake Pontchartrain in St. Charles Parish, attached is copy of the detailed self-explanatory report furnished me by the New Orleans District Engineer, in response to my inquiry in your behalf.

I hope that this report is helpful to you. Should you have further comments, after reading it, let me hear from you.

With every good wish, I am

Sincerely,



LAW OFFICES
GEORGE T. OUBRE
Norco, LA

March 30, 1973

GEORGE T. OUBRE
BRIAN L. WILLIAMS
648 MAIN STREET
P. O. BOX 1207
BATON ROUGE, LA. 70821
TELEPHONE:
BATON ROUGE 343-9201

GEORGE T. OUBRE
STEVEN F. GRIFFITH
8 APPLE STREET
P. O. BOX 186
NORCO, LA. 70079
TELEPHONE:
NORCO: 764-6668
NEW ORLEANS: 525-1064

Senator Russell B. Long
United States Senate
Senate Office Building
Washington, D.C. 20510

Dear Senator Long:

I have received your letter of March 22, 1973, and also the enclosed report of the Corps of Engineers as referred to in your letter.

I can only assume and certainly do hope that your reaction to the Corps report is the same as mine and everyone else whom I am sending copies of your letter to. As far as I am concerned, and I know this is the way the Police Jury and the Levee Board feels since they have already expressed themselves by resolutions; this is a complete reversal of previous Corps stand. The initial idea of a protection levee for St. Charles Parish was initiated by the Corps, since the time the original idea was initiated we have had as everyone knows two disastrous hurricanes, Betsy and Camille. I am not an Engineer and certainly don't have the expertise of those eminently qualified professionals with the Corps, but I wonder what would of happened to this entire area if either of those hurricanes had taken a more disastrous course, or if Betsy had just traveled at a slower rate of speed. We have already seen what could happen when we look at the Eastern part of New Orleans and that part of Chalmette and St. Bernard Parish that was inundated as a result of Betsy.

Senator, this means a tremendous amount to this parish and this entire area; and we certainly hope that you do everything within your power to assist us in seeing that this parish is allowed to prosper as it desires to.

Sincerely,

Original Signed

GEORGE T. OUBRE
George T. Oubre

GTO/jom

cc: St. Charles Parish Police Jury
Pontchartrain Levee Board

LMNDE-E

8 August 1973

Mr. Roy Agullard, Director
Louisiana Department of Public Works
P. O. Box 44155, Capitol Station
Baton Rouge, Louisiana 70804

Dear Mr. Agullard:

We have been advised that Act 973 amending paragraph 32 of Section 1846 of Title 56 of the Louisiana Revised Statutes of 1950, has designated Bayou Trepagnier from Norco, Louisiana, to where it joins Bayou LaBranche, and Bayou LaBranche from its source to where it drains into Lake Pontchartrain, as instantaneous natural and scenic rivers of the Louisiana Natural and Scenic Rivers System. Both bayous are located in St. Charles Parish, Louisiana.

As you know, the St. Charles levee feature of the Lake Pontchartrain and Vicinity, Louisiana hurricane protection project, will, if constructed as authorized, completely isolate the bayous from the lake. Section 1845 of the Act states that channel realignment of a designated natural and scenic river is a prohibited action. Channel realignment is defined in the Act as any means to shorten or reroute the natural stream course. Inasmuch as the proposed levee will intersect, or shorten, Bayou LaBranche and then reroute natural streamflow through a channel land-side of the levee, it appears a reasonable presumption that we cannot proceed on the levee project unless authorized to do so by the State under provisions of the Act.

I am aware that the Administrator of the Louisiana Natural and Scenic Rivers System is the Wild Life and Fisheries Commission. However, in your position as the Governor's designated representative for water

LMNDE-E
Mr. Roy Aguillard

8 August 1973

resources development, I feel it appropriate to request a final coordinated State position on this matter.

Sincerely yours,

RICHARD L. HUNT
Colonel, CE
District Engineer

Copy furnished:
Louisiana Wild Life & Fisheries
Commisson
400 Royal Street
New Orleans, LA 70130



ROY AGUILLARD
DIRECTOR

STATE OF LOUISIANA
DEPARTMENT OF PUBLIC WORKS
P. O. BOX 44155, CAPITOL STATION
BATON ROUGE, LA. 70804

August 16, 1973

Mr. J. Burton Angelle, Director
State of Louisiana
Wild Life & Fisheries Commission
400 Royal Street
New Orleans, Louisiana 70130

Dear Mr. Angelle:

Act 973 amending paragraph 32 of Section 1846 of Title 56 of the Louisiana Revised Statutes of 1950 has designated Bayou Trepagnier from Norco, Louisiana, to where it joins Bayou LaBranche, and Bayou LaBranche from its source to where it drains into Lake Pontchartrain, as instantaneous natural and scenic rivers of the Louisiana Natural and Scenic Rivers System. Both bayous are located in St. Charles Parish, Louisiana.

Colonel Richard L. Hunt, District Engineer, New Orleans District, Corps of Engineers, in a letter dated August 8, 1973, a copy of which is attached, has requested us to advise him if the State of Louisiana wishes the St. Charles levee to be constructed in view of the passage of Act 973. The Corps of Engineers is presently preparing to make an environmental study of the project.

The Department of Public Works has advocated the construction of the St. Charles levee as a part of the Lake Pontchartrain and Vicinity plan. The Pontchartrain Levee District has already procured the right of way for the project at a cost of approximately \$1,000,000.

As administrators of the Natural and Scenic Rivers System, we are requesting your approval for the Corps of Engineers to proceed on the St. Charles levee project. An early reply as to the view and action to be taken by your Department will be appreciated.

Yours very truly,


ROY AGUILLARD
Director

HBM:ean
Attachment

State of Louisiana

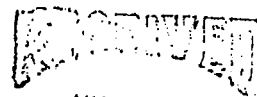


J. BURTON ANGELLE
DIRECTOR

WILD LIFE AND FISHERIES COMMISSION
400 ROYAL STREET
NEW ORLEANS 70130

EDWIN EDWARDS
GOVERNOR

August 27, 1973



AUG 28 1973

DEPARTMENT OF PUBLIC WORKS
BATON ROUGE, LA.

Mr. Roy Aguiard, Director
State of Louisiana
Department of Public Works
P.O. Box 44155, Capitol Station
Baton Rouge, Louisiana 70804

Dear Mr. Aguiard:

This is in response to your letter of inquiry of August 16, 1973 regarding levee construction in St. Charles Parish.

It appears to us that Colonel Hunt, in his letter of August 8, 1973 to you, was correct in his assessment of the legislative intent of the Natural and Scenic Streams Act. The action he describes is clearly prohibited by law and is stated in Act 398 of the 1970 Legislature Section 1844 ". . . . No agency of the state government shall authorize or concur in plans of local or federal agencies that would detrimentally affect whether, directly or indirectly, a natural and scenic river"

As we further understand the Act our responsibility is to administer it to provide the kind of protection described in the Act to the streams and segments of streams that are selected by the legislature for inclusion.

We feel that the law is expressly clear on those actions which are absolutely prohibited on scenic streams and this agency has no choice but to abide by the law.

Very truly yours,

A handwritten signature in cursive script that reads "J. Burton Angelle".

J. Burton Angelle
Director

JBA/ibm

cc: Colonel Richard L. Hunt



STATE OF LOUISIANA
DEPARTMENT OF PUBLIC WORKS
P. O. BOX 44155, CAPITOL STATION
BATON ROUGE, LA. 70804

September 19, 1973

ROY AGUILLARD
DIRECTOR

Colonel Richard L. Hunt
District Engineer
Department of the Army
New Orleans District,
Corps of Engineers
P. O. Box 60267
New Orleans, Louisiana 70160

Dear Colonel Hunt:

Reference is made to your letter of August 8, 1973, requesting a coordinated state position on the construction of the St. Charles levee in view of the passage of Act 973 amending paragraph 32 of Section 1846 of Title 56 of the Louisiana Revised Statutes of 1950.

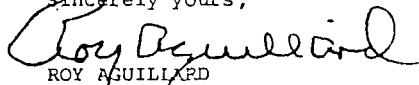
On August 16, 1973, we wrote to Mr. J. Burton Angelle, Director, Louisiana Wild Life and Fisheries Commission, requesting his approval for the Corps of Engineers to proceed with the St. Charles levee project. A copy of this letter and his reply are enclosed.

The position taken by Mr. Angelle, based on his authority under the Natural and Scenic Rivers Act, makes it impossible for us to give you a coordinated state position on the construction of the St. Charles levee.

We recognize the basic conflict between the Natural and Scenic Rivers Act and the authorized hurricane protection project occasioned by the recent additions to the Act of two streams in this area. We are, however, of the opinion that this development should not deter your completion of the environmental impact study for this part of the project. It is imperative that the information be made available to St. Charles Parish, the Pontchartrain Levee Board, and the State of Louisiana in order that they can determine their needs in light of the present restrictions. Land use planning for this area of St. Charles Parish is dependent upon a clear understanding by all parties concerned.

The Department of Public Works would be glad to participate in such a study.

Sincerely yours,


ROY AGUILLARD
Director

HBM:ean

Enclosures

C O P Y

September 19, 1973

Colonel Richard L. Hunt,
District Engineer
Department of the Army
New Orleans District
Corps of Engineers
P.O. Box 60267
New Orleans, Louisiana 70160

Subject: LMNED-MP

Dear Colonel Hunt:

In a letter dated January 9, 1973 concerning the St. Charles Parish lakefront levee feature of Lake Pontchartrain, Louisiana and Vicinity, hurricane protection project, you advised that in your review of the total project, you concluded that the St. Charles levee portion appears to possibly have more adverse environmental impacts than can be reasonably justified by offsetting flood protection benefits, and that a complete reevaluation to include detailed environmental studies designed to more thoroughly evaluate the natural values would be made, which was to be completed in twelve months.

Since this project was initiated in 1949 and numerous studies and plans have been presented by the Corps of Engineers, we would appreciate you advising the reason for the study and what further information of engineering, economic, social and environmental factors are needed. We shall also appreciate receiving a list of the names of people who protested the construction of the Protection levee.

In action, during the current Louisiana session, a bill was passed making Bayous LaBranch and Trepagnier scenic waterways. Will you please advise what effect this will have on the project.

C O P Y

Con'd Page 2

Rising tides in Lake Pontchartrain are causing concern among our residents and flooding has again occurred in the communities of St. Rose, Destrehan and New Sarpy, proving the need for the erection of the protection levee on the East Bank. Flood waters are standing and this could cause a health hazard.

The Police Jury is expending large sums of money for pumps, sand, sandbags, to aid the East Bank residents and this is of major concern to us as funds are not available for this type of service.

We would appreciate any assistance you might render in this respect.

We shall appreciate an early reply.

Yours truly,

INEZ R. SCHILLACI
SECRETARY

irs/jal



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

IN REPLY REFER TO
LMNPL-F

10 October 1973

Mrs. Inez R. Schillaci
St. Charles Parish Police Jury
P. O. Box 302
Hahnville, Louisiana 70057

Dear Mrs. Schillaci:

This is in response to your letter of 19 September 1973 concerning the St. Charles Parish levee feature of the Lake Pontchartrain, Louisiana, and Vicinity project.

As you properly observe, the levee has been under consideration for an extended period of time, some 17 years since survey investigations were initiated, and 8 years since Congress authorized Federal construction of the levee in October 1965. During this period, and in particular since project authorization, there has been an increasing public awareness of environmental considerations in discussions relating to public policy. In this climate of increasing awareness, questions have been raised concerning the implications, to the public interest, of constructing the levee and thus committing the wetland ecosystem in east bank St. Charles Parish to ultimate development and intensive use. In an attempt to resolve such questions, we undertook, last December, studies designed to support a recommendation, by me, as to whether or not the levee should be constructed. Included in the study were investigations to determine the role of the aforementioned ecosystem in the overall productivity of Lakes Maurepas, Pontchartrain, and Borgne; demographic analyses, including population trends, in the general area; and environmental impact analyses.

Subsequently, the Louisiana Legislature added two streams in St. Charles Parish - Bayous Trepagnier and Labranche - to the Louisiana Natural and Scenic Rivers System. This action raised questions as to whether the levee could be constructed without contravening state law. Accordingly, we asked Mr. Roy Aguiard, in his capacity as the designated representative of the Governor in matters relating to water resources development, to provide a coordinated state position in this matter. Mr. Aguiard responded to the effect that it would not be possible to provide such

LMNPL-F
Mrs. Inez R. Schillaci

10 October 1973

a position because of the fact that the Administrator of the Natural and Scenic Rivers System had concluded that construction of the St. Charles Parish levee would be in conflict with provisions of the Natural and Scenic Rivers Act. Mr. Aguillard further asked that studies of the proposal, nevertheless, be continued. Copies of the correspondence involved are inclosed.

In view of the position taken by the Administrator of the Natural and Scenic Rivers System Act, we see no means for legally proceeding with the construction of the St. Charles Parish levee. Accordingly, we shall move to modify ongoing studies previously intended to provide a basis for a recommendation, by me, as to whether the levee should be constructed.

The studies in question will be reoriented toward providing an essential base of environmental and technical data for use in developing optimum procedures for operation of the Lake Pontchartrain, Louisiana, and Vicinity project, and in other ongoing Corps of Engineers studies and programs in the estuarine zone associated with Lake Maurepas, Pontchartrain, and Borgne.

Opposition to construction of the levee has been expressed to us in written communications from the following:

Louisiana Wildlife Federation, Richard W. Bryan, President
New Orleans Sierra Club, Donald M. Bradburn, President
Orleans Audubon Society, Barry Kohl, Chairman
St. Charles Parish Environmental Council, Milton L. Cambre,
President, J. Arthur Smith, Attorney
St. Tammany Parish Environmental Council, Kenneth V. Sollberger,
Chairman
Mr. Arthur Crowe, Department of Marine Sciences, L.S.U., Baton
Rouge, Louisiana.

We have neither the funds nor the authority to reimburse the parish for expenditures for pumps, sand or sandbags resulting from the high tide in Lake Pontchartrain.

We regret that we cannot offer any immediate relief from the flood problems in St. Charles Parish. If we can inform you further in this or other matters, please let us know.

Sincerely yours,



RICHARD L. HUNT
Colonel, CE
District Engineer

1 Incl
As stated