

Congress of the United States  
House of Representatives  
Washington, DC 20515

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March 18, 1991

Colonel Richard V. Gorski  
U.S. Army Corps of Engineers  
New Orleans District  
Prytania Street  
New Orleans, Louisiana 70118-1030

Dear Colonel Gorski:

Thank you for taking time out of your schedule in Washington, D.C. to brief my staff and me last week on the U.S. Army Corps of Engineers' two most important issues in Louisiana's Second Congressional District.

I assure you that my office will use whatever influence it may have within state government to work out a compromise on future Corps dredging of the Mississippi River Gulf Outlet because this is particularly important to future growth and development of the Port of New Orleans.

My office also intends to work closely with your local advisory panel on expansion of the existing locks on the Inner Harbour Navigational Canal.

My staff and I were pleased to learn in-depth about the two most important issues in the Second Congressional District from the Corps' point of view; however, due to time constraints and the press of other scheduled appointments, we were unable to discuss what is the most important issue in the Second Congressional District from the local government point of view -- hurricane levee protection along the Orleans Avenue and London Avenue canals.

Not only is this the most important issue from the local government point of view, I want you to know that this issue is as important an issue to me as it was to my predecessor, U.S. Representative Lindy Boggs, who, as you know, last year and U.S. Representative Bob Livingston passed an amendment to the Water Resources Development Bill of 1990 (adopted by the entire U.S. House of Representatives; Congressional Record, September 26, 1990, H8158-8159) which directed construction of 300-year parallel hurricane protection along both the London Avenue and Orleans Avenue canals.

Although the specific amendment was eliminated from the final version of the Water Resources Development Act of 1990, managers of the legislation felt it important to express the sense of Congress and included specific language regarding these projects in the Conference Committee Report (see attached.)

At this time, I understand that the Orleans Levee Board and the Sewerage and Water Board are attempting to devise a compromise, and I urge the Corps to work with these local government agencies using as your guideline both the language of the Boggs amendment as well as the language of the Conference Committee Report on the Water Resources Development Act of 1990.

I sincerely hope a compromise can be worked out between the Corps and local government, and my staff and I will be available to assist wherever and whenever possible.

As Congressman from the Second Congressional District, I want you to know that I share the concerns of the local government agencies who have advised that they do not have adequate tax revenue or tax base to address the consequences of the Corps' proposed "butterfly gate" hurricane protection at the London Avenue and Orleans Avenue Canals.

I share their concerns for several reasons.

First and foremost, any solution for the London Avenue and Orleans Avenue canals must address protection from hurricane related flooding from both tidal surge and heavy rainfall. In addition, no solution should in any way compromise existing drainage or create unnecessary financial burden on local government agencies.

Second, as the conference report clearly states, I do not believe it was "the intent of Congress in authorizing this project to compound flooding or drainage problems in the City of New Orleans."

Third, the levees along both canals have over the years provided minimal hurricane protection for New Orleans; and, even to this date, the parallel levees along the Orleans and London Avenue Canals are included in the Corps' own calculations of the hurricane protection provided to New Orleans in the Lake Pontchartrain and Vicinity project.

Fourth, as a direct result of the proposed "butterfly gate" solution, local government will be forced to spend approximately \$65 to \$80 million to adjust the system which for decades has provided minimal hurricane protection for my community. As a result, the traditional 70% federal/30% local funding formula will be reversed to 70% local/30% federal in order to complete all of the public works projects (local and federal) required by a hurricane protection solution devised made solely by the U.S. Army Corps of Engineers.

Fifth, the Orleans Levee Board already has paid \$21 million more than required to meet its local cost sharing obligations for existing projects; and, combined with the more than \$8 million derived annually from the 6.13 mills dedicated to improvement of its hurricane protection system, will generate enough revenue to meet local cost sharing requirements for the 300-year parallel protection.

Finally, I concur with the local government that internal drainage for the city of New Orleans ends at the pumping stations.


Please advise me, as soon as possible, regarding your progress in implementing the sense of Congress expressed in the language of the Conference Committee Report on the Water Resources Development Act of 1990 and/or in reaching a compromise with the local government agencies.

It seems to me that, as the Congress, the Corps and local government address this matter, we need to remember that the purpose of federal and local efforts at hurricane protection is to protect citizens from flooding and that hurricanes can cause flooding from tidal surge as well as from heavy rainfall.

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From where many of my constituents sit, it doesn't really matter whether flood water comes from a hurricane's tidal surge or a hurricane's heavy rainfall. If you're flooded, you're flooded; and it's important that government tackle this problem in a comprehensive and timely manner.

Sincerely,



William J. Jefferson  
Member of Congress

WJJ:jel  
Enclosures

cc: The Honorable J. Bennett Johnston  
The Honorable John Breaux  
The Honorable Robert Livingston  
The Honorable Tom Bevill  
The Honorable Charles E. Roemer  
The Honorable Sidney J. Barthelemy  
The Honorable Lindy Boggs  
The Honorable Steven O. Medo  
All Orleans Levee Board Commissioners  
The New Orleans City Council  
All Sewerage and Water Board Members

flood plain. We would be happy to accept the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. Emerson).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendments offered by Mr. TRAFICANT: At the end of the bill, add the following new section:

**SEC. 4. BUY AMERICAN.**

(a) GENERAL RULE.—Notwithstanding any other provision of law, the Secretary shall not expend, after the date of the enactment of this Act, any funds appropriated to carry out this Act for any project, unless materials and products used in such project are produced in the United States.

(b) LIMITATIONS ON APPLICATION.—The provisions of subsection (a) shall not apply where the Secretary finds—

(1) that their application would be inconsistent with the public interest;

(2) that materials and products referred to in subsection (a) are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) that inclusion of material and products produced in the United States in a project will increase the cost of such project by more than 25 percent.

Mr. TRAFICANT (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Madam Chairman, I have a Buy American amendment that is current law in the highway bill and has been standard Buy American language in the public works programs in project legislation.

I am offering it here today to the water resources bill, and I would hope the committee will find favor with the amendment. I would just like to say that with the cost on the taxpayers' drain today, I think some of those taxpayers' dollars should be targeted for American business and industry, and the American workers. This is consistent with past practice.

Madam Chairman, I yield to the chairman, the gentleman from California (Mr. Anderson).

Mr. ANDERSON. Madam Chairman, I am pleased to accept the gentleman's amendment.

Mr. TRAFICANT. Madam Chairman, I yield to the gentleman from New York (Mr. Nowak).

Mr. NOWAK. Madam Chairman, we have looked at the amendment. It does conform to other Buy American amendments. I think we can work any problem at all that shows up as we go through this process. We will be happy to accept the amendment.

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Mr. STANGELAND. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I am pleased to yield to the gentleman from Minnesota.

Mr. STANGELAND. Madam Chairman, we have gone through the amendment. I have to compliment the gentleman from Ohio (Mr. Traficant). It is probably one of the most finely crafted Buy America amendments that he has presented. I give him my compliments and we are certainly happy to accept it.

Mr. TRAFICANT. Madam Chairman, I appreciate that.

Madam Chairman, I want to thank the committee, Chairman AMERSON, Vice Chairman HANCOCK, Water Resources Subcommittee Chairman NOWAK, and Vice Chairman STANGELAND.

I appreciate it very much. I am glad you have accepted it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Traficant).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOGGS

Mrs. BOGGS. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BOGGS: Page 24, strike line 13 and insert the following:

(a) LAKE POITCHARTRAIN, LOUISIANA.—  
(1) FEDERAL RESPONSIBILITY.—The project location lines 14 through 19 on page 24 accordingly.

Page 24, line 14, strike "subsection" and insert "paragraph".

Page 24, after line 13, insert the following new paragraph:

(2) RAISES OR LOWERS.—The project referred to in paragraph (1) is further modified to direct the Secretary to raise the levees along the entire length of the London Avenue Canal and the Orleans Avenue Canal in New Orleans, Louisiana, to grades sufficient to provide flood protection against a 100-year hurricane.

Mrs. BOGGS (during the reading). Madam Chairman, I am unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mrs. BOGGS. Madam Chairman, the Corps of Engineers currently has under construction an important project to provide such needed hurricane protection to the people of the New Orleans area. The Lake Poitchartrain hurricane protection project was one of the responses developed by the city from the type of devastation we experienced from Hurricane Betsy in 1964.

As part of this project, the corps has recommended the construction of gated structures at the lake end of two of the canals that provide the main outfall drainage for the city of New Orleans. The structures are designed to automatically close if a hurricane-driven storm surge enters Lake Poitchartrain.

The local sponsors of the project are concerned that this approach would

impair the city's ability to pump flood waters from a hurricane out of the city and into the lake through the outfall canals. The potential effect of such a situation could be further flooding in the city from rains that normally accompany hurricanes.

Local officials with responsibility for hurricane protection and flood control have recommended an alternative approach which involves raising the existing levees and floodwalls along the two outfall canals. This approach would provide adequate hurricane protection while permitting accumulated rainwater to be pumped out of the city.

Because of the manner in which the current plan was designed, the corps needs additional legislative direction from Congress in order to provide this alternative method of protection. Unfortunately, I only recently learned of this problem so I was unable to call it to the committee's attention earlier.

Madam Chairman, I appreciate the cooperation and indulgence of the majority and minority members of the committee, and especially the gentleman from California, the gentleman from Minnesota, the gentleman from New York, the gentleman from Arkansas, and the members of the committee staff, and I urge the adoption of the amendment.

Mr. STANGELAND. Madam Chairman, will the gentleman yield?

Mrs. BOGGS. I am happy to yield to the gentleman from Minnesota.

Mr. STANGELAND. Madam Chairman, we have looked at the gentleman's amendment. We think it makes eminent good sense and are more than happy to accept it on this side.

Mr. ANDERSON. Madam Chairman, will the gentleman yield?

Mrs. BOGGS. I yield to the gentleman from California.

Mr. ANDERSON. Madam Chairman, this amendment will authorize the corps to construct the locally preferred alternative for hurricane protection at Lake Poitchartrain at New Orleans, LA. The amendment will assure the ability of New Orleans to pump water out of low-lying areas of the city during hurricane events and provides the same protection alternative as afforded to other areas of New Orleans. We would be pleased to accept the Congresswoman's amendment.

Mr. LIVINGSTON. Madam Chairman, will the gentleman yield?

Mrs. BOGGS. I yield to my colleague, the gentleman from Louisiana.

Mr. LIVINGSTON. Madam Chairman, I rise in support of the amendment by the gentleman from Louisiana (Mrs. Boggs) providing clarification of an existing authorized project in the greater New Orleans area.

This modification to an existing authorization would allow the Corps of Engineers to enlarge existing levees along the Orleans and London Avenue

canals in New Orleans to provide protection from a standard project hurricane. This is critical because present canal plans only call for adequate protection around the mouths of these canals which could result in backflooding along the banks running the lengths of both canals. Without this clarification to an existing authorization we would be threatening 56,000 residents with serious flooding.

Madam Chairman, I rise in strong support of this amendment and thank my former colleagues on the Public Works and Transportation Committee for their help and support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. BOOC). The amendment was agreed to.

Mr. SHAW. Madam Chairman, I move to strike the last word.

Mr. SHAW asked and was given permission to revise and extend his remarks.

Mr. SHAW. Madam Chairman, I would like to compliment the ranking Republican member, the gentleman from Minnesota (Mr. STANGELAND); the chairman of the subcommittee, the gentleman from New York (Mr. NOWAK); the chairman of the full committee, the gentleman from California (Mr. ANDERSON); and the ranking member of the full committee, the gentleman from Indiana (Mr. HANCOCK) for including in this bill a very important provision which does finally put to rest and drive the final nail into the coffin of the Cross Florida Barge Canal.

Back in 1948 in a very heated debate here on the floor we were successful in deauthorizing a portion of that environmental disaster. This bill puts the final nail in the coffin by deauthorizing the entire project and converts what was an environmental disaster into a project that will eventually become a park for all the people of the United States and the people in Florida to enjoy.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS: At the end of the bill, add the following new section:

SEC. 4. CONVEYANCE OF OAKLAND INNER HARBOR TIDAL CANAL PROPERTY TO CITIES OF OAKLAND AND ALAMEDA, CALIFORNIA.

The Secretary may convey, by quit claim deed, the title of the United States in all or portions of the approximately 84 acres of uplands, tidelands, and submerged lands, commonly referred to as the Oakland Inner Harbor Tidal Canal, California, as follows:

(1) To the city of Oakland, the United States title to all or portions of that part of the Oakland Inner Harbor Tidal Canal which are located within the boundaries of the city of Oakland.

(2) To the city of Alameda, the United States title to all or portions of that part of the Oakland Inner Harbor Tidal Canal which are located within the boundaries of the city of Alameda.

The Secretary may reserve and retain from any such conveyance a right-of-way for the operation and maintenance of the authorized Federal channel in the Oakland Inner Harbor Tidal Canal.

Confirm the table of contents of the bill accordingly.

Mr. DELLUMS (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Madam Chairman, the amendment that I offer is technical in nature. The language was worked out in cooperation with members of the staff.

The purpose of the amendment is to provide statutory authority for purposes of conveying certain properties of the Oakland Inner Harbor Tidal Channel to the cities of Oakland and Alameda, CA.

This amendment, Madam Chairman, accomplishes the minor land transfer for which authority is sought and supported by the Corps of Engineers. The purpose of the transfer is to allow for local maintenance of the affected tidal channel and to clear up overlapping claims by adjoining landowners.

I know of no objection to this amendment.

Mr. STANGELAND. Madam Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to my distinguished colleague, the gentleman from Minnesota.

Mr. STANGELAND. Madam Chairman, as I understand it, this land more than likely would be transferred at market value, is that correct?

Mr. DELLUMS. That would be on terms to be worked out between the Corps of Engineers and the port authority, that is correct.

Mr. STANGELAND. With that understanding, Madam Chairman, we certainly support the gentleman's amendment.

Mr. ANDERSON. Madam Chairman, will the gentleman yield?

Mr. DELLUMS. I am happy to yield to the gentleman from California.

Mr. ANDERSON. Madam Chairman, the gentleman's amendment would authorize the transfer of certain lands under the jurisdiction of the Corps of Engineers in the Oakland Harbor area from the Corps of Engineers to local interests to allow for development of that property beyond the scope of the Federal Water Resources Development Program. We are pleased to support the gentleman's amendment.

Mr. NOWAK. Madam Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from New York.

Mr. NOWAK. Madam Chairman, I also rise in support of the gentleman's work to modify the original request to a very acceptable form. With their concurrence, I am sure the corps will work out a satisfactory arrangement.

Mr. DELLUMS. Madam Chairman, I thank my distinguished colleague. I especially thank the members of the committee who helped us work out acceptable language.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ARMET

Mr. ARMET. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ARMET: At the end of the bill, add the following new section:

SEC. 5. CONVEYANCE OF LANDS LOCATED NEAR LEWISVILLE DAM AND GERM-LITTLE ELM RESERVOIR, DENTON COUNTY, TEXAS.

(1) AUTHORIZATION OF CONVEYANCE.— (A) GENERAL TITLE.—Subject to paragraphs (2) and (3), the Secretary shall convey all right, title, and interest of the United States in any property described in subsection (a) to the person named in subsection (e) (or his or her heirs and assigns) from whom the United States acquired such right, title, and interest in connection with the Lewisville Dam and Germ-Little Elm Reservoir projects in Denton County, Texas.

(B) TIME LIMIT.—Such conveyance under paragraph (1) shall apply with respect to a property for which payment under subsection (a) is made within 60 days of the date of the enactment of this Act.

(C) APPLICATION.—The requirement of paragraph (1) shall apply with respect to a property for which payment under subsection (a) is made within 90 days of the date of the enactment of this Act.

(D) FEE TO BE PAID BEFORE CONVEYANCE.—No conveyance shall be made under authority of this section until the person to whom such conveyance will be made pays to the United States the fair market value of the right, title, and interest to be conveyed, or \$2,500 per acre of property conveyed, whichever is less.

(E) PERSONS TO WHOM CONVEYANCE MAY BE MADE UNDER AUTHORITY OF THIS SECTION ARE THE FOLLOWING: Seth Pyle Anderson, Arthur Lee Curtis, Arden Paul Curtis, William Ryde Curtis, Paul C. Emery, Alan Egan, Jr., Helen Egan, Kenneth Egan, Marjorie Egan, Shirley Dean Johnson, Curtis H. McDonald, Gilbert Newton MacDaniel, John Edward McWhorter, Keith Alfred Talley, and Lucille Marie Warner.

(F) PROPERTY TO BE CONVEYED.—

(1) IN GENERAL.—The property that may be conveyed under authority of this section consists of those tracts of land located near the Lewisville Dam and the Germ-Little Elm Reservoir in Denton County, Texas, which are designated by the following tract numbers of Army Corps of Engineers Project M3-2-3002: B134, B135, B142, B144, B145, B146, B148, B149, B152, B151, B151, B151, B154, B155, B156, B157, B158, B159, B161, B163, B164, B165, B166, B167, B177, B178, B179, B181, B184.

(2) EXCLUDED PORTIONS.—The property referred to in paragraph (1) does not include portions of tracts listed in paragraph (1) to the extent that such portions are within 200 feet of the highway of the Lewisville Dam.

Confirm the table of contents of the bill accordingly.

Mr. ARMET (during the reading). Madam Chairman, I ask unanimous consent that the amendment be con-

slays areas. The re-development and fringed open spaces under large open spaces areas therefore, intend that may be acquired for the protection for large contented for the wetlands lie within the Passaic it also to include adjacent Passaic River Basin such as, for example, the King Forest area of the forces do not intend to wetlands bank by the archipel. For lands made a intended that the needs of the wetlands existing wetlands to be unforeseeable aspect that the bank will provide aids and for further disjunct area. In directing by the State or other need in converting any the non-Federal share of one of these actions may interests on their own action of such credits be- tain Stom Passaic River port.

its towards the non-Fed. Conference recognizes that Report are not inclusive, finally identified by the with the project shall be to State's credit request flood walls compatible lands actions such as the the Township of Parsippany example is the routine of New Jersey pro- by maintaining existing The State of New Jersey id increasing development within floodway areas. The approach. Therefore, the non-Federal share of the low Jersey or other containing such floodway t be created as a project

The Lake Pontchartrain and Vicinity, Louisiana hurricane protection project provides hurricane protection to the metropolitan New Orleans area. As originally authorized by Section 204 of Public Law 95-298 the recommended plan included the construction of a large barrier structure to prevent storm water surges from entering Lake Pontchartrain and flooding developed areas during hurricanes. In 1977, as a result of environmental litigation, a plan for the construction of high level levees was substituted for the barrier plan.

It was not necessary for the original barrier plan to address the problems associated with outfall canals that provide drainage of storm waters into Lake Pontchartrain from the City of New Orleans. These problems must not be resolved in completing the high level plan. One option under consideration is the construction of structures which will close the outfall canals at London and Orleans Avenues during periods of hurricane conditions. Local authorities have raised legitimate concerns that this would result in flooding within the City because water discharged from drainage pumps would not flow into Lake Pontchartrain when the structures are closed.

The conferees do not believe it was the intent of Congress in authorizing this project to compound flooding or drainage problems in the City of New Orleans. Therefore, the conferees direct the Corps to treat the outfall canals as part of the overall hurricane protection project, and to favorably consider a plan that raises the levees along the entire lengths of the London Avenue and Orleans Avenue Canals to grades sufficient to confine a standard project hurricane with costs to be borne by both Federal and local assuring authorities.

#### CROSS FLORIDA BARGE CANAL

The conference agreement includes a provision deauthorizing the Cross Florida Barge Canal and transfers to the State of Florida, without consideration, all Federal lands acquired for the canal, and facilities completed for the project, for the purposes of combining them with State-acquired lands and creating a "greenway corridor." The deauthorization and land transfer are conditional upon the State, through a resolution adopted by the Governor and State Cabinet, agreeing to several terms. The primary terms include the following:

First, the State must agree to create, preserve and maintain a greenway corridor along the original canal route (from the Gulf of Mexico to the Atlantic Ocean) to be used by the public only for compatible recreation and conservation activities as defined in a management plan to be developed by the State. The management plan must describe the actual boundaries for the corridor which must be at least 300 yards wide except for those areas where a) as of the date of enactment, the State owned no land or the land it did own was less than 300 yards wide, or b) a road or bridge crosses the corridor. It is the conferees' intention that the State management plan describe in a comprehensive fashion how the State will create, manage and improve the greenway.

# The Board of Levee Commissioners

OF THE

## Orleans Levee District

SUITE 202 — ADMINISTRATION BUILDING  
NEW ORLEANS LAKEFRONT AIRPORT

New Orleans, La.

70128

March 22, 1991

PROTECTING YOU  
AND YOUR FAMILY



Colonel Richard V. Gorski  
Corps of Engineers  
P. O. Box 60267  
New Orleans, Louisiana 70160-0267

Re: London Avenue Canal  
Correspondence from  
Colonel Richard Gorski  
U. S. Army Corps of Engineers  
Dated January, 1991

Dear Colonel Gorski:

Please refer to the captioned correspondence regarding your position on the Orleans Avenue and London Avenue outfall canals. Based upon Resolution No. 1-101790 dated October, 1990 and upon further consideration by Resolution No. 7-022091 dated February, 1991, the Board of Levee Commissioners of the Orleans Levee District have voted unanimously to adopt the parallel protection plan.

After carefully considering all of the facts including your extended presentation to the Board with representatives of the Sewerage and Water Board of New Orleans on November 7, 1990, we do not believe the "Butterfly Valve" will provide the necessary protection to the citizens of New Orleans, from rising tides under all conditions. We remain convinced that the parallel protection plan will serve the City best and is, in fact, the most cost effective and expeditious method for providing flood protection.

The Board has authorized me to request that the Corps participate in the development of a plan pursuant to the terms of our contractual agreement that requires the Federal Government to pay 70% of the first cost of construction and our entity to pay 30% of the first cost. We have determined that our first cost of construction using the Corps proposal will cause our Board and, thus, the citizens of New Orleans, to pay 80% of the first cost of



Colonel Gorski

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construction versus our required 30%. The Corps proposes to contribute only the federal portion of the construction relating to the "Butterfly Valve" plan which is less than 20% of the actual project cost. We base our understanding on the statement that you do not propose to pay the cost of raising the levee system along the tidal basins which today form the front line protection system for the City of New Orleans. We also believe that EIA prepared by the Corps' staff does not adequately address the environmental changes that would be created behind a "Butterfly Valve".

As authorized by the Board, we have requested, and have received unanimous support from our Congressional leaders, local and state elected officials provide whatever assistance is necessary to mandate that the Federal Government, acting through the U. S. Army Corps of Engineers, comply with our agreement. We underscore this by stating that the Orleans Levee Board has not only met it's 30% requirement for local participation, but currently has exceeded that requirement by more than \$20,000,000. That is, we have already paid \$20,000,000 more than is required by the agreement between the Federal Government and the local assuring authority. In the past, some have stated the federal government wanted to be assured that the locals were participating. We, too, want to be assured that the federal government complies with the terms of it's agreement. We are and have been prepared to move forward with finalizing this project since 1985.

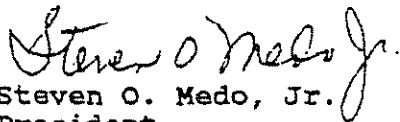
Finally, the London Avenue and Orleans Avenue Canals are now and have always been tidal basins lined with parallel frontal protection levees. You seek to change that fact by placement of large concrete structures across the entrance of the basins, and, thence, terming all of the tidal waters "interior drainage".

In this manner, you propose to transfer over 80% of the cost of the project to the local agency. That, according to the Federal Congressional Conference Report on Water Resources Development Act of 1990 in November, 1990, is clearly not the mandate or intent of the federal legislation.

Colonel Gorski  
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Please feel free to contact me regarding your position.

Very truly yours,

  
Steven O. Medo, Jr.  
President  
Orleans Levee District

cc: Governor Charles "Buddy" Roemer  
Mayor Sidney J. Barthelemy  
Senator J. Bennett Johnston  
Senator John Breaux  
Representative Robert Livingston  
Representative William Jefferson  
Honorable Lambert L. Boissiere  
Honorable James Singleton  
Honorable Joseph I. Giarrusso  
Honorable Dorothy Mae Taylor  
Honorable Peggy Wilson  
Honorable Jacqueline Clarkson  
Mr. Fred H. Bayley, III, Chief of Engineering  
Vicksburg District  
Orleans Levee Board Commissioners  
Honorable John H. Ross, Vice President  
Honorable Jerome P. Dickhaus  
Honorable Robert S. Maloney  
Honorable Robert C. Ramelli  
Honorable James E. Smith, Jr.  
Honorable Janet Phillipott Vincent  
Lakeshore Property Owners Association  
Lake Vista Property Owners Association  
Lake Terrace Property Owners Association  
Lakeview Civic Association  
Sewerage and Water Board of New Orleans

## LAKE PONTCHARTRAIN AND VICINITY, LOUISIANA

The Lake Pontchartrain and Vicinity, Louisiana hurricane protection project provides hurricane protection to the metropolitan New Orleans area. As originally authorized by Section 204 of Public Law 89-298 the recommended plan included the construction of a large barrier structure to prevent storm water surges from entering Lake Pontchartrain and flooding developed areas during hurricanes. In 1977, as a result of environmental litigation, a plan for the construction of high level levees was substituted for the barrier plan.

It was not necessary for the original barrier plan to address the problems associated with outfall canals that provide drainage of storm waters into Lake Pontchartrain from the City of New Orleans. These problems must not be resolved in completing the high level plan. One option under consideration is the construction of structures which will close the outfall canals at London and Orleans Avenues during periods of hurricane conditions. Local authorities have raised legitimate concerns that this would result in flooding within the City because water discharged from drainage pumps would not flow into Lake Pontchartrain when the structures are closed.

The conferees do not believe it was the intent of Congress in authorizing this project to compound flooding or drainage problems in the City of New Orleans. Therefore, the conferees direct the Corps to treat the outfall canals as part of the overall hurricane protection project, and to favorably consider a plan that raises the levees along the entire lengths of the London Avenue and Orleans Avenue Canals to grades sufficient to confine a standard project hurricane with costs to be borne by both Federal and local assuring authorities.

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The conference agreement includes a provision deauthorizing the Cross Florida Barge Canal and transfers to the State of Florida, without consideration, all Federal lands acquired for the canal, and facilities completed for the project, for the purposes of combining them with State-acquired lands and creating a "greenway corridor." The deauthorization and land transfer are conditioned upon the State, through a resolution adopted by the Governor and State Cabinet, agreeing to several terms. The primary terms include the following:

First, the State must agree to create, preserve and maintain a greenway corridor along the original canal route (from the Gulf of Mexico to the Atlantic Ocean) to be used by the public only for compatible recreation and conservation activities as defined in a management plan to be developed by the State. The management plan must describe the actual boundaries for the corridor which must be at least 300 yards wide except for those areas where a) as of the date of enactment, the State owned no land or the land it did own was less than 300 yards wide, or b) a road or bridge crosses the corridor. It is the conferees' intention that the State management plan describe in a comprehensive fashion how the State will create, manage and improve the greenway.

John Breaux  
Louisiana

Committees:  
Commerce, Science, and  
Transportation  
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Special Committee on Aging

# United States Senate

WASHINGTON, DC 20510-1803

April 10, 1991

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(504) 589-2531

Colonel Richard V. Gorski  
Commander, New Orleans District  
Corps of Engineers  
P.O. Box 60267  
New Orleans, LA 70160

Dear Colonel Gorski:

The president of the Orleans Levee District, Mr. Steven O. Medo, Jr., has been authorized by the district's Board of Levee Commissioners to request the Corps' participation in the development of a parallel protection plan for the Orleans and London Avenue Canals. The district also has asked that the cost-sharing for the parallel protection plan be 70 percent federal and 30 percent local sponsor. Recently, he contacted you regarding these requests.

As you know, Statement of Managers language in the conference report for the 1990 Water Resources Act clarified Congressional intent for the Lake Ponchartrain and Vicinity Hurricane Protection Project. A copy of that language is attached.

In light of the above-referenced clarification of Congressional intent, I would appreciate hearing from you the Corps' plans for providing hurricane protection for the London Avenue and Orleans Avenue Canals and its intended cost-sharing ratio for these project elements. Please work closely with the Orleans Levee District with regard to its requests and keep me informed of all developments affecting these project issues.

Effective hurricane protection is needed in these areas. It is critical that the project move forward as soon as possible.

A Corps response at the earliest possible convenience would be helpful. Thank you for your attention and assistance.

Sincerely,



JOHN BREAUX  
United States Senator

JB:jeb

Enclosure

09 2 11 31 APR 1991

REC'D  
MS-11-1130  
APR 10 1991



DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P.O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO  
ATTENTION OF:

April 29, 1991

Project Management Office

*U.S. Corps of Engineers*  
APR 30 AM 11:15  
S & W 30  
CELL 51111

Honorable William J. Jefferson  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Jefferson:

Thank you for your March 18, 1991 letter concerning the outfall canal features of the Lake Pontchartrain hurricane protection project. I appreciate knowing your views on this vital project.

We have been designing the hurricane protection features at the outfall canals since 1983. The Orleans Levee Board and the Sewerage and Water Board and their staffs took part in the detailed studies that culminated in the current frontal protection plans at the Orleans Avenue and London Avenue outfall canals. The plans provide for automatic gated structures (butterfly gates) at the lake end of the outfall canals. These structures will neither hinder existing local drainage nor preclude future improvements to local drainage. We can start the design and construction immediately and at substantially less cost than raising and improving the levees and floodwalls along both sides of the canals.

Despite the language in the conference report on the Water Resource Development Act of 1990, we believe we do not have the authority to deviate from the most economical plan for hurricane protection. We believe that raising the levees along the canals would require specific congressional authorization. The cost would increase from \$25 million (two butterfly gated structures) to \$105 million (parallel protection on both canals) for protection to the Standard Project Hurricane level.

We are constructing higher levees at the 17th Street Outfall Canal because parallel protection costs about the same as a butterfly gate structure and because the levee board preferred that alternative.

The pumps feeding the Orleans Avenue and London Avenue outfall canals cannot now or in the foreseeable future pump against the design hurricane lake level without allowing flooding within the protected area even if the levees are raised. We realize that if local interests improve drainage to pump against the design hurricane lake level, they will have to raise the levees on the outfall canals. Without a change in project authorization we cannot share in their cost beyond the cost of the most economical hurricane protection plan.

Mr. Steven O. Medo, President of the Board of Commissioners of the Orleans Levee District, met with Mr. Fred Bayley, the interim Lower Mississippi Valley Division Engineer, on January 31, 1991 on this matter. Shortly thereafter, Mr. Bayley advised Mr. Medo that new legislation is required to include the more expensive parallel protection as part of the Lake Pontchartrain project.

I understand that the Orleans Levee Board is proceeding with design for parallel protection on the Orleans Outfall Canal. The Corps of Engineers is prepared to share in the construction costs up to the cost of frontal protection. Because of the current impasse, no work is being done on the London Avenue Outfall Canal.

Sincerely,

Richard V. Gorski  
Colonel, U.S. Army  
District Engineer

## Copy Furnished:

Mr. Steven O. Medo  
President, Board of Commissioners  
Orleans Levee District  
New Orleans Lakefront Airport  
Suite 202, Administration Building  
New Orleans, Louisiana 70126

✓ Mr. Joseph Sullivan  
General Superintendant of the  
New Orleans Sewerage and Water Board  
623 St. Joseph Street  
Room 311  
New Orleans, Louisiana 70165

-----  
5/01/91 - cc: Jim Parker  
L. G. Bodet *sent*  
Rudy St. Germain



S & W BD  
GEN. SUPT.

21 APR 37 AM 11:11

DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P.O. BOX 50257

NEW ORLEANS, LOUISIANA 70160-0257

U.S. Engs.

REPLY TO  
ATTENTION OF

MAY 6 1991

Project Management Office

Honorable John Breaux  
United States Senate  
Washington, D.C. 20510-1803

Dear Senator Breaux:

This is in response to your April 10, 1991 letter concerning the outfall canal features of the Lake Pontchartrain hurricane protection project.

We have carefully considered the conference report language and believe we do not have authority to deviate from the most economical plan for hurricane protection that does not hinder existing local drainage nor preclude future improvements to local drainage. We believe that raising the levees along the Orleans Avenue and London Avenue outfall canals would require specific congressional authorization. The cost would increase from \$25 million (two butterfly gated structures) to \$105 million (parallel protection on both canals) for protection to the Standard Project Hurricane level.

We are constructing higher levees at the 17th Street Outfall Canal because parallel protection costs about the same as a butterfly gate structure and because the levee board preferred that alternative.

We have been designing the hurricane protection features at the outfall canals since 1963. The Orleans Levee Board and the New Orleans Sewerage and Water Board took part in the detailed studies that culminated in the current frontal protection plans at the Orleans Avenue and London Avenue outfall canals. The plans provide for automatic gated structures (butterfly gates) near the lake end of the outfall canals. These structures will provide the required hurricane protection while neither hindering existing drainage nor precluding future improvements to local drainage. We can start the design and construction immediately and at substantially less cost than raising and improving the levees and floodwalls along both sides of the canals.

4



The pumps feeding the Orleans Avenue and London Avenue outfall canals cannot now or in the foreseeable future pump against the design hurricane lake level without allowing flooding within the protected area even if the levees are raised. We realize that if local interests improve drainage to pump against the design hurricane lake level, they will have to raise the levees on the outfall canals. Without a change in project authorizations we cannot share in their cost beyond the cost of the most economical hurricane protection plan.

The Orleans Levee Board is proceeding with design for parallel protection on the Orleans Outfall Canal. The Corps of Engineers is prepared to share in the construction costs up to the cost of frontal protection. Because of the current impasse, no work is being done on the London Avenue Outfall Canal.

Mr. Steven O. Medo, President of the Board of Commissioners of the Orleans Levee District, met with Mr. Fred Bayley, the interim Lower Mississippi Valley Division Engineer, on January 31, 1991 on this matter. Shortly thereafter, Mr. Bayley advised Mr. Medo that new legislation is required to include the more expensive parallel protection as part of the Lake Pontchartrain project.

Sincerely,

Richard V. Gorski  
Colonel, U.S. Army  
District Engineer

Copy Furnished:

Mr. Steven O. Medo  
President, Board of Commissioners  
Orleans Levee District  
New Orleans Lakefront Airport  
Suite 202, Administration Building  
New Orleans, Louisiana 70126

✓ Mr. Joseph Sullivan  
General Superintendant of the  
New Orleans Sewerage and Water Board  
625 St. Joseph Street  
Room 311  
New Orleans, Louisiana 70165

-----  
5/09/91 - cc: Rudy St. Germain - w/attachments  
L. G. Bodet - w/attachments  
Jim Parker - w/attachments *sent*



DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P.O. BOX 50257

NEW ORLEANS, LOUISIANA 70150-0257

*U.S. Eng'g*

REPLY TO  
ATTENTION OF:

May 9, 1991

Project Management Office

*S & W BD  
GEN. SUPT.  
MAY 10 11:11:23*

Mr. Steven O. Medo, Jr.  
President of the Board of Commissioners  
of the Orleans Levee District  
Suite 202 - Administration Building  
New Orleans Lakefront Airport  
New Orleans, Louisiana 70126

Dear Mr. Medo:

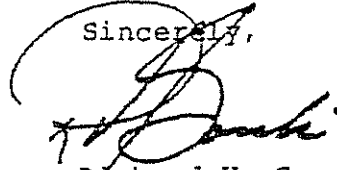
I received your March 22, 1991 letter concerning the Lake Pontchartrain hurricane protection at the Orleans Avenue and London Avenue outfall canals.

My position is unchanged. I believe the most economical plan to provide hurricane protection under the present project authorization, without hindering local drainage and allowing future drainage improvements is the butterfly gated structures near the lake end of the canals. I am satisfied that the technical and environmental aspects of their design, construction and operation have been covered sufficiently. New legislation is required to include the more expensive parallel protection as part of the Lake Pontchartrain project.

We are currently able to cooperate with you in the construction of the parallel protection up to the Federal cost of the butterfly gated structures. We are now coordinating closely with your design engineers on the design and preparation of plans and specifications for a portion of the parallel protection on the Orleans Outfall Canal. We are willing to let and construct this portion of the Orleans Outfall Canal parallel protection with Federal project funds as its estimated construction cost does not exceed our estimated cost of the butterfly gated structures. However, before we can do so, we need your assurance that your Board will complete the parallel protection at the Orleans Outfall Canal in a timely manner and bear all cost above the cost of the butterfly gated structures. I understand that this arrangement would be modified to suit any future pertinent legislation.

We require your assurance to complete the parallel protection on the Orleans Outfall Canal by October 1, 1991, when we are scheduled to prepare the advanced notice to bidders for our portion.

Sincerely,



Richard V. Gorski  
Colonel, U.S. Army  
District Engineer

CF:

Commissioner John J. Ross  
Commissioner Jerome P. Dickhous  
Commissioner Robert S. Maloney  
Commissioner Robert C. Ramelli  
Commissioner James E. Smith, Jr.  
Commissioner Janet Phillipott Vincent

Mr. Joseph Sullivan  
General Superintendent of the  
New Orleans Sewerage and Water Board  
Room 311  
625 St. Joseph Street  
New Orleans, Louisiana 70165

Westlaw.

PL 102-104, 1991 HR 2427

Page 1

PL 102-104, August 17, 1991, 105 Stat 510  
(Cite as: 105 Stat 510)

**UNITED STATES PUBLIC LAWS**  
**102nd Congress - First Session**  
**Convening January 3, 1991**

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Additions and Deletions are not identified in this document.  
For Legislative History of Act, see LH database or Report for  
this Public Law in U.S.C.C. & A.N. Legislative History section.

PL 102-104 (HR 2427)  
August 17, 1991  
**ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1992**

An Act making appropriations for energy and water development for the fiscal year ending September 30, 1992, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1992, for energy and water development, and for other purposes, namely:

**TITLE I**  
**DEPARTMENT OF DEFENSE--CIVIL**  
**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS--CIVIL**

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

**GENERAL INVESTIGATIONS**

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, \$194,427,000, to remain available until expended: Provided, That with funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following items under General Investigations in fiscal year 1992 in the amounts specified:

Red River Waterway, Index, Arkansas, to Denison Dam, Texas, \$500,000;

Casino Beach, Illinois, \$375,000;

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PL 102-104, 1991 HR 2427

Page 5

PL 102-104, August 17, 1991, 105 Stat 510  
 (Cite as: 105 Stat 510)

costs: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, shall include as project costs in accordance with the Post Authorization Change Report, dated April 1989, as revised in January 1990, the costs for aesthetics for the Brush Creek, Kansas City, Missouri, project, which shall be shared with non-Federal interests under the provisions of section 103(a) of Public Law 99-662: Provided further, That with funds heretofore, herein or hereafter appropriated, the Secretary of the Army, acting through the Chief of Engineers, is directed to award continuing contracts until construction is complete in accordance with the terms and conditions of Public Law 101-101 for the O'Hare Reservoir, Illinois, and Wallisville Lake, Texas, projects: Provided further, That with funds appropriated herein and hereafter for the Lake Pontchartrain and Vicinity, Louisiana Hurricane Protection project, the Secretary of the Army is authorized and directed to provide parallel hurricane protection along the entire lengths of the Orleans Avenue and London Avenue Outfall Canals by raising levees and improving flood protection works along and parallel to the entire lengths of the outfall canals and other pertinent work necessary to complete an entire parallel protection system, to be cost shared as an authorized project feature, the Federal cost participation in which shall be 70 percent of the total cost of the entire parallel protection system, and the local cost participation in which shall be 30 percent of the total cost of such entire parallel protection system: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to construct project modifications for improvement of the environment, as part of the Anacostia River Flood Control and Navigation project, District of Columbia and Maryland, within \*515 Prince Georges County, Maryland, using \$700,000 of the funds appropriated herein, under the authority of section 1135 of Public Law 99-662, as amended: Provided further, That \$100,000 of the funds appropriated herein shall be made available to the Town of Krotz Springs, Louisiana, for restoration and improvement of Bayou Latanier: Provided further, That with \$2,500,000 appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with construction of the Fort Yates Bridge, North Dakota and South Dakota, project using continuing construction contracts: Provided further, That using \$600,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to use continuing contracts to construct hurricane and storm protection measures for Folly Beach, South Carolina, in accordance with the Charleston District Engineer's Post Authorization Change Report dated May 1991: Provided further, That the Secretary of the Army is authorized and directed to provide \$100,000 from funds herein appropriated to reimburse the Town of Grand Isle, Louisiana, for interim emergency measures constructed by the Town: Provided further, That within available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to study, design, and construct streambank protection measures along the bank of the Tennessee River adjacent to the Sequoyah Hills Park in the City of Knoxville, Tennessee, under the authority of section 14 of Public Law 79-526: Provided further, That the April 1977 contract for Recreational Development at Stonewall Jackson Lake, West Virginia, is amended to include such elements as proposed by the State on March 28, 1990, except a golf course; and, in addition, \$123,681,000, to remain available until expended, is hereby appropriated for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project, and the Secretary of the Army is directed to complete the actions necessary to award continuing contracts, which are not to be considered fully funded, and to award such contracts for the second phase construction for Locks and Dams 4 and 5 during the first quarter of fiscal year 1992; to continue construction of the McDade, Moss, Elm Grove, and Cecile Revetments in Pool 5 which were previously directed to be initiated in fiscal year 1991; to award continuing contracts in fiscal year 1992 for construction of the following features of the Red River Waterway Pool 4 and 5 which are not to be considered fully funded: Carroll Capout, Cupples Capout, Sunny Point Revetment and Dikes, Curtis Revetment, and Eagle Bend Revetment; and to continue land acquisition in the vicinity of Stumpy Lake/Swan Lake/Loggy Bayou Wildlife Management area to insure acquisition of manageable units and to develop such lands to maximize benefits for mitigation of fish and wildlife losses; and to initiate planning and acquisition of mitigation lands in the Bayou Bodcau area for the mitigation of fish and wildlife losses all as authorized by laws: Provided further, That with \$5,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake emergency construction of aspects of the Bethel, Alaska Bank Stabilization Project as authorized by Public Law 99-662 including but not limited to, toe protection at the petroleum dock and tank farm, steel whaler installation on pipe piles, toe protection from the West end of First Avenue to the city dock,

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