



GCR Inc.

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December 30, 2014

Mr. Brad LaBorde
US Army Corps of Engineers
New Orleans District Regulatory Branch
P.O. Box 60267
New Orleans, LA 70160-0267

Mr. Ontario James
LA Department of Natural Resources
Office of Coastal Management
P.O. Box 44487
Baton Rouge Louisiana 70821-4487

**RE: Request for Modification of Permit Authorizations
Phase III – Ellington, West Bank Hurricane Protection Levee
St. Charles Parish, Louisiana
MVN-2010-2326-EOO & P20100821**

Dear Sirs,

As discussed in the meeting at the U.S. Army Corps of Engineers, New Orleans District Office on August 5, 2014, modifications have been made to the design of the Phase III Ellington levee project, which is part of the West Bank Hurricane Protection Levee in St. Charles Parish, LA.

Please find enclosed an updated and revised set of permit application drawings dated September 2014 for the Ellington levee project (MVN-2010-2326-EOO & P20100821). The enclosed drawings reflect the changes proposed by St. Charles Parish to the permit authorizations that will facilitate construction and improve upon the design of the flood control project.

The below letter provides a summary of the proposed changes to the permit authorizations, a justification for each of the primary modification requests, and proposes a compensatory wetland mitigation plan for the additional 9.3 acres of jurisdictional wetlands that would be permanently impacted by the modifications.



Summary of Proposed Changes

1. Additional coordinate points have been added and locations of coordinate points have been updated based on the updated design [Sheets 3-6].
2. Increase the right-of-way width and limits of construction by ~20 feet from Station No. 10+00 to the pumping station located between Station Nos. 65+00 and 70+00 for a total right-of-way width of ~200 feet. The increased right-of-way width allows for site dewatering, accommodates revised design requirements developed based on geotechnical investigation, and accommodates a new access and maintenance road. [Sheets 8-9].
3. Shift the t-wall and discharge pipes for the new pumping station located between Station Nos. 65+00 and 70+00 out in order to allow for adequate pile spacing to build to 100-year level of storm protection [Sheet 8].
4. Increase the right-of-way width and limits of construction by ~46 feet from Station No. 70+00 to the flood wall at pipeline crossing located between Station Nos. 100+00 and 110+00 for a total right-of-way width of ~226 feet. The increased right-of-way width allows for site dewatering, accommodates revised design requirements developed based on geotechnical investigation, and accommodates a new access and maintenance road [Sheets 9-10].
5. Shift the t-wall out at the pipeline crossing located between Station Nos. 100+00 and 110+00 out in order to allow for adequate pile spacing to build to 100-year level of storm protection [Sheets 10 and 27].
6. Increase the right-of-way width and limits of construction by ~40 feet from the pipeline crossing located between Station Nos. 100+00 and 110+00 to the pumping station located near Station No. 125+00 for a total right-of-way width of between 229 and 221 feet. The increased right-of-way width allows for site dewatering, accommodates revised design requirements developed based on geotechnical investigation, and accommodates a new access and maintenance road and the continuation of the levee from the new floodwall location. [Sheet 10].
7. Shift the t-wall and discharge pipes for the pumping station located near Station No. 125+00 out in order to allow for adequate pile spacing to build to 100-year level of storm protection [Sheet 11].
8. Increase the right-of-way width and limits of construction by ~47 feet from the pumping station located near Station No. 125+00 to the pipe line crossing near Station No. 145+00 for a total right-of-way width of ~227 feet. The increased right-of-way width allows for site dewatering, accommodates revised design



requirements developed based on geotechnical investigation, and accommodates a new access and maintenance road. [Sheet 11].

9. Shift the t-wall out at the pipeline crossing located near Station No. 145+00 out in order to allow for adequate pile spacing to build to 100-year level of storm protection [Sheets 11 and 27].
10. Increase the right-of-way width and limits of construction by ~47 feet from the pipe line crossing near Station No. 145+00 to the Cousins pumping station near Station No. 155+00 for a total right-of-way width of ~227 feet. The increased right-of-way width allows for site dewatering, accommodates revised design requirements developed based on geotechnical investigation, and accommodates a new access and maintenance road. [Sheet 11].
11. Shift the t-wall and discharge pipes for the Cousins pumping station located near Station No. 155+00 out in order to allow for adequate pile spacing to build to 100-year level of storm protection [Sheets 11, 12, and 23].
12. Quantities of materials for the proposed modified design are listed in below:

	Quantity for Modified Permit in cubic yards
Total Dredged Material	230,500
Total Fill Material	231,500
Total Fill Material Hauled in from Offsite	24,500
Total Granular Material for Access Roads	29,000
Total Surfacing Material for Access Roads	10,000
Total Material Hauled Offsite to Approved Disposal Area	23,500

Project Justifications for Permit Revisions

Increased Right-of-Way and Limits of Construction

1. Proposed construction of the Phase III Ellington levee project has benefitted from the experience gained during construction of previous phases of the West Bank Hurricane Protection Levee. Due to the proposed construction activities being located in an area with direct tidal influence, the use of a dewatering berm is required to construct the levee project. Standing tidewaters will require the construction of a +3.5 foot berm along the flood-side perimeter of the work area, requiring an ~18 foot-right of-way. The dewatering berm is depicted in Typical Sections on Sheets 13 to 17 and is necessary to keep the area dry during



construction. The right-of-way previously included 15 feet from the toe of the levee towards the flood side. The redesign to include the dewatering berm is an ~3 foot increase to the right-of-way on the flood side.

2. Additionally, geotechnical investigation by Eustis Engineering determined that for the currently proposed +7.5 foot levee, the centerline of the levee needed to be 95' from the centerline of the canal. However, because the Parish has plans to lift the levee to a height of +12.5 feet in order to reach 100-year level of storm protection, the design had to take into account the factor of safety for the future lift. When the levee lift is accomplished and the levee is built to +12.5 feet, the centerline of the levee needs to be 130' from the centerline of the canal bank, ~33 feet more than was included in the original design. This design requirement necessitates pushing the right-of-way out towards the flood side of the levee, away from the canal.
3. Based on design recommendations developed from the geotechnical investigation by Eustis Engineering, the slope of the levee on the flood side had to be adjusted, increasing the levee width by ~4.5 feet from 23 feet to 27.5 feet from the centerline of the levee to the toe of the levee on the flood side.
4. In addition, the Parish desires to construct an access corridor on the protected side of the levee which was made possible by the need to move the levee towards the flood side as a result of the geotechnical investigation. The ~25 foot wide access corridor would provide a working platform for transporting fill materials during construction and facilitate inspections, maintenance, and operation of the levee once completed.
5. There are some instances where an ~10 foot strip remnant of an acquired parcel on the protected side of the levee remains. Because it was necessary to purchase those strips of land as well, those properties have been incorporated into the right-of-way and account for some of the variation of right-of-way width beyond the standard ± 220 feet.

Shift in T-Wall Locations

1. At the time of the original permit application it was thought that the levee construction would eventually be assumed by the federal government through the Donaldsonville to the Gulf of Mexico Feasibility Study. Therefore, project structures were only being constructed to the same height as the initial earthen levee portions. Since that time, the Donaldsonville study came back without a project recommendation and the Parish has taken on the responsibility to construct a 100-year level of flood protection for the West Bank. As a result, the height of the t-wall structures had to be increased significantly to account for future levee conditions. The Parish has committed to providing a +12.5 foot level of flood



protection. For structure superiority, all hard structures (t-walls, floodgates, etc...) will be constructed with a +2 foot overbuild, resulting in a +14.5 foot structure. Due to the increased height of the structure, the t-wall location had to be shifted away from the pump station to provide sufficient room to drive piles under the t-wall foundation. The increase heights require longer piles driven to further depths forcing the t-wall base to be located further away to avoid conflicts with the existing piles supporting the pumping stations.

2. Similarly, the t-walls at pipeline crossings were redesigned to a +14.5 foot elevation in order to meet the 100-year level of flood protection in 50 years. Sufficient room was required to drive piles to further depths, requiring those t-walls to be pushed out towards the flood side of the levee.

Wetland Impacts and Mitigation Plan

The proposed permit modifications would result in an additional 9.3 acres of permanent wetland impacts beyond the originally authorized activity. All areas of wetland impacts are shown on the enclosed map entitled "Wetland Impact Map – Ellington Levee Permit Revisions" prepared by GCR Inc. dated December 30, 2014. For the 9.3 acres of wetland impacts, it is estimated that the habitat-type ratio is approximately 30% bottomland hardwood and 70% cypress-tupelo swamp. In order to offset these unavoidable wetland impacts, the Parish will obtain mitigation credits from an USACE and LDNR approved mitigation bank.

The "No Project Authorization" finding of the Donaldsonville to the Gulf of Mexico Feasibility Study resulted in necessary modifications to St. Charles Parish's West Bank levee initiative. As a result, the Parish is striving to increase the level of protection to meet flood insurance requirements for the next 25-50 years using only local and state resources. In order to control these project costs, the Parish needs to eliminate as much repetitive work from the project as possible. Constructing any hard structure to less than full design height (+12.5') will create duplicative work and increase the overall project costs. That, in addition to the lessons learned on the ground from ongoing construction activity on the Willowridge levee, resulted in the need to modify the current permit authorizations.

Please forward an invoice at your earliest convenience so that we may pay the fee for the permit modification.



GCR Inc.

Phase III – Ellington, West Bank Hurricane Protection Levee
MVN-2010-2326-EOO & P20100821
December 30, 2014
Page 6

If you have any questions, require additional information, or need to arrange payment of any permit application fees in order to begin processing this modification request, please contact me at lilly@gcrincorporated.com or on my direct line at (504) 304-0753. Thank you for your time and assistance with this important public works project.

Sincerely,

A handwritten signature in black ink, appearing to read "Lucas Lilly", written over a horizontal line.

Lucas Lilly
Permit Agent
GCR Inc.

Enclosure(s)

cc: Sam Scholle, Director, Dept. of Public Works
Rennan Duffour, Project Manager, Dept. of Public Works
Mark Roberts, Vice-President, BKI Inc.
Sreeni Bollu, P.E., BKI Inc.



DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF

MAR 06 2013

Operations Division
Eastern Evaluation Section

SUBJECT: MVN 2010-2326-BOO

Saint Charles Parish Department of Public Works
% Sam Scholle
15045 River Road
Post Office Box 302
Hahnville, Louisiana 70057

Dear Mr. Scholle:

Enclosed is a permit dated this date, subject as above, authorizing work under the Department of the Army permit program.

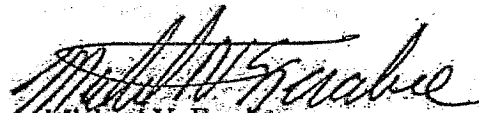
You are again reminded that any work not in accordance with the approved plans is subject to removal regardless of the expense and the inconvenience that such removal may involve and regardless of the date when the discrepancy is discovered.

Your attention is directed to all the terms and conditions of the approval. In order to have the work approved in accordance with the issued permit, all terms and conditions of the permit and plans shown on the drawings attached thereto must be rigidly adhered to.

It is necessary that you notify the District Engineer, Attention: Eastern Evaluation Section, in writing, prior to commencement of work and also upon its completion. The notification must include the permittee's name, as shown on the permit, and the permit number. Please note the expiration date on the permit. Should the project not be completed by that date, you may request a permit time extension. Such requests must be received before, but no sooner than six months before, the permit expiration date and must show the work completed and the reason the project was not finished within the time period granted by the permit.

A copy of Page 1 of the permit (ENG Form 1721) must be conspicuously displayed at the project site. Also, you must keep a copy of the signed permit at the project site until the work is completed.

Sincerely,


Michael V. Farabee
Chief, Eastern Evaluation Section

Enclosure

DEPARTMENT OF THE ARMY PERMIT

MAR 06 2013

Permittee: Saint Charles Parish Department of Public Works

Permit No. 2010-2326-EOO

Issuing Office: New Orleans District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Clear, grade, excavate, and fill to construct and maintain the Ellington Phase III Westbank Hurricane Protection Levee, in accordance with the drawings attached in thirty-one sheets dated April 2011.

Project Location: Between the Magnolia Ridge and Willowridge Levee alignments and south of the Mimosa Park and Holder Estates communities of Luling and Boutte, in Saint Charles Parish, Louisiana.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **FEB 28, 2018**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: See Attached.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
- () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. ~~This permit does not authorize interference with any existing or proposed Federal project.~~

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.

- Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

- Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

X 2/25/13
(DATE)

mihi H. G. arabae

March 6, 2013
(DATE)

for Edward R. Fleming, District Commander

(TRANSFEREE)

(DATE)

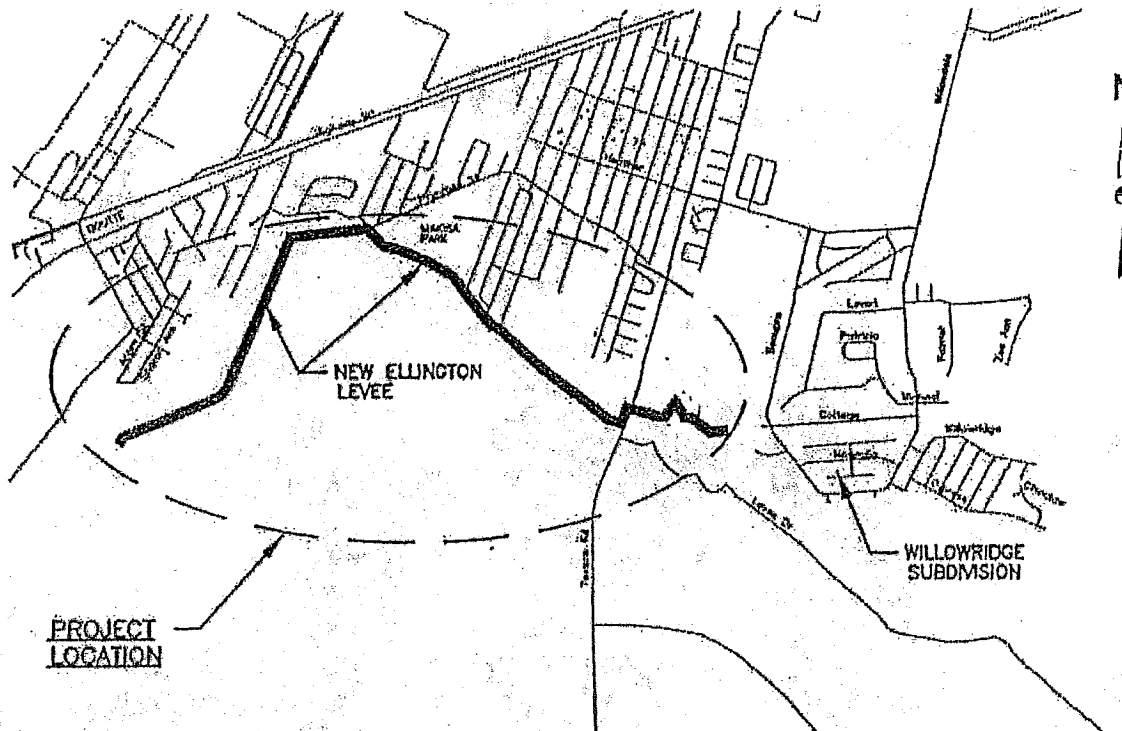
SPECIAL CONDITIONS: MVN-2010-2326-EOO

7. The permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
8. The permittee must install and maintain, at the permittee's expense, any safety lights, signs, and signals prescribed by the US Coast Guard, through regulations or otherwise, on the permittee's authorized facilities.
9. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
10. If the proposed project, or future maintenance work, involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredge equipment, dredge discharge pipelines, etc.) in the waterway, you are advised to notify the US Coast Guard so that a Notice to Mariners, if required, may be prepared. Notification, with a copy of your permit approval and drawings, should be mailed to the US Coast Guard, Sector New Orleans Command Center, 200 Hendee Street, New Orleans, Louisiana 70114, about 1 month before you plan to start work. Telephone inquiries can be directed to (504) 365-2281.
11. Issuance of this permit confirms that the US Army Corps of Engineers, New Orleans District, Regulatory Branch (CEMVN) has been provided with written notification from Chevron USA, Inc. that the permittee has contracted for 15 acres of bottomland hardwood mitigation credits and 34.2 acres of cypress/tupelo gum swamp mitigation credits at the Paradis Mitigation Bank. Chevron USA, Inc. has assumed responsibility for completing the mitigation in accordance with the Paradis Mitigation Wetland Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in the Regulatory In-lieu Fee and Bank Information Tracking System (RIBITS).
12. Issuance of this permit confirms that the CEMVN has been provided with written notification from Coastal Louisiana Resource, LLC. that the permittee has contracted for 16.4 acres of bottomland hardwood mitigation credits and 37.2 acres of cypress/tupelo gum swamp mitigation credits at the Bayou Terrebonne Coastal Mitigation Bank. Coastal Louisiana Resource, LLC. has assumed responsibility for completing the mitigation in accordance with the Bayou Terrebonne Coastal Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in RIBITS.

SPECIAL CONDITIONS: MVN-2010-2326-EOO

13. The Chitimacha Tribe of Louisiana has stated that the project area is part of the aboriginal Chitimacha homelands. If during the course of work at the site, prehistoric and/or historic aboriginal cultural materials are discovered, the permittee will contact the Chitimacha Tribe of Louisiana at Post Office Box 661, Charenton, LA 70523, and CEMVN. CEMVN will initiate the required Federal, State, and Tribal coordination to determine the significance of the cultural materials and the need, if applicable, for additional cultural resource investigations.
14. If the proposed project requires any additional work not expressly permitted herein, the permittee must apply for an amendment to this authorization, prior to commencing work.
15. Prior to commencing work on the project, the permittee must obtain all necessary state and parish approvals.
16. The permittee shall employ siltation controls around all construction sites that require earthwork (clearing, grading, dredging and/or deposition of fill material) such that eroded material is prevented from entering adjacent wetlands and/or waterways.
17. The permittee shall assure that all material used during construction shall be pollutant free in accordance with the EPA Guidelines for the Discharge of Dredged or Fill Material, found in 40 CFR 230. The material may be obtained off-site or on-site (as a result of the permitted activity). Offsite material shall not be obtained from wetlands or from other areas that may adversely affect adjacent wetlands. Any access material shall be placed in an upland area and properly contained or stabilized to prevent entry into adjacent wetlands or other waters.
18. The pump and water control structures associated with the Ellington Levee System shall be operated in accordance with the revised February 2013, Operations Plan (3 sheets) attached with the site plans of this permit. Annual monitoring of the Ellington Levee System shall be carried out as described in the last paragraph of page 3 (labeled: III. Documentation) of the Operations Plan and submitted to CEMVN no later than January 20 of each year. Emergency operational conditions are to be recorded and submitted as a spreadsheet documented by: storm name, type of event, date and time(s) of operation, date and time(s) of gated culverts in the 'open' position, and lowest interior water levels of the basin.
19. The permittee is required to apply for an amendment to this authorization if the February 2013, Operations Plan is modified. CEMVN will then determine if a new public interest review is required to evaluate impacts associated with the changes.
20. The permittee is required to perform all habitat alteration work during the non-nesting season for migratory birds (August 1 through March 1).

PROPOSED HURRICANE PROTECTION LEVEE ELLINGTON PLANTATION AREA ST. CHARLES PARISH, LOUISIANA



LOCATION MAP

DRAWING INDEX:

- | | |
|-------------------------------|---------------------------------------|
| 1. LOCATION MAP/DRAWING INDEX | 21. DETAIL "5" |
| 2. VICINITY MAP | 22. DETAIL "6" |
| 3. COORDINATES PLAN 1 OF 2 | 23. DETAIL "7" |
| 4. COORDINATES PLAN 2 OF 2 | 24. DETAIL "8" |
| 5. COORDINATES TABLE | 25. DETAIL "9" |
| 6. COORDINATES TABLE | 26. ELEVATION "A" |
| 7. OVERALL PLAN | 27. ELEVATION "B" & "C" |
| 8. PARTIAL PLAN 1 OF 5 | 28. ELEVATION "D" |
| 9. PARTIAL PLAN 2 OF 5 | 29. ELLINGTON PUMPING STATION PLAN |
| 10. PARTIAL PLAN 3 OF 5 | 30. ELLINGTON PUMPING STATION SECTION |
| 11. PARTIAL PLAN 4 OF 5 | |
| 12. PARTIAL PLAN 5 OF 5 | |
| 13. TYPICAL SECTIONS | |
| 14. TYPICAL SECTIONS | |
| 15. TYPICAL SECTIONS | |
| 16. TYPICAL SECTION | |
| 17. DETAIL "1" | |
| 18. ACCESS ROAD | |
| 19. DETAIL "2" | |
| 20. DETAIL "3" | |
| 21. DETAIL "4" | |

PARISH OF ST. CHARLES
APPLICATION BY: PARISH OF ST. CHARLES

SHEET 1 OF 3

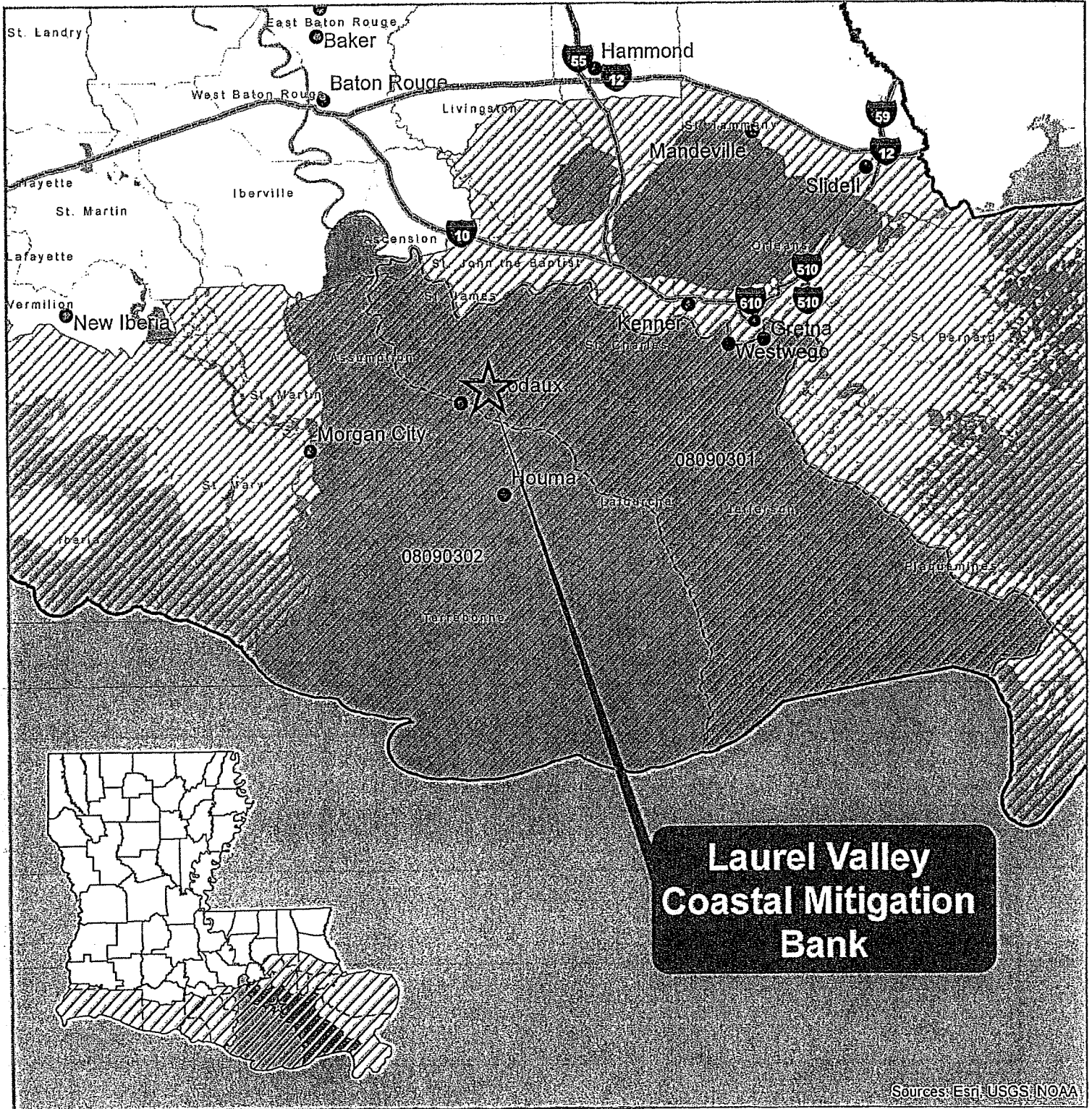
LOCATION MAP / DRAWING INDEX

BURK-KLEINPETER, INC.
ENGINEERS, ARCHITECTS, PLANNERS, ENVIRONMENTAL SCIENTISTS
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BKI PROJ. NO. 10475-0300



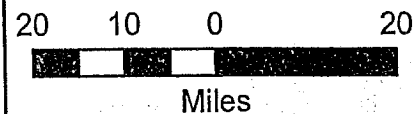
LAUREL VALLEY COASTAL MITIGATION BANK Service Area Map

WWW.DELTALAND-SERVICES.COM



Legend

- ★ Project Area (479.1 Acres)
- ▨ Primary Service Area (East Central Louisiana Coastal)
- ▩ Coastal Zone
- ▤ Secondary



479.1 The 479.1-acre site is comprised of a Eugene Shreve soil complex which is classified as ALL HYDRIC by the NRCS



Everything New Orleans

West Bank levee authority approves interim agreement to manage West Closure Complex

Andrea Shaw, NOLA.com | The Times-Picayune By Andrea Shaw, NOLA.com | The Times-Picayune
Email the author | Follow on Twitter

on December 17, 2014 at 10:07 PM, updated December 17, 2014 at 10:56 PM

The West Bank levee board added oversight of the world's largest pump station to its responsibilities – temporarily – after signing off an agreement Wednesday (Dec. 17). The centerpiece of the West Bank's hurricane protection system, the West Closure Complex in Belle Chasse is designed to protect thousands of structures from flooding in Algiers, Gretna, Terrytown, Harvey, Marrero and Belle Chasse.

But a debate among local governments over a cost-sharing agreement to pay for operations and maintenance, pushed daily oversight to the **Southeast Louisiana Flood Protection Authority-West**.

The authority's board approved an Intergovernmental agreement Wednesday night that splits the cost with Plaquemines Parish for a year. The levee board has set aside \$2 million for operations. Plaquemines will contribute \$380,000.

Pump Station Operators LLC, a firm whose history with the monolithic structure dates back to its inception, will run the facility. The levee board authorized up to \$1.6 million to pay PSO.

As a result of the additional obligations, the board approved buying additional insurance. The district will purchase \$1 million insurance policy for general liability as well as excess insurance.

Ryan Daul of Daul Insurance said the general liability policy will cost \$6,326. A separate policy for \$5 million of excess coverage will cost \$7,715, he said.

Board attorney Danny Avant told the board its exposure to liability begins once the interim agreement to oversee the facility is signed.

Built at the juncture of the Harvey and Algiers canals, the \$1 billion West Closure Complex is comprised of 11 5,000-horsepower pumps and the world's largest sector gate. The facility is designed to block storm surge from entering the canals.

The **debate over financing operations** ensued after the Army Corps of Engineers transferred the facility to the Coastal Protection and Restoration Authority upon completion of construction. Jefferson Parish and the New Orleans Sewerage and Water Board, along with the levee district and Plaquemines was to share in the

cost. But Jefferson and New Orleans balked at the division, arguing their residents already pay taxes to fund the levee authority.

State and federal officials have projected annual operations costs from a low of \$2.5 million to as high as \$4 million.

The massive pump station is the latest addition to the West Bank authority's obligations that include oversight of 100 miles of levees, floodwalls and floodgates in Algiers and West Jefferson. The authority is facing \$15 million to \$25 million in expenses to add soil to raise levees that are subsiding. That work must be done in advance to accommodate the corps of engineers "armoring" projects that will begin next year to strengthen the barriers.

Officials on all sides are hoping the answer is in the 2014 Water Resources Reform and Development Act, which suggests the corps is responsible for 65 percent of the cost.

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RS 38:100**CHAPTER 2-B. WEST BANK HURRICANE
PROTECTION PROJECTS****§100. Object and purpose**

It is the object and purpose of this Chapter to provide for participation by the state of Louisiana in the Westwego to Harvey Canal hurricane protection project, for modifications of the Westwego to Harvey Canal hurricane protection project to include the Lake Cataouatche area, the East of Harvey Canal hurricane protection project, and for any other future project modifications or additions within the parishes of Jefferson, Orleans, Plaquemines, and St. Charles. It is further the object of this Chapter to designate the Coastal Protection and Restoration Authority as the nonfederal sponsor for the construction of the projects and to furnish the United States such assurances and cooperation as may be required by the Congress of the United States that the department will:

(1) Provide such lands, servitudes, and rights-of-way necessary for the construction, operation, replacement and rehabilitation, maintenance, and mitigation of the projects, including borrow and excavated material disposal areas.

(2) Accomplish all necessary alterations and relocations to roads, railroads, pipelines, cables, wharves, and other facilities required by the construction of the projects.

(3) Hold and save the United States free from damages due to the construction of the projects in certain circumstances.

(4) Share the portion of the costs that are required by the Congress.

(5) Provide other assurances and cooperation as may be required by the Congress.

(6) Authorize the department to repay to the United States, with interest, the nonfederal share of the construction of the projects.

Acts 1993, No. 1012, §1, eff. June 25, 1993; Acts 2008, No. 503, §1; Acts 2009, No. 523, §2, eff. July 10, 2009.

RS 38:101**§101. West Bank Hurricane Protection Projects**

A. For the purpose established in this Chapter, the Coastal Protection and Restoration Authority Board shall be designated the nonfederal sponsor for the construction of the Westwego to Harvey Canal hurricane protection project, for modifications of the Westwego to Harvey Canal hurricane protection project to include the Lake Cataouatche area, the East of Harvey Canal hurricane protection project, and for any other future project modifications or additions within the parishes of Jefferson, Orleans, Plaquemines, and St. Charles. The chairman of the Coastal Protection and Restoration Authority Board is authorized to negotiate and contract with the United States of America to provide such assurances and cooperation as are necessary for the purposes authorized in this Chapter, including the negotiation and contract for any future modifications to the current local cooperation agreement between the West Jefferson Levee District and the Department of the Army for the Westwego to Harvey Canal hurricane protection project. The chairman of the Coastal Protection and Restoration Authority Board or the executive director of the Coastal Protection and Restoration Authority is authorized to contract for the construction of these projects, including any future project modifications or additions, and for the financing of the nonfederal share of the construction cost by the United States to be repaid by the state, with interest over a thirty-year period.

B. The chairman of the Coastal Protection and Restoration Authority Board or the executive director of the Coastal Protection and Restoration Authority is authorized to proceed and cooperate in the planning, engineering, design, and construction of the Westwego to Harvey Canal hurricane protection project, for modifications of the Westwego to Harvey Canal hurricane protection project to include the Lake Cataouatche area, the East of Harvey Canal hurricane protection project, and for any other future project modifications or additions within the parishes of Jefferson, Orleans, Plaquemines, and St. Charles; to wit, providing the highest level of hurricane protection, consisting of levees, floodwall, floodgates, and related structures, as may be economically justified for those portions of Jefferson, Orleans, Plaquemines, and St. Charles parishes located on the west bank of the Mississippi River generally between the easternmost guide levee of the Davis Pond Freshwater Diversion Project in St. Charles Parish and the community of Oakville, Louisiana, in Plaquemines Parish.

C. Upon completion of the construction of the hurricane protection projects, the responsibility for maintenance and operation of the hurricane protection system shall be assumed by the West Jefferson Levee District, the Orleans Levee District, Plaquemines Parish, and St. Charles Parish, respectively for those portions of the system within each of the parishes.

Acts 1993, No. 1012, §1, eff. June 25, 1993; Acts 2008, No. 503, §1; Acts 2009, No. 523, §2, eff. July 10, 2009; Acts 2012, No. 604, §2, eff. June 7, 2012.

RS 38:102**§102. Powers**

A. The Coastal Protection and Restoration Authority Board and the Coastal Protection and Restoration Authority may do all things necessary to carry out the purposes of this Chapter, including but not limited to the things expressly provided for in this Section.

B. The Coastal Protection and Restoration Authority Board and the Coastal Protection and Restoration Authority may enter into contracts and agreements of any nature for the purposes of this Chapter with any person either natural or artificial, corporation, association, or other entity, including public corporations, levee districts, port authorities, state departments, agencies, parishes, municipalities, the United States government and agencies thereof, or any combination thereof or with instrumentalities of every kind, and may designate any department, agency, municipality, parish, levee district, and industrial district, or other political subdivision of the state as its agent to carry out the purposes of and the powers granted under this Chapter. The chairman of the Coastal Protection and Restoration Authority Board or the executive director of the Coastal Protection and Restoration Authority may negotiate with and enter into contracts or other agreements with any such person or entity concerning the joint administration of the project, including jurisdictional aspects of the state's administration of the project, and providing lands, servitudes and rights-of-way, and the relocation of project facilities and may engage jointly in the exercise of any power and in the construction of any facilities and improvements for the purposes of the project on any basis, including matching of funds, which the participating entities may undertake under any provision of general or special law.

C. The Coastal Protection and Restoration Authority Board and the Coastal Protection and Restoration Authority may institute or defend in courts of competent jurisdiction, including for the purposes of this Chapter, the courts and administrative tribunals of the United States of America, any legal proceedings that may be necessary or required to compel compliance with this Chapter or any actions taken hereunder or that may arise out of the performance of the obligations and duties imposed by this Chapter.

D. The powers granted under this Chapter shall be regarded as supplemental to powers conferred on the Coastal Protection and Restoration Authority Board and the Coastal Protection and Restoration Authority by other laws.

Acts 1993, No. 1012, §1, eff. June 25, 1993; Acts 2009, No. 523, §2, eff. July 10, 2009; Acts 2012, No. 604, §2, eff. June 7, 2012.

RS 38:103**§103. Coordination and cooperation**

A. It is the policy of this Chapter that the West Bank hurricane protection projects be pursued so that there is full coordination and cooperation between all federal and state entities that have complementing or overlapping interests and authority in the projects. The chairman of the Coastal Protection and Restoration Authority Board or the executive director of the Coastal Protection and Restoration Authority is authorized to coordinate all of the state and local governmental aspects of the projects so that there is an orderly development of the project.

B. The chairman of the Coastal Protection and Restoration Authority Board or the Coastal Protection and Restoration Authority is authorized to call upon the West Jefferson Levee District, the Orleans Levee District, Plaquemines Parish, St. Charles Parish, and all other commissions and districts and state agencies, departments, and political subdivisions of the state for full and complete cooperation and assistance in carrying out the provisions of this Chapter, and all such entities are hereby directed and it shall be their duty to cooperate and assist the department to the fullest extent possible.

Acts 1993, No. 1012, §1, eff. June 25, 1993; Acts 2008, No. 503, §1; Acts 2009, No. 523, §2, eff. July 10, 2009; Acts 2012, No. 604, §2, eff. June 7, 2012.

RS 38:104**§104. Construction of Chapter; controlling law**

To the extent that the provisions of this Chapter are inconsistent with any other provisions of any general statute or special Act or Parts thereof, the provisions of this Chapter shall be deemed controlling.

Acts 1993, No. 1012, §1, eff. June 25, 1993.

5.3.1 Ongoing Work

Even though the 100-year level of risk reduction is attained, some construction and commissioning activities continue as this manual is adopted. Amendments to Volumes 1 and 2 are not anticipated as a result of the on-going work, but may be necessary if there is new information required to properly operate and maintain the system. Appropriate Volume 3 documents will be updated as each component of the system is completed and turned over to the non-Federal sponsor.

5.3.2 Future Work

The features and elevations necessary to provide the 100-year level of risk reduction could change over time. Subsidence, settlement, sea level rise and changes in geography could reduce the effectiveness of the system beyond 2011. However, current Congressional authorizations and appropriations only provide for initial construction.

It is not practical to add height to a completed hard structure. Therefore, the hard structures have been constructed to the 2057 elevation based on projections for subsidence, sea level rise and other variables. In some instances, structures were constructed to include structural superiority (up to two feet higher) for structures that were deemed difficult to modify in the future. In contrast, earthen levees could be raised with future lifts to maintain risk reduction levels, without having to remove the already constructed levee, and were designed and constructed to the 2011 100-year level of risk reduction.

Levees constructed under the authority of Public Law 109-234 (the 4th Supplemental) and Public Law 110-252 (the 6th Supplemental) do not include appropriations for future lifts. The PPA does not require the non-Federal sponsor to perform future measures to restore the project to the authorized level of risk reduction to account for subsidence or sea level rise as part of its Operations, Maintenance, Repair, Rehabilitation, and Replacement (OMRR&R) responsibilities. Work associated with maintaining the 100-year level of protection is subject to future appropriations.

5.3.3 Function As a System

To properly reduce risk, each component of the system must be constructed and maintained to the requirements of the 100-year level of risk reduction. Individual features must be viewed as part of the whole when considering the effectiveness of the system.

5.3.4 Armoring For Larger Storms

While designed and constructed to reduce risk from storm surge and waves that have a 1% chance of occurring in a given year (colloquially known as the 100-year event), the risk remains of flooding from less frequent, more severe storm conditions. The purposes of armoring are to reduce the risk of catastrophic failure during these less-frequent, more severe events, and to ensure that the system remains in place and functional for subsequent storm events. To this end, armoring is essential and is included as part of the system in critical areas to include: transition points where levees and floodwalls abut; pipeline crossings of levee alignments; and floodwalls where erosion could compromise wall stability. Although interior flooding due to wave overtopping could occur in larger events, the risk of catastrophic failure of the perimeter system will be reduced with the installation of armoring at locations where the system is most vulnerable to breach by wave overtopping. Armoring of some levees is planned to continue after initial

Southeast Coast

Project Type	Project Name	Project Cost	Project No.
Shoreline Protection	Manchac Landbridge Shoreline Protection: Protection of approximately 8,000 feet of Lake Pontchartrain shoreline north of Pass Manchac near Sinking Bayou through rock breakwaters to preserve shoreline integrity and reduce wetland degradation from wave erosion.	\$13M	001.SP01
	Eastern Lake Borgne Shoreline Protection: Shoreline protection through rock breakwaters of approximately 57,000 feet of the eastern shore of Lake Borgne from Malheureux Point to the vicinity of Point aux Marchettes to preserve shoreline integrity and reduce wetland degradation from wave erosion.	\$85M	001.SP03
	MRGO Shoreline Protection: Shoreline protection through rock breakwaters of approximately 133,000 feet of the north bank of the Mississippi River Gulf Outlet from the Inner Harbor Navigation Canal to Bayou La Loutre to preserve shoreline integrity and reduce wetland degradation from wave erosion.	\$195M	001.SP04
	East New Orleans Landbridge Shoreline Protection: Shoreline protection through rock breakwaters of approximately 27,000 feet of coastal marsh on the east side of the New Orleans Landbridge in the vicinity of Alligator Bend to preserve shoreline integrity and reduce wetland degradation from wave erosion.	\$44M	001.CO03
Structural Protection	Greater New Orleans LaPlace Extension: Construction of a levee to an elevation of 13.5 feet in the LaPlace area for hurricane storm surge risk reduction. Project features include approximately 134,000 feet of earthen levee, 6,000 feet of concrete T-wall, two 40-foot roller gates, and two 110-foot barge gates.	\$457M	001.HP05
	Lake Pontchartrain Barrier: Planning, engineering and design to construct a levee to an elevation of 24.5 feet across the mouth of Lake Pontchartrain from the New Orleans Landbridge to Interstate 59 north of Slidell for hurricane storm surge risk reduction. PLANNING AND DESIGN ONLY.	\$76M	001.HP08p
	Slidell Ring Levee: Construction of a ring levee to an elevation of 16.0 feet around Slidell for hurricane storm surge risk reduction. Project features include approximately 20,000 feet of earthen levee and 16,000 feet of concrete T-wall.	\$81M	001.HP13
	Lafitte Ring Levee: Construction of a ring levee to an elevation of 16.0 feet around Lafitte for hurricane storm surge risk reduction. Project features include approximately 156,000 feet of earthen levee, two 30-foot barge gates, three 40-foot roller gates, one 56-foot roller gate, three 150-foot roller gates, and nine pumps with a combined capacity of 4,800 cfs.	\$870M	002.HP07
	Maintain West Bank Levees: Maintenance of the existing West Bank and Vicinity levees at design elevation for the 50-year period of analysis. Project features include maintenance lifts of approximately 145,000 feet of earthen levee to account for compaction and subsidence.	\$193M	002.HP08

Work for construction items that have not been provided previously shall be provided to the Non-Federal Sponsor.

E. Upon notification from the District Engineer in accordance with paragraph D. of this Article, after following the procedures in Article II.A.3. of this Agreement, the Non-Federal Sponsor shall operate, maintain, repair, rehabilitate, and replace the entire *New Work*, or the *functional portion of the New Work* as the case may be, in accordance with Article IX of this Agreement. Nothing in this Agreement is intended to require the Non-Federal Sponsor to perform future measures to restore the *New Work* to the authorized level of protection to account for subsidence or sea level rise as a part of its OMRR&R responsibilities.

(settlement??)

F. The Non-Federal Sponsor may request the Government to perform or provide, on behalf of the Non-Federal Sponsor, the services (hereinafter the "additional work") described in this paragraph. Such requests shall be in writing and shall describe the additional work requested to be performed or provided. If in its sole discretion the Government elects to perform or provide the requested additional work or any portion thereof, it shall so notify the Non-Federal Sponsor in a writing that sets forth any applicable terms and conditions, which must be consistent with this Agreement. In the event of conflict between such a writing and this Agreement, this Agreement shall control. The Non-Federal Sponsor shall be solely responsible for all costs of the additional work performed or provided by the Government under this paragraph and shall pay all such costs in accordance with Article VI.D. of this Agreement.

1. Acquisition of lands, easements, and rights-of-way; performance of *relocations*; or construction of improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material for the *Cost-Shared Work*. Notwithstanding acquisition of lands, easements, and rights-of-way, performance of *relocations*, or construction of improvements by the Government, the Non-Federal Sponsor shall be responsible, as between the Government and the Non-Federal Sponsor, for any costs of cleanup and response in accordance with Article XV of this Agreement.

2. Inclusion of *betterments* in the construction of the *New Work*. In the event the Government elects to include any such *betterments*, the Government shall allocate the costs of the *New Work* construction items that include *betterments* between *total costs of the New Work* and the costs of the *betterments*.

G. Not less than once each year the Non-Federal Sponsor shall inform affected interests of the extent of protection afforded by the *Modified Project*.

H. The Non-Federal Sponsor agrees to participate in and comply with applicable Federal floodplain management and flood insurance programs.

NFIP Reauthorization

2017 Game Plan

- The Coalition for Sustainable Flood Insurance (CSFI) will lead the national effort to reauthorize the National Flood Insurance Program for a full five year reauthorization through 2022
- CSFI will seek to preserve several provisions in the Homeowner Flood Insurance Affordability Act, including:

- 1.Preservation of Grandfathering**
- 2.Ensuring that the “sales trigger” is not put into law**
- 3.Continued allowance for the reimbursement of policy holders and communities for successful FEMA Map challenges**

NFIP Reauthorization

2017 Game Plan

Rate Structure Changes

- Preserving grandfathering and the basement exception are non-negotiables
- Section 205 properties need support
- Potential solution – allow commercial and personal property to be treated the same
- For consideration – are the annual percentage increases working?
- For consideration – an affordability cap that prohibits policies from exceeding 1% of the real estate value of the property

NFIP Reauthorization

2017 Game Plan

Mapping Process Reforms

- Exclusion provisions codified so that parishes and counties can adopt portions of maps at a time
- Any major policy changes to the mapping process must include input from state and local jurisdictions

NFIP Reauthorization

2017 Game Plan

FEMA Administration Reforms

- Limit Write Your Own commissions to 30 percent of the first \$1,000 of annual premium and 5 percent of premium above \$1,000
- Strengthen enforcement of requirement to carry flood insurance in Special Flood Hazard Areas to bring participation to 100%
- Consider including long term funding for the Flood Insurance Advocate Office

The Federal Flood Risk Management Standard (FFRMS)

Purpose: I've tried to put this paper together in a way to further inform various groups about the potential impacts of the President's recent Executive Order (EO) creating and implementing a new FFRMS. I see this action as extremely significant and potentially having huge negative implications for Louisiana. This paper is not intended to be the definitive source or the "end all-be all" document on this topic. Instead, I hope that it can be a basis for further discussion and action in response to this new standard. There are in fact other aspects of this intentionally not mentioned in a failed attempt at brevity and because I have not yet had the opportunity to further consider them.

General: On January 30th 2015 President Obama signed an Executive Order *"Establishing a Federal Flood Risk Management Standard and a process for further soliciting and considering stakeholder input"*. Among other things, this EO made amendments to a May, 1977 EO 11988 on Federal Policy on Floodplain Management. As part of the implementation of this process, FEMA, on behalf of the Mitigation Framework Leadership Group (MitFLG, the multi-agency group that developed the standard) has published a draft of the Guidelines for implementing the amended EO 11988 by all federal agencies consistent with the FFRMS. This draft Guidelines has been released for a 60 day Public Comment Period for consideration of implementation by the agencies.

The EO supplants an overarching shift in Federal Policy in four (4) fundamental areas.

1) Away from flood control and protection to a risk management strategy.

From the Guidelines:

"... the FFRMS reflects a transition beyond a former emphasis on *"flood control and protection"* to a broader focus on *"flood risk management."*

"Changes in terminologies from *"protection"* to a broader focus on resilience and risk management reflect the recognition that floodwaters cannot be fully controlled, full protection from floods cannot be provided by any measure or combination of measures, and risk cannot be completely eliminated."

2) To avoid directly or indirectly encouraging development in a floodplain.

From the EO:

"... requires executive departments and agencies (agencies) to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative."

From the Guidance:

"The preferred method for satisfying this requirement is to avoid sites in the base floodplain."

"The Guidelines do not intend to prohibit floodplain development in all cases, but rather to create a consistent government policy against such development under most circumstances."

I suspect I need not remind the readers of this document that most of Louisiana is in a floodplain, either Coastal or Riverine.

3) The new standard is intended for all federal agencies in all actions.

From the Guidance:

"The basic concepts expressed in Section 1 of the Order are: (1) all agencies are covered; (2) all actions are covered; (3) all agencies are to affirmatively carry out efforts to, and provide a good example of, sound floodplain management practices; and (4) all agencies are required to act, not merely consider, reducing risk, minimizing adverse impacts, and restoring and preserving floodplain values."

4) Where the previous EO relied on the use of the FEMA derived 1% annual flood Plain (100yr.) for federal agency consideration, the new EO broadens the floodplain by directing the agency to consider any and all actions against a floodplain defined by one of the following:

- i) A climate informed science approach that uses best available actionable data and methods that integrate current and future changes in flooding based on climate science.
- ii) Expanding the horizontal and vertical size of the flood plain by adopting a 2 foot freeboard above the FEMA NFIP base flood Elevation for non-critical actions and a 3 foot freeboard for critical actions.
- iii) Using the 0.2 percent annual chance flood (500 yr.)
- iv) Using another elevation and flood hazard area identified in a future update of the FFRMS.

The climate science approach is the clear preference and the other options only allowed if that "data" is not available.

From the Guidance"

"When actionable climate science is available, the Climate-informed Science Approach is preferred. In cases where relevant data are not available, the other two approaches are acceptable methods to determine the elevation and floodplain.

"Agencies should use an approach that takes advantage of best- available information and data. When actionable climate science is available, the Climate-informed Science Approach is preferred."

The FFRMS is to be reviewed annually and updated every 5 years.

History: *(I'd like to give credit to Andre' McDonald, President of the Fort Bend Flood Management Association for his research in this regard some of which is taken directly from an article he has written. Also, I would like to credit Dan Delich of the Levee Issues Alliance and Ms. Amy Larson with the National Waterways Conference for their work in gathering much of the history and bringing this issue into the light.)*

This is first a foremost a climate change based initiative of the federal government. Its origins likely lead to the March 30th 2011 issuance of Presidential Policy Directive / PPD-8: National Preparedness.

The National Mitigation Framework was released in May of 2013 which also served to establish the Mitigation Framework Leadership Group (MitFLG), *"a senior level coordinating body for national-level mitigation activities seeking to foster a culture of risk management and mitigation in all planning, decision making and development."*

"Acting on the President's Climate Action Plan, the MitFLG, in conjunction with FEMA, has recently been focused on working with Federal agencies to evaluate their flood risk reduction standards. In April 2013, the Hurricane Sandy Rebuilding Task Force ("Task Force") called for development of a minimum flood risk reduction standard and announced that all federally funded Sandy-related rebuilding projects needed to meet a consistent flood risk reduction standard. The Task Force, led by the U.S. Department of Housing and Urban Development ("HUD"), prepared the Hurricane Sandy Rebuilding Strategy. President Obama's Climate Action Plan, released in June 2013, directs agencies to "incorporate the most recent science on expected rates of sea-level rise (which vary by region) and build upon work done by the Task Force" in developing a standard that "takes into account increased risk from extreme weather events, sea-level rise, and other impacts of climate change."

In early November 2014 we began to hear that the MitFLG was planning on simply releasing their new standard for public comment then implementation. Senator Chochran wrote a letter to the POTUS stating:

"I am writing to urge you to cease development and delay issuance of any Federal Flood Risk Management Standard (FFRMS) until the American public and its representatives in Congress have been given ample opportunity to understand and inform any such standard."

We brought this to the attention of our delegation who were instrumental in getting the following included in the FY15 Omnibus Appropriations Act.

"Sec. 749. None of the funds made available by this or any other Act may be used to implement a new Federal Flood Risk Management Standard until the Administration has solicited and considered input from the Governors, mayors, and other stakeholders."

But, in January it became clear that the POTUS intended to only tweak the EO to include superficial language about getting input from the congress and public and forge ahead. Again, Senator Chochran wrote a letter to the POTUS stating:

"I am concerned that you intend to soon issue a new Flood Risk Management Standard despite the prohibitions contained in Section 749 of the Fiscal Year 2015 Consolidated and Further Continuing Appropriations Act, which you signed into law just one month ago.

Should you begin implementation of a new Flood Risk Management Standard through unilateral issuance of agency guidance, an executive order, or a memorandum before input from Governors, mayors, and other stakeholders has been solicited and considered, you will be acting in opposition to the clear intent of Congress. Such disregard for a bipartisan provision of law calling for transparency and public engagement would be troubling. As I stated in my November 20, 2014, letter to you, the public and its elected representatives deserve to understand the costs, benefits and scientific rationale behind any such standard before it is issued.

I urge you again to halt development or issuance of the FFRMS and work with Congress and other stakeholders to develop a better understanding of the implications of additional Federal actions to manage flood risk. I look forward to your response to these concerns and those expressed in my November 20th letter."

Additionally, Senator Vitter wrote a very strong letter to the POTUS opposing the implementation of these new standards and asking a series of very specific questions. Other Senators and Congressmen joined in the letter writing campaign.

Still, on January 30th, the President signed this EO beginning the 60 day comment period on the draft guidelines.

Concerns: In no particular order, I raise the following serious concerns on the implementation of this new FFRMS by all federal agencies for all to consider:

1) This Federal Standard is intended to be used by all Federal Agencies in all of their actions.

That is, consideration of the expanded floodplain and direct and indirect impact to floodplain development does not simply apply to the consideration of a federal agency building, repairing or expanding a facility for its own purpose. It also must be considered in any and all programs administered by the agency as well as any and all activities which it regulates. The potential implications on an agency by agency basis are huge.

2) The FFRMS is intended as a guiding principle to be implemented and used by all federal agencies. As such, it is more descriptive then it is prescriptive leaving individual agencies, working in consultation with the Water Resources Council, the Federal Interagency Floodplain

Management Task Force, FEMA and the Council on Environmental Quality to develop specific implementation standards for each agency. This will make even limited involvement in the shaping of the individual agency implementation and policy a very difficult task both legislatively and from a stakeholder point of view. There are literally hundreds of federal agencies that will each have to develop their individual interpretation of this EO and implement policy accordingly.

3) On the surface, it sounds like a good idea. Why not ask the federal government to more closely consider how it spends federal funds on project and programs from a flood risk management point of view? To that I would add, why not consider the federal investment from a risk management point of view including consideration to earthquakes, wildfires, mudslides, tornados and tsunamis as well? But that's not happening; just flooding. The trouble is that this FFRMS particularly impacts Louisiana and not the entirety of the US. Just like NFIP reform, it was easy to push through when most did not feel it would impact them. They were wrong then and they would be wrong now.

4) The proposed FFRMS does not recognize that the situation in Louisiana is truly unique. The geography of the Mississippi River Delta in Louisiana is unique in the United States. This delta has built up a broad coast unlike anything anywhere else in the US. With more traditional coast, such as in New Jersey where much of this standard has been derived from Hurricane Sandy recovery efforts, it might be possible to reconsider the location of a structure or program by moving landward a few hundred feet. In traditional coast, moving inland from the sea will take one from seal level to 30+ feet in elevation in less than a mile in many cases. In Louisiana, to reach a similar elevation requires a transect of 40 to 70 miles. Most other river deltas in the US are estuarine or inverted deltas and they are much smaller than the Mississippi River flood plain / Gulf Coastal flood plain. We simply must live and work on our delta in order to bring the resources of this delta to the US. (Not to mention preserving our unique history and culture.)

5) The EO is not really set up to seriously consider public input. Let's face it; this new standard was developed by the MitFLG without input from Congress, State or Local government and other stakeholders even though the very charter that created the MitFLG required such input. It is now being implemented by the Administration over objections from Congress stating it should have input from others. The EO itself provides a fast track to implementation that includes a 60 day, after the entire thing has already been developed, public comment period. This public Comment period is followed by consideration of the public comments received by MitFLG who will make recommendations to revise the FFRMS based on public comments if required and then pass this along to the Water Resources Council. But, within 30 days of the end of the public comment period the EO states:

“each agency shall submit an implementation plan to the National Security Council staff that contains milestones and a timeline for implementation of this order and the Standard, by the agency as it applies to the agency's processes and mission.”

So, while we are just getting a first look at all of this, the individual agencies will simultaneously be preparing to submit a plan on how they will implement it. That timing, and the use of “listening sessions” does not bode well for earnest consideration of the public comments.

6) The foundation of the FFRMS is based on an emphasis on moving away from flood control and protection to a flood risk management strategy. The idea is that the risk of flooding can never be completely eliminated from the use of protection strategies. In Louisiana, I believe we all know this. But, should we re-name the state’s Coastal Protection and Restoration Authority to the Coastal Risk Management and Avoidance of Flooding by moving to Arkansas Authority?

Flood risk management is code for avoid the floodplain altogether. You can do that in some places. Making room for the river initiatives and building a bit higher; but, in the same general area can work in some places. The problem in Louisiana is that we have few options other than structural flood control and protection for a large part of our population. This change in strategy, coupled with a desire to not directly or indirectly encourage further (future) development in areas not aligned with this new strategy should be a huge concern for us. Will federal investment or re-investment in our communities be denied because we live where we live and are protected by systems (some of them federal) that do not align themselves with this new flood risk management strategy? An excerpt from the guidance document is quite telling.

“... For example, the location of a major public service structure or facility (a post office, library or office building), in the floodplain, requires new or additional investment in or construction of support facilities for food service, parking, etc. Further, simply through their location, such actions would foster additional developments in the floodplain. Floodplain development could be indirectly supported by the provision of infrastructure (water and waste water systems, power supplies, highway and secondary road networks, mass transit systems and airports) outside the floodplain.”

7) The stated preferred method for determining the floodplain elevation, size and area is through the use of a climate informed science approach that uses best available actionable data and methods that integrate current and future changes in flooding based on climate science. I do not believe that I have ever typed a sentence with more current buzz words and phrases; but, what does it all mean? Don’t misunderstand my point. I believe we should be responding to things we can and have accurately measured over the years. We should build and plan accordingly. Such is the case with localized data on Relative Sea Level Rise. We would ignore these historically measured changes at our own peril. But, the preferred and describe actionable climate informed science approach is rather nebulous and hard to pin down. Each agency could come up with its own idea of just what this entails. Each agency will in fact have to come up with something. But, again, these things are localized and it will be difficult to develop a strategy that works across the nation. There is plenty of room for an agency to hide

its true intentions on the selection of projects and programs when the justification for or against proceeding with the project, program or regulation can be based on such an analysis.

8) Is this EO an infringement on State's rights? Is it what the government is supposed to do?

From the Guidance:

"The comprehensiveness of the Order recognizes that each agency, in carrying out the various types of actions enumerated in this section, can affect the floodplain through any of its actions. The mandate that the agencies take a leadership role places them in a unique position relative to State, Tribal, Regional, and Local levels of government in carrying out actions which affect the floodplain. This role requires the agencies to lead other public and private entities in achieving the goals of the Order by setting a good example."

Is this what a government "of the people, for the people and by the people" really supposed to do? Lead the people?

Strategy: Frankly, I'm not exactly sure how we should respond to this. We face a very unique situation. The plan has already been set and put in motion by the POTUS over the objections of Congress and legislation (signed by the President himself) forbidding its advancement based on the budget he approved. It is on its way to hundreds of agencies for implementation. We are way behind this thing.

Fortunately, we are not alone. Besides all of our Legislative Delegation being plugged into this issue, the Levee Issues Alliance, the National Waterways Conference, the Mississippi Valley Flood Control Association, the Upper Mississippi, Illinois and Missouri Rivers Association, the MO Levee and Drainage District, Harris County FCD, Greater New Orleans Inc. and others are planning to be actively involved in this issue. I hope to involve the Association of Levee Boards of Louisiana and the issue has already been brought up before the State CPRA. I believe we will need everyone's help.

Given that the train has already left the station so to speak, I believe one possible approach to address the ultimate impacts of this EO are to ask a bunch of very specific questions on an agency by agency basis. Perhaps our legislators can compel the agencies to address all questions.

To that end, I believe Senator Vitter asked some very pertinent question in his letter to the POTUS a few of which are repeated below:

From Senator Vitter's letter:

"... Consequently, the closed-door, multi-agency efforts to develop new federal flood risk management standards involve multiple scientific matters of serious concern, and so the practical considerations and ultimate potential impacts are serious enough to bring to your attention. I appreciate your consideration of these concerns and ask that the appropriate agency staff provide thorough and complete responses to the following inquiries:

1. What potential restrictions on federal investments have been reviewed as a potential impact of expanding floodplain area designations?
2. How would new standards impact permit issuance, emergency preparation response and recovery programs administered by the Corps; USDA agricultural assistance programs; Federal highway aid and USDOT TIGER grants; HUD CDBG grants; Federal loan guarantees; FEMA flood insurance; and floodplain management and disaster response programs?
3. What considerations have been given to federally funded activities, and how would those impact specific regions of the country where the expansion is proposed?
4. What cost-benefit analysis has been completed in promulgating the flood risk management standards, and how can the public obtain access to that analysis? Where can discussion documents be found on alternatives that have been considered, including alternatives for restructuring or improving floodplain use and occupancy?
5. Who was involved in developing the science and technical knowledge upon which the standard is based?
6. If agencies have refused to give the appropriate consideration of alternatives as required under the National Environmental Policy Act, please explain why there was no consideration of alternatives.
7. Why has the Administration chosen to forego any public participation in developing the standard? In particular, why have regions of the country with known floodplain risks been excluded from the development process?
8. In developing the increased flood base elevation requirements what processes were used to develop those requirements? What cost-benefit analysis was performed, and in particular what scientific research are you using as a baseline from which to develop the flood risk associated with climate change?

I believe these questions are all very valid and just a small sampling of what we really must know about the impacts of this new FFRMS. I hope that others can propose an effective approach to stopping this new standard from destroying Louisiana, its industry, its people and our culture. The FFRMS is an attempt at social engineering that will be very bad for Louisiana and much of our nation. There is no doubt that our Government can and should be smarter about decisions it makes; but, doing this through an EO and not through Congress is ill advised.

Dwayne Bourgeois
Executive Director
North Lafourche Levee District



Resolutions Committee # 6

EPA's Proposed rule on the *National Ambient Air Quality Standards for Ozone*

WHEREAS, on December 17, 2014, the U.S. Environmental Protection Agency (EPA) released a new proposed rule on the *National Ambient Air Quality Standards for Ozone* that would tighten current federal air pollution rules and increase the number of counties impacted by the proposed rule from 227 to a range of 358—558 counties or more; and

WHEREAS, the proposed rule would tighten the current ozone standard from 75 parts per billion (ppb) to a range of 65 to 70 ppb. Additionally, the agency indicated they will accept comments on a 60 ppb standard, raising the possibility the standard would be set higher; and

WHEREAS, the current ozone standard of 75 ppb was set in 2008, however, has yet to be implemented due to litigation. The 1997 standard of 80 ppb is still generally used; and

WHEREAS, it is premature to discuss tightening the standard until the 2008 standards are implemented; and

WHEREAS, being designated as a non-attainment area places communities and their residents in a difficult spot because communities must make drastic and costly changes that ultimately impact a community's ability to attract and keep jobs. Economic development efforts become more challenging because existing or potential businesses choose to site their facilities in attainment counties so they do not have to meet the tighter air quality standards within non-attainment counties; and

WHEREAS, EPA's approach is akin to using a stick, rather than a carrot, to encourage communities to buy-in to tighter air quality standards; and

WHEREAS, the proposed standards, the timeline for implementation, and the inability to address regional considerations across adjacent arbitrary political lines will cost communities funding, businesses will delay or cancel expansions or new investments and the daily lives of the community will be altered with no cross-regional actual air quality benefit; and

WHEREAS, left unchanged, the proposed ambient air quality standards will immediately place hundreds of counties across the nation, including Louisiana, into non-attainment status and effectively halt economic development projects, negatively impact the lives of the residents of those regions, and effectively tax existing industries to come into compliance irrespective of the source of the pollutant in the region. Driving patterns will be impacted and reduced, resulting in less revenues being collected from the gas tax further reducing the funding available for transportation projects.

THEREFORE, BE IT RESOLVED that the 8 regions of the Police Jury Association do hereby support efforts to prevent EPA from moving forward with the proposed ozone rule, and urges the Louisiana Congressional Delegation to

support the delay of the ozone air quality standards consideration process, as proposed by the EPA, until after the 2008 ozone standards are implemented nationally, and sufficient years of data sets have been amassed following implementation of the 2008 standards to determine its impacts.

Additionally, the 8 regions of the Police Jury Association do hereby urge the Louisiana Congressional Delegation to support creation of a program to grant states the authority to leverage air quality improvements in one region to offset the non-attainment status of another adjacent region during the same time period to avoid non-attainment status in the region whose air quality exceeds the current standard.

Unmonitored areas that are anticipated to violate a 65 ppb standard based on spatial interpolation

Source: URS, July 7, 2014

2014-0362

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
ST. CHARLES PARISH COUNCIL

RESOLUTION NO. 6121

A resolution to request the members of the Louisiana Federal delegation to request the EPA to stop the implementation of the proposed new "Water of the US" rule and include local government in the drafting of new language.

- WHEREAS, a proposed regulation to expand the "Waters of the U.S." definition in the Clean Water Act (CWA) has been filed; and,
- WHEREAS, this proposal will impact parish/county-owned and maintained public safety infrastructure such as roadside ditches and flood control channels; and,
- WHEREAS, the proposed "Waters of the U.S." regulation stems from the 2001 Supreme Court decision, Solid Waste Agency of Northern Cook County (SWANCC) vs. U.S. Army Corps of Engineers, 531 U.S. 159 (2001) and the U.S. Supreme Court has stated that an applicant spends an average of 788 days of time and \$271,596 to obtain an individual 404 U.S. Corps permit; and,
- WHEREAS, this proposal will drain local budgets, hamper business development, increase cost of infrastructure construction and maintenance, and continue an unacceptable level of uncertainty in the permitting processes; and,
- WHEREAS, under the proposed rule St Charles Parish will remain responsible for ensuring that public safety infrastructure ditches are maintained; however, extensive permitting procedures will result in delays, thus exposing St. Charles Parish to increased liability from suits arising from a failure to properly maintain a public safety area, which could ultimately be the result of delays from an extensive Federal permitting process, rather than a local action or lack thereof; and,
- WHEREAS, prior to implementation of the proposed rule, St Charles Parish respectfully requests that an economic study be commissioned to determine the following: 1) the estimated loss of revenues by local government resulting from the proposed rule; 2) the estimated increase in Federal revenues resulting from the proposed rule; and 3) the total estimated economic impact that the proposed rule would have on each state; and that the results of the study be submitted to Congress for review; and,
- WHEREAS, broadening the "Waters of the U.S." definition would adversely impact local farmers, governments, businesses, and property owners; and,
- WHEREAS, not only would these definitional changes impact parish/county-owned and maintained ditches, they would also affect every existing Clean Water Act program, because there is only one "Waters of the U.S." and thereby adding another level of review and permitting to Section 402 National Pollutant Discharge Eliminating System permits for Storm Water discharges; and,
- WHEREAS, if more waters fall under federal jurisdiction, parishes/counties will be forced to submit more Section 404 permits and will face longer delays in the jurisdictional determination and permitting process.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby request the members of the Louisiana Federal delegation to request the EPA to stop the implementation of the proposed new "Water of the US" rule and include local government in the drafting of new language.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, LEWIS, WILSON, BENEDETTO, COCHRAN, FLETCHER, FISHER-PERRIER

NAYS: NONE

ABSENT: WOODRUFF, HOGAN

And the resolution was declared adopted this 3rd day of November, 2014, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]

SECRETARY: [Signature]

DLVD/PARISH PRESIDENT: 11-4-14

APPROVED: [Signature]

DISAPPROVED: [Signature]

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: [Signature]

AT: 11:35a RECD BY: [Signature]