

F. EDWARD HEBERT
1ST DISTRICT, LOUISIANA

COMMITTEES:
ARMED SERVICES
STANDARDS OF OFFICIAL CONDUCT
(ETHICS)

MARY SWANN
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VIRGINEA BURGIERES
EXECUTIVE SECRETARY
DISTRICT OFFICE

Congress of the United States
House of Representatives
Washington, D.C. 20515

July 21, 1976

Colonel Early J. Rush, III
District Engineer, New Orleans District
Corps of Engineers
P. O. Box 60267
New Orleans, Louisiana 70160

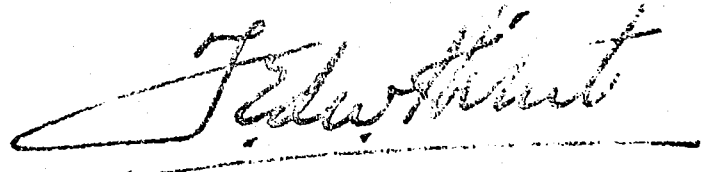
Dear Colonel Rush:

I am enclosing a copy of a letter and proposed legislation which I received from Mr. Randolph J. Clement, Associate Planner, City of New Orleans.

As you will note, the city has been in contact with your office relative to the matter of wetlands acquisition. I would appreciate any advice or direction you can give.

With kindest regards.

Sincerely yours,



F. Edw. Hébert

FEH:lgb
Enclosures

HAND CARRY AS NECESSARY
TO INSURE REPLY IN 36 HOURS

Incl 3



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CITY OF NEW ORLEANS

June 3, 1976

The Honorable F. Edward Hebert
United States House of Representatives
Room 2340 Rayburn Building
Washington, D. C. 20515

Attn: Lou Burnette

Re: Proposed Wetlands Acquisition

Dear Mr. Hebert,

Enclosed is a copy of the appropriations bill I spoke to Lou about several weeks ago. Harold has reviewed the draft and has approved my submitting it to you. Hopefully you can do something with the bill or similar legislation this session.

I've also enclosed a copy of a letter I sent to Mr. Joseph Burgess, Biologist in charge of the U. S. Fish and Wildlife Service in Lafayette. In the letter I requested that Fish and Wildlife provide me with estimates of the value of anticipated fish and wildlife losses due to the Lake Pontchartrain hurricane protection plan. This information could be useful in speaking to the corps about utilizing the proposed wetland acquisition as a partial mitigation measure relative to the "barrier" plan.

I verbally explained our position to Mr. Burgess and he agreed to assist us in any way he could. He seemed very interested in preserving the subject wetland area. He also indicated that he may ask the Corps to purchase all or some of area in question as a mitigation measure.

The Corps of Engineers is required to consider non-structural alternatives to flood control works. The corps' authority and mandate is explained in the enclosed letter to Al J. Notzon from Rolland Handley. The letter refers to the Water Resource Development Act of 1974, a copy of which is also enclosed.

Pursuant to its authorization under the Water Resources Development Act, the corps undertook the enclosed study "Burnett, Crystal, and Scott Bays and Vicinity, Bagtown, Texas Feasibility Report for Flood Damage Reduction." The study recommends public acquisition as a

CITY PLANNING COMMISSION OF NEW ORLEANS

The Honorable F. Edward Hebert

Page Two

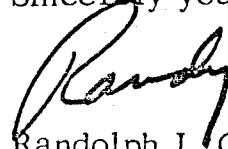
June 3, 1976

non-structural alternative to flood protection works. The study appears relevant to our proposed acquisition. I thought that you would find it of interest.

I believe that the Corps should pursue the matter primarily as a non-structural alternative and secondarily as a mitigation matter. Last week I spoke to Mr. T. E. Harrington of the Corps' Engineering Division; he indicated that the Mayor's request that the corps acquire the subject wetlands would be studied. No indication was given as to when the study would be completed. Perhaps an expression of interest to Colonel Hubert from you would speed things along.

I'll keep you informed about further developments.

Sincerely yours,



Randolph J. Clement
Associate Planner

RC:dmh

Enclosures

AN ACT

To authorize the acquisition by the Secretary of the Army, acting through the Chief of Engineers, of flood hazard wetlands areas in Orleans Parish, Louisiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, the Congress finds and declares:

- (a) That the public interest can best be served by removing from active commerce those wetlands which lie in high flood hazard areas in lieu of the more costly alternative of providing hurricane protection levees and other flood protection works at great public expense;
- (b) That the Louisiana coastal zone produces approximately thirty percent of the nation's annual fisheries harvest and that the Lakes Maurepas-Pontchartrain-Borgne estuary complex produces approximately twenty-five percent of Louisiana's annual fisheries harvest; thus it is in the national interest to preserve and protect this valuable resource;
- (c) That wetlands surrounding urbanized areas serve as necessary barriers to hurricane driven waves and surges thus resulting in the saving of human life and property;
- (d) That the expansion of urban development into wetlands areas results in high public costs related to the provision and maintenance of necessary services, flood protection and other facilities, such costs being in excess of the public revenues and other benefits derived from such urbanization;
- (e) That the urbanization of wetlands results in the loss of necessary habitat for commercial and sports fisheries, wildlife, and migratory and resident waterfowl species, thus resulting in severe economic and recreational losses;
- (f) That wetland areas adjacent to or within urbanized areas provide recreational opportunities to urban dwellers, especially middle income, low income, and minority groups who would otherwise be required to travel relatively great distances at relatively great expense in order to enjoy such opportunities.

TITLE I

Section 101. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed;

- (1) To undertake any studies necessary in the acquisition of the approximately 40,000 acres of unleveed and undeveloped wetlands in eastern Orleans Parish, Louisiana, excluding mineral rights;
- (2) To coordinate all activities conducted pursuant to this act with appropriate agencies of the U. S. Department of the Interior and other Federal Agencies the State of Louisiana and the City of New Orleans;
- (3) To effect the public acquisition of subject wetlands, excluding mineral rights in eastern Orleans Parish, Louisiana, within two years following the effective date of this act;
- (4) To transfer title of the wetlands areas subject to the provisions of this act to the State of Louisiana or to the City of New Orleans in accordance to the provisions of any agreement reached between the Secretary of the Army and the Governor of the State of Louisiana or the Mayor of the City of New Orleans, provided that such acquired wetlands shall remain in perpetuity as public open space.

Section 102. As used in this Act--

The term "wetland" includes any area as defined subject to the provisions Title 40 of the Code of Federal Regulations, Part 230, provided that such areas are not divorced from surrounding water bodies by flood protection levees.

TITLE II

Section 201. The Congress of the United States does hereby authorize to be appropriated to the Department of the Army a sum not to exceed \$30,000,000 for the purpose of carrying out the purposes of this act, provided that any monies expended for studies under Sub-Section 101 (1) shall not exceed \$100,000.