LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

Office of the Secretary
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ph: 225-379-1200 | fx: 225-379-1851

Bobby Jindal, Governor
Sherri H. LeBas, P.E., Secretary

December 2, 2014

U. S. Army Corps of Engineers
Attn: CECW-CE (Lisa Kiefel)
441 G Street NW
Washington, DC 20314-1000

Via Federal Express Priority Overnight
8011 2136 1000

RE: Federal Register / Vol. 79, No. 150 / August 5, 2014
Rules regarding USACE Annual report.
Modifications to Authorized Water Resources Development Projects
Comite River Diversion Project, Amite River and Tributaries, Louisiana

Dear Ms. Kiefel:

The Louisiana Department of Transportation and Development (LADOTD), as the lead non-federal sponsor (NFS) in the Comite River Diversion Project, hereby seeks modifications to the Project Cooperation Agreement for the referenced authorized Project, as follows.

1) Elimination of the Brooks Lake Closure project feature.

   This is a flow guide levee between the Lilly Bayou structure and the east Bank of the Mississippi River. The stated purpose of this structure is to deflect flood waters from the diversion canal westward into the Mississippi River and minimize scouring. LADOTD and our partners do not believe Brooks Lake is necessary due to the river's natural high water levels.

2) Allow the NFS to perform work-in-kind.

   With federal funding difficult to obtain, two non-federal partners have dedicated financial resources to the project: LADOTD through the State of Louisiana (Capital Outlay), and the Amite River Basin Commission (ARBC) through a 3-mill ad valorem tax. Work-in-kind would allow for a smoother construction schedule.

3) Change of the Federal-Non-federal funding ratio from 75/25% to 65/35 %.

   We believe that making this project conform to current Water Resources Development Act programmatic cost sharing should better position the project for future federal funding.

Per the referenced Federal Register Notice, we offer the following information related to this project:

1. The non-federal sponsors are LADOTD, ARBC and East Baton Rouge Parish. As stated above in number 2, both LADOTD and ARBC have committed financial resources to this project.
2. This is a proposed modification to the above referenced authorized Comite River Diversion Project.

3. Modification request number 1 above will reduce costs, and the Brooks Lake feature is not necessary to meet Project purposes. Modification request number 2 above may be a useful means by which the Project schedule can be managed to better effect efficiencies and expedite the work by the non-federal sponsors. Modification request number 3 above is intended to place the Project in a more favorable position than currently exists for federal funding.

4. Item 1 above should reduce costs by an estimated $3 to $4 million dollars. Modification request number 2 should have no financial impact. Modification request number 3 also should not have any financial impact, as the NFS's lands, easements, relocations, rights-of-way and disposal areas (LERRDs) responsibilities currently exceed 25%.

5. These particular requests have no impact on the efficacy of the Project.

6. Please see attached letters of support.

7. Please see modification request number 2.

8. See attached letters.

I am available to answer any questions you may have associated with these requests. LADOTD is diligently working to expedite the Project, and I look forward to the USACE's quick response.

Sincerely,

Sherri H. LeBas, P.E.
Secretary

SHL:CPK:dmm

Enclosures

c: Bobby Duplainter, USACE
U.S. Senator David Vitter
La. Senator Bodi White
La. Rep. Valerie Hodges
Christopher P. Knotts, P.E., LADOTD
Dietmar Rietschier, ARBC
William Daniel, East Baton Rouge Parish

AMITE RIVER BASIN
DRAINAGE AND WATER CONSERVATION DISTRICT

Bobby Jindal
Governor

Dietmar Rietschier
Executive Director

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Kenneth Welborn
East Baton Rouge Parish

William "Carey" Jenkins
East Baton Rouge Parish

Larry N. Thomas
East Feliciana Parish

Vacant
Livingston Parish

David Hoover
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Russell Cornette
St. Helena Parish

Willie George Lee
St. Helena Parish

John C. Brass
St. James Parish

Terry Louque
St. James Parish

Toni B. Guitrau
Executive Secretary

December 1, 2014

Ms. Sherri LeBas, Secretary
Louisiana Department of Transportation & Development
1201 Capitol Access Road
Baton Rouge, Louisiana 70802

REF: Federal Register. August 5, 2014.
Rules regarding USACE Annual report.
Modifications to Authorized Water Resources Development Projects.

Dear Secretary LeBas:

The ARBC, requests LADOTD, as the lead non-federal partners in this Comite Project, seek certain modifications in the Project Cooperative Agreement.

As per our previous discussions in the past, ARBC requests the following changes:

1) Elimination of the Brooks Lake Closure as a feature of the project.

This is a levee planned to be built perpendicular and next to the east Bank of the Mississippi River. The purpose of this structure is to allow for the deflection of flood waters from the proposed CRDC westward into the Mississippi River and minimize scouring. This structure is not needed because floods in the Comite River Basin occur during the months of January to May. Coincidently, this is also the high water months of the Mississippi River. Since there are no levees along the Mississippi River in this reach of the River, the high water of the Mississippi River back floods this area. The inundation in this area during high water of the Mississippi River generally can fluctuate between 15 to 25 feet. During the high water event of the Mississippi River in May 2011 the Mississippi River reached 52 feet at this reach. The proposed Brook Lake Closure (Levee) is designed with a maximum elevation of 41 feet. . This illustrates that Brooks Lake will be overtopped during flood periods of the Comite Basin and backwater from the Mississippi River will surround the Brooks Lake Closure making it unnecessary for the purpose for which it is intended.

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2) Allow the use of non-federal resources for work-in-kind.

With the increasing difficulties in obtaining federal funds for the construction of the project, we are requesting the USACE allow us to provide work-in-kind contributions. We have two non-federal partners contributing financially to the project, the LADOTD through the State of Louisiana (Capital Outlay) and the ARBC through a 3-mill ad valorem tax. In order to minimize cessation of construction, the in-kind contribution arrangement will allow smoother progress in the construction of the project.

3) Change the of the Federal-Non-federal funding ratio from 75/25% to 65/35 %.

This should allow smoother funding of federal funds. This change, along with the non-federal in-kind contribution, will allow us to have far more flexible funding for the project and be able to develop funding and construction strategies which cannot be done under the present conditions.

I want to thank you for your prompt attention to this matter, especially in view of short time we have to have this delivered to the USACE in Washington D.C. by December 3, 2014. Feel free to contact me at 225-296-4900. It is my understanding that the request must include letters of support from the various non-federal sponsors. Please submit this letter along with any questions to the USACE.

Sincerely,

Don Thompson

Don Thompson

C.c. Bobby Duplantier, USACE
Senator David Vitter
Senator Bodi White
Rep. Valerie Hodges,
Larry S. Bankston, ARBC Counsel
Chris Knotts, DOTD
William Daniel, East Baton Rouge Parish

Office of the Mayor-President

City of Baton Rouge
Parish of East Baton Rouge

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MELVIN L. "KIP" HOLDEN
Mayor-President

December 1, 2014

Ms. Sherri LeBas, Secretary
Louisiana Department of Transportation & Development
1201 Capitol Access Road
Baton Rouge, Louisiana 70802

REF: Federal Register. August 5, 2014.
Rules regarding USACE Annual report.
Modifications to Authorized Water Resources Development Projects.

Dear Secretary LeBas:

The Parish of East Baton Rouge, Louisiana Department of Transportation and Development, and the Amite River Basin Commission are the non-federal sponsors for the Comite River Diversion Canal Project. On behalf of East Baton Rouge Parish we concur in the request for Modifications listed below:

1) Elimination of the Brooks Lake Closure as a feature of the Project;

2) Allow the use of non-federal resources for work-in-kind; and

3) Change the Federal-Non-federal funding ratio from 75/25% to 65/35%.

Thank you in advance for your attention to this matter.

Sincerely,

William B. Daniel IV, PE
Chief Administrative Officer

Cc Bobby Duplainter, USACE
Chris Knotts, DOTD
Don Thompson, President ARBC
Dietmar Rietschier, Exec. Dir. ARBC