

Hurricane Katrina: Who's In Charge of the New Orleans Levees?

Army Corps of Engineers

- Turn over completed sections to the Orleans Levee District
[Engineering Regulation 1150-2-301]
- Perform an annual inspection with the Orleans Levee District
[Division Regulation 1110-1-310]
- Review the semi-annual reports filed by the Orleans Levee District
[Engineering Regulation 1150-2-301]

Orleans Levee District

- Operating and maintaining the levees
[District - Army Corps assurance agreements]
- Conducting a quarterly inspection of the levees
at least once every 90 days
[33 CFR 208.10(b)(1),(c)(1)]
- Filing a semi-annual report
[33 CFR 208.10(a)(6)]

Louisiana Department of Transportation and Development

- Approve of the soundness of the engineering practice and the feasibility of the plans and specifications submitted by the Orleans Levee District
[La. R.S. 38:307 (A)(1)]
- Conduct training of the Orleans Levee District's commissioners
[La. R.S. 38:301 (B)]
- Review the Orleans Levee District's emergency plans
[La. R.S. 38:319]

Emergency Management

- Army Corps of Engineers:
Flood Control Act responsibilities, and primary agency for public works under National Response Plan
- La. Dept. of Transportation and Development:
Primary agency for public works under La. State Emergency Operations Plan
- Orleans Levee District:
Supporting agency for public works under La. State Emergency Operations Plan

June 15, 2000

Operations Division
Technical Support Branch

Stevan Spencer, Chief Engineer
Board of Commissioners
Orleans Levee District
202 Administration Building
New Orleans Lakefront Airport
New Orleans, Louisiana 70126

Dear Mr. Spencer:

You are hereby informed that our contract (#98-C-0050) for Lake Pontchartrain, Louisiana and Vicinity, Hurricane Protection Project, High Level Plan, Orleans Parish Lakefront Levee, Orleans Marina Phase V - Sluice Gates, in Orleans Parish, Louisiana, has been completed by the United States under Public Law 298, 89th Congress, approved October 27, 1965.

A final inspection was conducted on May 18, 2000, and all contract work was found to be satisfactorily completed. In accordance with the acts of assurance furnished prior to commencement of work, Orleans Levee District becomes responsible for the operation and maintenance of completed features of the Lake Pontchartrain and Vicinity Hurricane Protection Project in Orleans Parish. In this connection, maintenance has been construed as keeping all completed works in first-class condition to serve the purpose for which they were designed.

“I’m not sure what that means, because we don’t have any state flood control works... [The] State doesn’t own any flood control works.”

Staff Interview with Edmond Preau, Assistant Secretary, La. Dept. of Transportation and Development, 11/17/2005, p. 92

“Who is in charge? Where’s the Parish President? Where is the Mayor? And then the State?... Who is in charge? That was my view. I still have that view.”

Staff Interview with Colonel
Richard Wagenaar, District
Engineer of the New Orleans
District, Army Corps of
Engineers, 11/15/2005, pp. 122-3

“Once in four years, you know what that is? That’s going up to a workshop for a weekend and have a crawfish boil up here and hear a couple people talk about some things and they get a little piece of paper and they honored the law....”

Staff Interview with James Huey,
Former President, Orleans Levee
District, 11/29/2005, pp. 104-5

“They...normally meet and get some beignets and coffee in the morning and get...to the buses, and the colonel and the brass is all dressed up. You have commissioners. They have some news cameras following you around and all of this stuff. And you have your little beignets, and then you...go do the tourist and...you have a nice lunch somewhere or whatever. They have this stop-off thing or whatever. And that’s what the inspections are about.”

Staff Interview with James Huey,
Former President, Orleans Levee
District, 11/29/2005, pp.108-9

Orleans Levee District's Diverse Business Activities



Casino



Marinas



Airport

*Commercial
Leases to...*



Restaurants



Karate Club



**Beautician
School**



Pharmacy

“Mr. Hearn advised that the Corps builds the levees, then turns them over to the OLD, which performs all the maintenance such as cutting grass, patching holes, repairing gates, etc.”

Minutes of the Orleans Levee
District Board of Commissioners
Meeting, 12/19/01, p. 4

“The entire project has never been completed; therefore, it is not officially, then, turned over to the Orleans Levee District from the Corps of Engineers, to my understanding, until the entire project is complete.”

Staff Interview with Max Hearn,
Executive Director, Orleans
Levee District, 11/14/2005, p. 16

“As sections of the project were completed, the floodwalls and levees were then turned over to the Orleans Levee District for operation and maintenance.”

Max Hearn,
Hearing Statement,
12/15/2005, p. 2