

Ord

SUMMARY NO. 4758  
INTRODUCED BY: 'RAM' RAMCHANDRAN, COUNCILMAN-AT-LARGE, DIVISION A  
ORDINANCE NO. 99-3-4

An ordinance directing that the Administration end negotiations with the U.S. Army Corps of Engineers and proceed with acquisition of right-of-way design and construction of levee.

- WHEREAS, the U.S. Army Corps of Engineers has recommended an alignment for construction of the West Bank Hurricane Protection Levee in St. Charles Parish and fully described and defined as the only feasible alignment in the Department of Army letter dated May 10, 1999, under Subject EM-19-970-1066, expressing their eagerness to work with the Parish to avoid further delay; and,
- WHEREAS, it is self evident that failure to proceed with nationally practiced wetland-non wetland alignment will result in an EIS (Environmental Impact Study) leading to further delay of several years, exposing people and property as the only Parish with no Hurricane Protection Levee on the Westbank; and,
- WHEREAS, flooding has occurred in this area in past years; and,
- WHEREAS, the Parish is unable to maintain the existing temporary spoil which belongs to private landowners and developers and St. Charles Parish was required to remove the temporary levee constructed during the 1998 emergency at considerable cost; and,
- WHEREAS, an extensive length of time has lapsed and construction of a levee to protect the lives and property of the residents of this area has been delayed; and,
- WHEREAS, the Parish has incurred considerable expenses in building a temporary protection levee to protect people and property; and,
- WHEREAS, as a result of citizens concerns and demand for protection expressed at several Operations, Maintenance, and Construction Management Committee Meetings and Town Hall Meeting of May 27, 1999, the Parish should take steps to move this project forward; and,
- WHEREAS, the explicit expression of federal agencies' policies, U. S. Army Corps of Engineers, Department of Wildlife and Fisheries, Environmental Protection Agency (EPA), state agencies like Louisiana Department of Environmental Quality (LDEQ), and Department of Natural Resources (DNR) revealed uncompromising procedures; and,
- WHEREAS, Federal Emergency Management Agency (FEMA) policy changes proposed or contemplated regarding flood insurance will adversely affect the homeowners of this Parish which may lead to cancellation of flood protection; and,
- WHEREAS, considerable amount of time has passed after the St. Charles Parish Council's passage of Ordinance No. 99-2-5 directing the Administration to compromise to a mutually agreeable alignment with the U. S. Army Corps of Engineers, though progress is made, no resolution seems to be in sight resulting in technical violation of the law by the non submission of progress reports.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That a compromised alignment along the wetland-non wetland corridor, enclosing specific and limited wetland for ponding only as agreed to the U. S. Army Corp of Engineers be accepted as final alignment and,

**SECTION II.** That this ordinance shall supercede any previous ordinances or resolutions stating to the U.S. Army Corps of Engineers the Parish Council's official position for the levee alignment; and,

**SECTION III.** The Administration shall compromise and agree to a U. S. Army Corps of Engineers' recommended alignment and that the modified levee permit shall be based on the existing levee system and the interagency alignment position in the best economic interest of St. Charles Parish; and,

**SECTION IV.** That St. Charles Parish shall explore the continuation of the West Jefferson Levee District alignment with that of St. Charles Parish's West Bank Hurricane Protection Levee for the full protection of all of the citizens; and,

**SECTION V.** The administration shall proceed with acquisition of property from private land owners paying reasonable open market value as compensation for swamp lands, as defined by the U. S. Army Corps of Engineers for the safety and well being of the citizens of this parish. The administration is ordered to employ all means including Eminent Domain Clause of the law in the state of Louisiana in securing the right of way for this levee; and,

**SECTION VI.** The administration shall enter into an agreement (binding) with the Lafourche Levee District and the U. S. Army Corps of Engineers for funding, engineering design, construction, and legal services, if any, and shall contract the U. S. Army Corps of Engineers to manage and construct the levee in a speedy manner after securing the necessary permits from all federal and state agencies; and,

**SECTION VII.** Administration shall utilize through the U. S. Army Corps of Engineers all required clay soil made available from the construction project in Davis Pond Diversion of the Mississippi River in St. Charles Parish to expedite construction of the Levee, solving the environmental problem of disposal; and,

**SECTION VIII.** The Administration will make every effort to fund all the mitigation projects within St. Charles Parish Coastal Zone areas; and,

**SECTION IX.** A copy of this ordinance shall be sent to our Congressional Delegation, State Representatives, Senators, the Governor, and all Federal and State agencies involved with levee districts and seek emergency funding since the 1999 hurricane season is upon us.

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

YEAS: RAMCHANDRAN, ALEXANDER, ABADIE, AUTHEMENT, JOHNSON, SIRMON  
NAYS: MINNICH, CHAMPAGNE  
ABSENT: DUHE

And the ordinance was declared adopted this 2nd day of August, 1999, to become effective five (5) days after publication in the Official Journal.

Adm end negotiations w-Corps.revised

CHAIRMAN: [Signature]

SECRETARY: [Signature]

DLVD/PARISH PRESIDENT: 8.3-99

APPROVED: \_\_\_\_\_ DISAPPROVED:  Vetoed

returned 8/9/99

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: August 9, 1999

AT: 12:35pm RECD BY: [Signature]

Veto overrode 9/7/99

THIS ORDINANCE WAS RETURNED BY THE PARISH PRESIDENT ON AUGUST 9, 1999 AT 12:35 P.M. AND HAS BEEN DISAPPROVED BY THE PARISH PRESIDENT. THEREFORE, THIS ORDINANCE SHALL BE PRESENTED TO THE COUNCIL AT ITS NEXT REGULAR MEETING TO BE HELD ON AUGUST 16, 1999, at 6:00 P.M.

ORDINANCE RECONSIDERED BY PARISH COUNCIL SEPTEMBER 7, 1999

VOTE:  
YEAS: RAMCHANDRAN, ALEXANDER, ABADIE, AUTHEMENT, JOHNSON, SIRMON  
NAYS: MINNICH, CHAMPAGNE, DUHE  
ABSENT: NONE

ORDINANCE APPROVED AND SHALL BECOME LAW IRRESPECTIVE OF THE VETO OF THE PARISH PRESIDENT.

**AMENDED**

By Ord.  
01-11-5  
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