

## **Minutes for NFB General Meeting May 3, 2017**

**Note: There are 2 appendices attached at the end of these minutes: A) gives all the questions presented (we ran out of time so many could not be answered. B) presents the commentary of John Kofoerl, who has attended many of these meetings.**

Agenda: Industrial Canal Lock Expansion with the Corp of Engineers

Those representing the Corps: Ricky Boyette, Sean Michael, Mark LaHare, Lawrence Cutno, Bobby Duplantier and Jasmine Smith.

Prior to the official start to the meeting, attendees were given the opportunity to write out questions for presenters, which Julie Jones then read aloud following the presentation.

Posters, donated by Tyler Harwood, with dates and information about upcoming meetings were distributed. Thank you, Tyler. They are beautiful!

Julie Jones called the meeting to order around 7:10.

Background to the project was provided by Sean Michael, with the land originally being obtained from the Ursulines Convent in the early 1900's.

The primary mission of the Corps has always concerned water-borne commerce.

The purpose of the Corp of Engineers in relation to the Industrial Canal is to most efficiently navigate between the lake and the river for commercial vessels. Currently there is a 3x3x3 rule for projects: that the study take under 3 years, cost under \$3 Million, 3 years and have 3 concurrent levels of review (district, division and HQ).

Public questions are given in bold type. Answers in normal type.

### **Why in Holy Cross, the Lower 9 and Bywater? What about St. Bernard?**

The old lock needs to be replaced. Both the direct and indirect impact to wetlands make these other locations environmentally problematic.

Also the lock is already there, so financially more effective. **BUT IT'S GOING TO BE REPLACED???**

The canal is currently a shallow-draft lock. It will remain a shallow-draft lock but will be made longer and wider. The shallow-draft will require less sediment removal than a deep-draft lock. And the sediment that would be removed is not as toxic as rumored.

### **How many people are going to be relocated?**

No homes are slated for demolition however, they may ask for *voluntary temporary relocation* because of noise and traffic issues. Funding in this area of the Industrial Canal Lock Expansion Project is through the Community Based Mitigation Committee. The original Mitigation Plan was developed in 1996 as part of the Water Resources and Development Act. It is in process of being updated.

No compensation for noise, which is expected to be mainly due to pile driving. It was noted that the Corps of Engineers would comply with the law in regard to possible foundation damage to homes. They will come to individual group meetings (like ours) to get our reactions to the mitigation plan (as opposed to holding large community meetings).

### **Why is this project necessary? How is it not another MrGo?**

It's an old lock that needs to be replaced. It's inefficient, as waits for water traffic to move though the locks average 16 hours and sometimes go up to 48.. This translates to 173 million ollars a year in cost benefit - a 1 to 4.7 return. REPLACING THE LOCK SEEMS TO CONTRADICT THE EARLIER STATEMENT THAT THIS IS THE BEST PLACE BECAUSE OF THE EXISTING LOCK. ???

**Why did the Port of New Orleans estimate the cost benefit as only \$1.6 to the dollar?**

They used a different system of analysis.

**Since it's such an extended time line (13 years or long), will the project still be viable since the petroleum that makes up the bulk of cargo may not be in great demand in the future?**

Yes, concisely primarily of petroleum product, which will continue to be in high demand. There has been a decrease in coal as a commodity. The cargo also includes grain. 17 states tie their economy into this waterway.

**Will there be a Section 106 review?**

One has been done already and is being revisited, and the findings will be made public.

**What is the time line for the report with a recommended plan?**

The report is expected about a year from now. Then it goes to Congress not only for approval, but also for funding.

**Is it true that the (flood wall?) level is lower on the Upper 9 side by 3 feet?**

The additional flood walls will be in line with the most recent technology for safety. What is there now is the existing system for surge after Katrina. The new flood walls will be at least 24.5 ft. high.

**Will there be a time frame in which the area is more vulnerable to flooding due to the assembly and disassembly involved in the project?**

No. The spillways are used to mitigate that danger. In the past, they have used 11 times successfully to avoid the river flooding into the canal.

**What would you do to build to the temporary bridge paralleling to the St. Claude bridge if there are no voluntary relocations?**

I have no answer for that. No homes are slated for demolition.

**Would you upgrade the eventual St. Claude Bridge with bike lanes and/or pedestrian crossing?**

It would only be replacing in kind - it was built in 1923, so does not currently have those amenities. Again, this may be addressed through the CBMC (Community Based Mitigation Committee).

**What is going to happen with traffic? Nobody has a guideline for traffic patterns. What is the study being done on the time frame for no bridge in place? How is the traffic going to be re-directed? St. Claude is a State Highway. What's the benefit to the community? How much of the St. Claude Bridge part of the project is funded now? Why are you pulling that bridge out?**

At this time, the meeting ran out of time with approximately 30 more written questions. Discussed briefly was how to create an additional time to address these questions.

It was agreed to collate these questions (see ???) for presentation to attendees and presenters via the NFB website.

With the main next step being: How do we (the residents of Bywater) get and Official Meeting with the Corps of Engineers, which includes Official Corp Notification.

Respectfully Submitted  
Nancy Thacker

Co-Secretary, NFB

Appendix A:

Questions Submitted to the Army Corps at NFB General Meeting, May 3, 2017 / Stallings Center

**Note: These are all the questions. Many of them were considered by the Corps, but we ran out of time, and a number were not asked.**

Why Does This Project Keep coming back every 10 years or So?

Does the Army Corp really want to really want to replace this lock in The Lower nine? Why not Violet?

Where would the temporary bridge be located?

Will there be a Section 106 review of historic and environmental impact?

Why is this project necessary? How is this not another Mr. Go which never delivered promised economic benefits but which caused wide spread environmental, cultural, & property damage?

Which resident will have to move during construction (addresses)?

What would you do if you had just bought a house a block from the project and your foundation was destroyed with no possibility of financial restitution and you were no longer able to get property insurance or sell your house and you faced 13 years (or more) of incessant noise?

Is it true that the levee in Lower 9 is three (3) feet higher than on Upper ?

1965: Betsy = Mr. Go and 2005: Katrina= Mr. Go: Whill enlarging the canal create the same problem?

Is there a traffic study? In particular a study of the impact of the transit currently enjoyed between the upper and lower 9<sup>th</sup> ward and St. Bernard parish? What is the estimated impact economically to residents of both parishes?

What is the process for removing a historic landmark bridge such at the St. Claude bridge ?

What's the source of funding for the plans, engineering etc. for a project that has not received final approval?

What is the benefit to these adjacent communities?

What is the total budget for this project? Is it funded now? What is this projects' competition locally, regionally & nationally?

What is the length of T walls North & South?

Has landfill been identified?

Parallel bridge locations - on ramps?

What is the height of Claiborne Bridge?

Environmental Bucket minimization: what will be done? Given the current state of the St. Claude bridge, when would that need to be rebuilt / updated/etc. outside of this project? i.e. for safety, upkeep, etc. (maintenance) and to what extent . . . ?

Army Corps says they will make \$4.77 on a dollar. Port says \$1.06. How do you explain this disparity?

What is the primary cargo of these barges? If it's oil, will it continue to be important? Or will this canal be outdated by the time it's completed?

What mitigation will there be for voluntary temporary relocation? How long is temporary?

How can we get access to the data for ship traffic on the Industrial canal for the past 3 years?

What other options for locating this new lock have been considered?

Some of our oldest locks and structures are our best. Other than the desire to increase efficiency is there anything wrong with the existing lock?

What are the projections on the need for a new, wider, lock? Do you have any current traffic studies on barge transportation and is there a need to increase efficiency in 10 years? 20 years? 50 years? What role will technology have in future shipping logistics?

Who in this room is opposed to this lock expansion project? Please stand up?

Who will be responsible if there is any damage during or after construction?

You said that the first meeting was in 1960? Why do you keep spending money on this?

While lock is being built (13 year minimum) what flood protection will be guaranteed?

How was the decision made to change from deep draft to shallow draft?

Who recommended the shallow draft?

Will the methods and data used to calculate the value of the mitigation fund be available to the public?

Given the severe impact of this project and the extremely long construction period what is the positive outcome of this project if any?

How long before the decision is really made?

Why are you revisiting this now after it has not been done all these years, since 1960?

The barges ship pay zero to use the HCMA

There is no value placed on lives at jeopardy with petro-chemical filled barges that leak and may explode. Barges already hit the canal walls. Where is the EIS (environmental impact study)?

Will there be a dedicated bike lane on new bridge? Will there ever be a moment when there will not be a bridge? Will there be bike lanes? Pedestrian pathway? How do citizens become part of this process?

What is the CBMC - Community based Committee / Existing committee? Who is on the committee? How do we get involved on the committee? How do neighborhood groups gain representation on this committee?

**Appendix B: Comments from John Koefler, who has attended many of these meetings and is President of Citizens Against Widening Industrial Canal. John attended our meeting and wrote the following. He urges NFB members (and other interested/potentially affected parties) to write to both Col. Clancy ([Michael.Clancy@usace.army.mil](mailto:Michael.Clancy@usace.army.mil)) and Congressman**

**Cedric Richmond (<https://richmond.house.gov/contact-Cedric>) NOW in order to press for reconsideration of the project before it gets too far underway.**

The Corps spokespersons were very careful to limit consideration to the “necessity” of replacing the lock for the good of navigation and to do this within the existing canal property they own, and using the still existing authorization. (Incidentally, that’s still MRGO!).

The Corps “3x3x3” program relies completely on past assumptions without a shred of recent consideration. Corps assumes a shallow lock will be acceptable because it is “less deep” into toxic layer contamination (so will without further consideration kill surrounding populations presumably less dead).

So the brief, limited Corps explanations convey a hurry to get a replacement lock done WITHOUT examining changes over the last 20 years---channel failures, wetlands disappearance, levee failures, massive area flooding, FEMA flood protection taxpayer bailouts, coastal land loss, sea level rise, loss of Corps credibility, viability of other potential sites. The Corps is relying on their 1997 Environmental Impact Statement (EIS) to determine the lock project.

The Corps does not have answers to Bywater’s questions because—also--they haven’t considered the engineering of actually doing the project, i.e. details. The Corps is winging it in this phase, to get the money to forge ahead. This is why they can’t answer about moving the St Claude Bridge, relocations, etc., and this is why Corps people have backed off stating they would dynamite out the old lock. When they said that at an earlier meeting, we challenged them.

So the Corps is trying to finesse their way with minimum information and disclosure--- claiming necessity and the burden of military engineering decision authority. The problem we have is abuse of this authority without accountability.

The entire project is for marginal advantage of navigation users at taxpayer expense, and all the non-direct project risks, impacts, and costs are to be absorbed as freebee by community.. The Corps would like us to do this for the nation. It makes sense for the Corps but not for us.

The big message the Corps gave at this meeting was the non-disclosure, i.e. what they did not say. The implications of replacing an entire working canal infrastructure in the middle of a historic urban area are obviously huge because they will have to unbuild as they build. All of it obviously at great expense, constant public risk, and trouble for everyone here for long years. The Corps has got itself under pressure from navigation. Their chosen way out of the bind is to subject us to one using non-disclosure and arbitrary authority.

Rep Richmond needs to hear from Bywater now.