LMNED-MP Jul 77

FACT SHEET

Name of Project: LAKE PONTCHARTRAIN, LOUISIANA AND VICINITY

Authorization: Public Law 89-298, Flood Control Act of 1965, approved 27 October 1965 (H.D. 231/89/1)

Description: The project consists of the following features:

a. Lake Pontchartrain Barrier Plan.

(1) A barrier across the tidal passes connecting Lake Pontchartrain and Lake Borgne comprised of two major structural complexes. One complex will be constructed at the Rigolets to consist of a gated control structure, a navigation lock, closure dam, related channels, and adjoining barrier levees. The second major complex is to be constructed at Chef Menteur Pass to consist of a gated control structure, navigation structure, closure dam, related channels, and adjoining barrier levees. Additionally, the Gulf Intracoastal Waterway (GIWW) will be realined to provide unimpaired navigational transit along that waterway. The two complexes will be interconnected by the US Highway 90 embankment and additionally by newly constructed barrier levees, such that a continuous barrier will be provided from the Orleans Parish levee system to the intersection of Highways 190 and 1090 in St. Tammany Parish.

(2) A third major structural complex is to be constructed at the Lake Pontchartrain terminus of the Inner Harbor Navigation Canal (IHNC). This complex is termed Seabrook Complex and consists essentially of a navigation lock, a gated control structure, and a connecting rock dike.

(3) Improvement of existing levees and construction of new levees along the lakeshore of Orleans Parish from the Orleans-Jefferson Parish line to South Point; improvement of existing protective works between South Point and the GIWW; construction and improvement of levees and floodwalls along the north side of the GIWW and Mississippi River-Gulf Outlet (MR-GO); construction and improvement of levees and floodwalls along the IHNC; construction of a levee along the lakeshore of St. Charles Parish between the Bonnet Carre Spillway and the St. Charles-Jefferson Parish boundary to include a drainage structure in the levee approximately 2 miles west of the St. Charles-Jefferson Parish boundary; improvement of existing levees along the lakeshore of Jefferson Parish; and improvement of the seawall along the lakeshore of Mandeville, Louisiana.

b. Chalmette Area Plan. A levee along the south shore of the MR-GO from the IHNC to approximately 6 miles southeast of Bayou Dupre, thence southwest to Verret, Louisiana, thence west to Caernarvon, Louisiana; the improvement of the existing levee along the east side of the IHNC; construction of navigable floodgates in the levee at Bayous Bienvenue and Dupre; and construction of a drainage structure approximately 3 miles west of Verret, Louisiana.

Summarized Financial Data:

Federal first cost	$280,000,000
Non-Federal first cost	129,000,000 1/, 2/
Total project first cost (eff. Oct 76)	$409,000,000
B/C ratio (3 1/8%, 100 years)	13.5 to 1
Preconstruction planning estimate	1,380,000
Appropriations thru FY 77	84,714,000

	FY 77 Budget History	FY 78 Budget Request
LMVD recommendation	$18,500,000	$14,900,000
OCE "No delay" recommendation	18,500,000	14,900,000
OCE recommendation within ceiling	7,000,000	12,400,000
OMB allowance	12,000,000	12,400,000
House allowance	12,000,000	12,400,000
Senate allowance	12,000,000	12,400,000 4/
Conferees allowance	12,000,000	
Work allowance	10,575,000 3/	12,400,000
Capability	15,400,000	

1/ Includes $11,650,000 capitalized cost of O&M for Rigolets lock.

2/ In addition, local interests, through the combined efforts of the State of Louisiana, local levee and drainage districts and parish police have spent, through the years, an estimated $25 million to effectuate and maintain the hurricane protection systems existing prior to project authorization.

3/ Reflects $1,300,000 reduction assigned as Savings and Slippages. and $125,000 transferred to Cooper Lake.

4/ Includes $1,500,000 assigned as Savings and Slippages.

a. Requirements of Local Cooperation. The conditions of local cooperation as specified in the authorizing law are as follows:

"(1) Provide all lands, easements, and rights-of-way, including borrow and spoil disposal areas necessary for construction of the project;

"(2) Accomplish all necessary alterations and relocations to roads, railroads, pipelines, cables, wharves, drainage structures, and other facilities made necessary by the construction works;

"(3) Hold and save the United States free from damages due to the construction works;

"(4) Bear 30 percent of the first cost, to consist of the fair market value of the items listed in subparagraphs (1) and (2) above, and a cash contribution presently estimated at $14,384,000 for the barrier plan...to be paid either in a lump sum prior to initiation of construction or in installments at least annually in proportion to the Federal appropriation prior to start of pertinent work items, in accordance with construction schedules as required by the Chief of Engineers, or, as a substitute for any part of the cash contribution, accomplish in accordance with approved construction schedules items of work of equivalent value as determined by the Chief of Engineers, the final apportionment of costs to be made after actual costs and values have been determined;

"(5) For the barrier plan, provide an additional cash contribution equivalent to the estimated capitalized value of operation and maintenance of the Rigolets navigation lock and channel to be undertaken by the United States, presently estimated at $4,092,000, said amount to be paid either in a lump sum prior to initiation of construction of the barrier or in installments at least annually in proportion to the Federal appropriation for construction of the barrier;

"(6) Provide all interior drainage and pumping plants required for reclamation and development of the protected areas;

"(7) Maintain and operate all features of the works in accordance with regulations prescribed by the Secretary of the Army, including levees, floodgates and approach channels, drainage structures, drainage ditches or canals, floodwalls, seawalls, and stoplog structures, but excluding the Rigolets navigation lock and channel and the modified dual purpose Seabrook Lock; and

"(8) Acquire adequate easements or other interest in land to prevent encroachment on existing ponding areas unless substitute storage capacity or equivalent pumping capacity is provided promptly;

"Provided that construction of any of the separable independent features of the plan may be undertaken independently of the others, whenever funds for that purpose are available and the prescribed local cooperation has been provided...."

The conditions of local cooperation pertinent to the navigation project (of which Seabrook lock is a feature), as specified in the report of the Board of Engineers for Rivers and Harbors and concurred in by the Chief of Engineers; are as follows:

> "(1) Provide without cost to the United States and upon request of the Chief of Engineers, all lands, easements, and rights-of-way including borrow and spoil-disposal areas, required for construction, operation and maintenance of the project;
>
> "(2) Hold and save the United States free from damages due to the construction works."

b. Status of Local Cooperation. Acceptable local assurances are required for the two independently justified plans authorized by Congress.

(1) Chalmette Area Plan. Full assurances have been accepted. Assurances from the St. Bernard Parish Police Jury and the Board of Commissioners of the Lake Borgne Basin Levee District were accepted on 28 September 1968. Assurances from the Board of Levee Commissioners of the Orleans Levee District were accepted on 10 October 1966.

(2) Lake Pontchartrain Barrier Plan.

(a) Assurances from the Board of Levee Commissioners of the Orleans Levee District (OLD) were originally accepted on 10 October 1966.

(b) Because of the rising non-Federal cost of participation and the widespread benefits to be derived by surrounding parishes, the OLD has requested assistance in carrying out the assurances. Accordingly, the Governor of the State of Louisiana by Executive Order Number 80, dated 5 March 1971, designated the Louisiana Department of Public Works as the agency to coordinate the efforts of the Orleans Levee District, the Pontchartrain Levee District and the St. Tammany Parish Police Jury in carrying out assurances of local cooperation for the portions of subject project within their respective jurisdictions. The designation was under the authority of Section 81, Title 38, Louisiana Revised Statues of 1950.

Assurances of local cooperation were received from the Orleans Levee District on 16 September 1971 and from the Pontchartrain Levee District on 7 October 1971. Due to the reluctance of the St. Tammany Parish Police Jury to furnish required assurances of local cooperation for that portion of the project within St. Tammany Parish, the Governor of the State of Louisiana executed assurances on behalf of the St. Tammany Parish Police Jury on 8 May 1972 under authority of Section 81, Title 38, Louisiana Revised Statutes of 1950.

(c) Recognizing the increasing burden of providing required matching local funds, Representative F. Edward Hebert sponsored Congressional legislation to defer required local payments over an extended period of time. This legislation was enacted in February 1974, as section 92 of the Water Resources Development Act of 1974. This act modified the authorizing law by providing that non-Federal public bodies may agree to pay the unpaid balance of their required cash payment due, with interest, in annual installments in accordance with a specified formula. A plan for the application of the provisions of this legislation is now being implemented.

(d) We have received the necessary agreements, legal opinions, and resolutions from the Orleans Levee District, jointly from the Lake Borgne Basin Levee District and the St. Bernard Parish Police Jury and from the Pontchartrain Levee District approving the deferred payment plan and incorporating the requirements of Public Law 91-646 ("Uniform Relocation and Real Property Acquisition Policies Act of 1970"). We have also received the required agreements, legal opinions and assurances from the Louisiana Department of Transportation, Office of Public Works and the Governor of Louisiana stating that the Office of Public Works is now the local sponsor in behalf of the St. Tammany Parish Police Jury and that the Office of Public Works will lend financial assistance, when required, to the Pontchartrain Levee District. All of these agreements and assurances are being reviewed by the Government.

(e) Section 221 of the Flood Control Act of 1970 (Public Law 91-611) is not applicable to this project since construction of the Lake Pontchartrain, Louisiana and Vicinity project commenced prior to 1 January 1972. A description of the overall plan of protection is included in the report of the Chief of Engineers dated 4 March 1964.

Project Status:

a. Design. Of the 30 design memorandums required for the Lake Pontchartrain hurricane protection project, to date 21 design memorandums have been completed, and approved by the office of the Chief of Engineers. One design memorandum, Mandeville Seawall, has been indefinitely deferred. Within the next year, two additional design memorandums are expected to be completed and those remaining will be in progress. The scheduled completion date for the design memorandums for the Rigolets and Chef complexes is indefinite at this time. (See attachment for status of the design memorandums.)

The services of six Architect-Engineer firms have been contracted for design of the Rigolets and Chef Menteur Pass Complexes and the Chalmette Area Plan. Further, the Rock Island District is preparing the detail design memorandum and plans and specifications for the Seabrook lock feature of the project.

b. Environmental Statement. The final EIS was filed with CEQ on 9 Jan 75, notice of which was published in the Federal Register on 17 Jan 75.

c. St. Charles and Mandeville: The St. Charles Lakefront Levee has been indefinitely deferred. The damages caused by construction of the levee may have more detrimental impact on the environment than can be justified by offsetting flood protection benefits. Work was deferred pending further environmental studies. Subsequently, Bayous Trepagnier and LaBranche were included in the Louisiana Natural and Scenic Rivers System. The narrower environmental studies were then expanded to include the entire lake. Further investigation of an Airline Highway (US Highway 61) alinement in St. Charles Parish is advisable and is being carried out. The strengthening and repair of the Mandeville Seawall has also been placed in an indefinitely deferred status. Local interests desire a new floodwall which is not economically justifiable. They have refused to assure the authorized project; nonetheless, they will continue to have the option of accepting or rejecting the repair work.

d. 404: A notice of the planned and alternative procedures for the disposal of dredged material was published on 29 November 1974 in accordance with the provisions of section 404 of the Federal Water Pollution Control Act of 1972. A public hearing on this matter was held in conjunction with a general information public meeting on the entire project on 22 February 1975. A public notice to this effect was published on 22 January 1975. A statement of findings (SOF) was prepared on both the general information and the 404 portions of the meeting. By letter dated 1 October 1975, EPA approved the disposal plans for the Chalmette, New Orleans East, and the Barrier Units subject to the condition that the St. Charles portion of the project be eliminated completely. By our letter dated 15 October 1975 to EPA we agreed to the condition proposed. We amplified our agreement by pointing out that we have previously recorded our position that no work be done to implement the St. Charles levee unless extensive additional studies indicate that the construction would be in the total public interest, and that we hold that construction of the St. Charles levee is foreclosed by the fact that certain streams in the area are included in the Louisiana Natural and Scenic Rivers system. We further stated that we cannot foresee construction of the levee unless and until the above impediments are removed and that any studies which might be conducted would include Section 404 proceedings of their own, so that the EPA would, in effect, retain continuing jurisdiction. EPA has clarified their position by stating that deauthorization of the levee is not essential to meeting their condition. Furthermore, EPA stated that it was not their intent to require the elimination of hurricane protection studies in St. Charles Parish.

e. Construction.

(1) The overall status of construction is 26% complete. Total completion is scheduled in 1992. Beneficial completion (beneficial use of the barrier complexes) is scheduled in 1984.

(2) Construction which has been completed to date:

Description	Length in Miles
GIWW relocation at-Chef Menteur	6.9
Floodwall along IHNC west side	4.9
Levee along IHNC west side	0.4
Floodwall along IHNC, east side	3.1
Levee along IHNC, east side	0.7
Citrus back levee, floodwall	3.2
Citrus back levee, first lift levee	6.0
Citrus back levee, foreshore protection	1.5
New Orleans East back levee, along east bank of Michoud Canal, floodwall	2.0
New Orleans East back levee, first lift, along GIWW	4.4
New Orleans East, South Point to GIWW levee	8.0
Bayou Bienvenue navigable floodgate	-
Bayou Dupre navigable floodgate	-
Chalmette Area Plan, first lift levee	27.6
Chalmette Area Plan, second lift levee	6.0
Caernarvon Floodwall and Levee	0.2

(3) Construction in progress in FY 77:

Description	Length in Miles
New Orleans East back levee, floodwall @ pumping station	0.1
New Orleans East lakefront levee, Paris Road to South Point	6.3
New Orleans East back levee, interim levee enlg't	4.4
Chalmette Station 945 to 1117, (2d lift) and pipe line failure area (1st lift)	3.3

(4) Construction scheduled to start in FY 77:

Description	Length in Miles
Chef Menteur Barrier (west) 1st lift levee	2.5
Citrus back levee, 2d lift levee	6.0
Citrus Lakefront levee, IHNC to Paris Rd. floodwall	1.0
New Orleans East back levee, interim levee enlg't	4.4

General:

a. Public meeting--22 February 1975: Opposition to the project in general and specifically the barrier complexes seemed to be vocally centered in St. Tammany Parish. Spokesmen from the parish and other opposition speakers were in the vast majority of those presenting oral statements at the meeting. Strong support for the project was not realized in the written statements received for the record after the meeting.

b. Rigolets Model Study: The originally planned location for the Rigolets control structure was in a new, man-made cut through the Fort Pike peninsula. It was later determined that a siting of the structure in the natural pass would be more economical. To insure that the flow and salinity regimens tested in the original model study of the project area would still be valid with this relocation, a model of The Rigolets area with the new structure was prepared and has been tested. The results of their model studies are currently under intense study and recommendations for changes to the control structure will be forthcoming in the near future.

c. Save Our Wetlands Suit: On 5 Dec 75, Save Our Wetlands, Inc., (SOWL) filed suit in US District Court essentially seeking the following:

"a. That the Court enjoin defendents from proceeding with the project until such time as the conditions for final EPA approval under Section 404 of the FWPCA are met, more particularly the condition that the St. Charles portion of the project be 'eliminated completely' from the project;

"b. That the Court issue a preliminary and permanent injunction against proceeding with the project until such time as a regional cumulate Environmental Impact Statement is prepared;

"c. That the Court order the levee being constructed along the New Orleans East lakefront be removed, and that three openings for tidal interchange be provided under the Southern Railroad embankment...."

This action has been followed by a 19 Feb 76 Motion to Produce Documents, an 18 Feb 76 Amended Complaint directed toward the Orleans Levee District assurances, and an 8 Mar 76 Request for Admissions and Interrogatories. Responses have been made to each. The hearing date is, as yet, unknown but could be in late 1977 or early 1978. The effect of the suit on the accomplishment of the project is also unknown but many engineering man-hours have been diverted to this suit. SOWL is represented by Messrs. Luke Fontana and Edward Booker.

d. St. Tammany Parish Police Jury Suit. This agency has also filed a lawsuit attacking the project. Their suit is similar to the Save Our Wetlands suit and is expected to be combined with that suit.

e. St. Charles Parish Suit: A group of individuals in St. Charles Parish filed suit asking us to build the St. Charles portion of the project which we have indefinitely deferred.

Environmental Studies.

a. A contract has been entered into with L. Eugene Cronin, Ph D, Associate Director for Research Center for Environmental and Estuarine Studies in Cambridge, Md. to develop an assessment of the environmental

effects of the proposed barrier structures (Chef, Rigolets and Seabrook) and to recommend any modifications to these structures to improve the environmental effectiveness of these structures.

b. A contract will shortly be entered into with Louisiana State University to prepare and inventory and analysis of the environmental components in Lake Pontchartrain and its surrounding wetlands. This will provide the base condition with which to compare the after condition. This will insure an adequate analysis of the effects of the project on salinity regimens within Lake Pontchartrain and on ingress and egress of marine and estuarine organisms through Chef Menteur and The Rigolets Passes. It will also determine the value of the surrounding marshlands to the life systems within the lake and define the interactions between the lake and marsh and thus the effects of varied land use on both systems.

c. The EPA in their review of the 404 proceedings has requested us to study whether the drainage structures in the South Point to GIWW levee be changed with regards to their operation. They would like to see the structures remain open during normal tidal conditions to nourish the marsh in New Orleans East with the lake water. The Louisiana Wildlife Federation and the US Fish and Wildlife Service are supportive of this recommendation. We are coordinating with the Orleans Levee District, the Sewerage and Water Board, the Mosquito Control Board and the City Planning Commission to obtain their views on this recommendation. A report on this matter will be completed in the near future.

d. The City Planning Commission has requested us to study the possibility of purchasing wetlands outside the protected area to mitigate the loss of wetlands included in the project. This study will be initiated in the near future.

LAKE PONTCHARTRAIN HURRICANE PROTECTION PROJECT
PROJECT COST INFORMATION (1 Oct 77)

Plan Unit Description Allocation	Total	Federal	Non-Federal Costs		
			Non-Federal Total	Lands, damages, and relocations	Cash contributions
BARRIER PLAN					
BARRIER UNIT					
Rigolets Complex	$ 76,580,000	$53,400,000	$23,180,000	$1,175,000	$22,005,000
Orleans Levee District (67.1%)	-	-	15,550,000	1,175,000	14,375,000
Pontchartrain Levee District (30.4%)	-	-	7,050,000	0	7,050,000
St. Tammany Parish Police Jury (2.5%)	-	-	580,000	0	580,000
Chef Menteur Complex	$ 49,805,000	$34,865,000	$14,940,000	$1,360,000	$13,580,000
Orleans Levee District	-	-	10,025,000	$1,360,000	8,665,000
Pontchartrain Levee District	-	-	4,540,000	0	4,540,000
St. Tammany Parish Police Jury	-	-	375,000	0	375,000
Seabrook Complex*	$ 36,160,000	$30,735,000	$ 5,425,000	$ 25,000	$ 5,400,000
Orleans Levee District	-	-	3,640,000	25,000	3,615,000
Pontchartrain Levee District	-	-	1,650,000	0	1,650,000
St. Tammany Parish Police Jury	-	-	135,000	0	135,000
Capitalized Operation and Maintenance of Rigolets Lock	0	-11,650,000	$11,650,000	0	$11,650,000
Orleans Levee District (67.1%)	-	-	7,820,000	0	7,820,000
Pontchartrain Levee District (30.4%)	-	-	3,540,000	0	3,540,000
St. Tammany Parish Police Jury (2.5%)	-	-	290,000	0	290,000
TOTAL BARRIER UNIT	$162,545,000	$107,350,000	$55,195,000	$2,560,000	$52,635,000

*Total non-Federal cost includes only the cost of Seabrook complex applicable to hurricane protection purposes (30 percent of half of the estimated first cost of construction).

LAKE PO_CHARTRAIN HURRICANE PROTECTION PROJECT
PROJECT COST INFORMATION (cont'd 1 Oct 77)

an Unit Description Allocation	Total	Federal	Non-Federal		
			Non-Federal Total	Lands, damages, and relocations	Cash contribution
O.EAST, N.O. WEST AND MANDEVILLE UNITS					
Orleans Levee District (N.O. East)	$119,250,000	$ 83,310,000	$ 35,940,000	$17,720,000	$18,220,000
Pontchartrain Levee District (N.O. West)	38,990,000	27,590,000	11,400,000	2,035,000	9,365,000
St. Tammany Parish Police Jury (Mandeville)	755,000	530,000	225,000	0	225,000
AL N.O. EAST, N.O. WEST AND DEVILLE UNITS	$158,995,000	$111,430,000	$ 47,565,000	$ 19,755,000	$27,810,000
AL BARRIER PLAN	$321,540,000	$218,780,000	$102,760,000	$ 22,315,000	$80,445,000
LMETTE AREA PLAN					
Orleans Levee District	20,135,000	14,090,000	6,045,000	4,740,000	1,305,000
St. Bernard Parish Police Jury and Lake Borgne Basin Levee District	67,325,900	47,130,000	20,195,000	5,630,000	14,565,000
AL CHALMETTE AREA PLAN	$ 87,460,000	61,220,000	26,240,000	10,370,000	15,870,000
AL LAKE PONTCHARTRAIN JECT COST	$409,000,000	$280,000,000	$129,000,000	$ 32,685,000	$96,315,000