



DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF ENGINEERS
WASHINGTON, D.C. 20314

REPLY TO
ATTENTION OF:

DAEN-CWP-G

MEMORANDUM FOR THE ASSISTANT SECRETARY OF THE (CIVIL WORKS)

SUBJECT: Lake Pontchartrain Hurricane Protection Project, Louisiana -
INFORMATION MEMORANDUM

I am furnishing you, as indicated in my memorandum of 24 November 1982, a comparison of the post authorization changes involved in adopting the high level plan, and my views on whether or not to use the Chief's discretionary authority in this case. The comparison and the recently printed Draft of Report/DEIS are inclosed. In accordance with your memorandum of 17 November 1982, the report documents will not be released for public coordination pending your review and further guidance. Also inclosed is fiscal year 1983 budgetary information.

I recognize that the authority to modify projects involves an important delegation of authority derived from Congress. Accordingly, in past cases, I have considered it necessary as a legal matter to bring modifications to the attention of Congress for specific authorization when such changes involve (a) A material alteration of the function of the project, such as the deletion or addition of a project purpose when not otherwise authorized by law; (b) A material change in the scope of the authorized plan of improvement; or (c) A change in legal relationships, such as requirements of local cooperation. In applying these factors to the present case and considering them on balance, it is my view that the high level plan may be undertaken under my discretionary authority as Chief of Engineers. This opinion is based on the following factors, which I regard as compelling:

a. There is no change in project purposes. The purpose of the project is to protect lives and property along the shore areas of Lake Pontchartrain, and in particular those densely populated areas immediately south of the lake. The high level levee construction plan will accomplish this purpose without a decrease in the level of protection by providing flood protection against the Standard Project Hurricane.

To: COL YORE - LMVD - 2pg P
From: COL Myers

DAEN-CWP-G

SUBJECT: Lake Pontchartrain Hurricane Protection Project, Louisiana -
INFORMATION MEMORANDUM

b. The modified construction plan will not materially alter the scope of the authorized plan of improvement. The high level levee plan will cost less to complete (\$628 million vs. \$743 million) and will reduce the potential for catastrophic flooding earlier than the originally conceived barrier construction plan. The principal change in the plan is that the barrier at the Rigolets and Chef Menteur Pass will be deleted. The high level levees will follow the original levee alignment and will not involve substantially greater land acquisition or displacements of homes and businesses. While the levee heights will in fact be raised, this elevation is not considered substantial when viewed in context of the levee raising planned to occur under any circumstances in connection with the overall barrier construction plan.

c. The high level levee plan will not involve a change in legal relationships. Local interests are required to provide lands, easements, rights-of-way, and relocations normally associated with flood protection projects, and to otherwise contribute in cash or equivalent work an amount sufficient to bring their share to 30 percent of the total construction cost of the improvements. This requirement will apply equally to the high level levee plan.

I urge you to give the matter highest priority, and provide me your further guidance so that we may continue to process the decision documents on this important project.

3 Incl
As stated

J. K. BRATTON
Lieutenant General, USA
Chief of Engineers