

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST  
BOARD MEETING  
THURSDAY, JANUARY 15, 2009**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, January 15, 2009, in the Second Floor Council Chambers, Joseph Yenni Building, 1221 Elmwood Park Boulevard, Harahan, Louisiana, after due legal notice of the meeting was sent to each member and the news media and posted.

Mr. Doody called the meeting to order at 9:25 a.m. and led in the pledge of allegiance.

The roll was called and a quorum of the Board was present.

**Present:**

Timothy P. Doody, President  
Abril B. Sutherland, Vice President  
John M. Barry, Secretary  
David P. Barnes, Jr. (left meeting at 2:00 p.m.)  
Stephen Estopinal  
Stradford A. Goins  
Thomas L. Jackson  
Ricardo S. Pineda  
Louis E. Wittie

**Absent:**

George Losonsky, PH.D., Treasurer  
Sara Lee St. Vincent

**OPENING COMMENTS:**

Mr. Doody advised that the Authority will participate next week in a hurricane preparation meeting hosted by the U.S. Coast Guard. The Authority is interested in the development of better communications and sharing of information so that everyone will have a clear understanding of the plans for next hurricane season in order to prevent a repeat of the situation that happened during Hurricane Gustav with the barges in the Industrial Canal.

Mr. Doody commented that \$4 billion of contracts will be let by the U.S. Army Corps of Engineers (USACE) in 2009 making it a significant year for construction in the region. This will impose a heavy burden on the Authority's and levee districts' personnel and will require tremendous effort. He stated that a presentation would be made later in the meeting by the Bayou St. John Conservation Alliance, which is galvanized behind Bayou St. John, and that he hoped that other individuals would become galvanized behind flood protection for the region.

Mr. Doody reported on a recent trip to the USACE Engineer Research and Development Center (ERDC) in Vicksburg, MS, to view the technology developed by the USACE and the tests and modeling conducted for the Inner Harbor Navigation Canal (IHNC) Surge Barrier Project. Information from the modeling was used to develop the IHNC surge barrier. The primary need that must be met for the Authority's purpose is public safety; however, the maritime industry needs the ability to have safe passage through the surge barrier. The Authority has been promised the IHNC interim protection by August or September, 2009. A variety of scenarios with both loaded and unloaded barges have been simulated passing through the gated structures. The most difficult tow to push through the structure is an unloaded eight pack of barges with a high wind (22 knots). Safe passage was accomplished when testing some of the toughest conditions; i.e., unloaded eight pack in 22 knot wind. The USACE learned that minimal design changes to the dolphins and guide walls would provide a much safer passage. Changes were made with the participation of the maritime industry at a considerable expense (\$100 million) to provide for safer passage. The frequency of unloaded eight packs is below 5 percent. General Beau Temple, General Mike Walsh, Karen Durham-Aguilera, Senator Mary Landrieu's representative, and numerous representatives from the CPRA and maritime industry attended the ERDC tests. Access to the ERDC technology has been requested by the maritime industry for training pilots. General Walsh has approved the notice to proceed that was signed earlier by Colonel Alvin Lee. The IHNC Surge Protection Project is a design-build contract and changes to the design could delay the completion of the interim project. A resolution has been placed on the Board's agenda urging the USACE to meet the goal of interim protection by August-September, 2009. Mr. Doody explained that the flow rate through the IHNC changes dramatically with a closure structure at Seabrook. The Seabrook closure structure was factored in many of the simulations and will be a critical part of the hurricane protection system.

Mr. Pineda commented on an episode of the television series "When Weather Made History" that recapped Hurricane Katrina and the response to Hurricane Gustav. This episode helped to increase public awareness on the need for coastal and wetland restoration. He stressed the need to begin putting measures in place to restore the wetlands and barrier islands to provide long range sustainability.

Mr. Barry commented on two recent events that may indicate a negative change in the direction in the relationship between the State and the USACE. The first situation involved the failure of the USACE to send a representative to a recent joint meeting of several committees of the Louisiana Legislature to discuss the LaCPR. The second involved USACE comments made to the press at the same time as the ground breaking on a section of the Morganza to the Gulf levee. The USACE commented that it would take at least four more years for the completion of plans for the entire project and warned that any work the State performs on the levee before the completion of the USACE design might not count towards the State's cost share if found inconsistent with the USACE's plans. He stated that he hoped that this was only an aberration and that the partnership between State and USACE is worked out.

**ADOPTION OF AGENDA:**

A motion was offered by Mr. Barry, seconded by Mr. Goins and unanimously approved, to adopt the agenda with the following amendments:

- To add Item XIII.A.8 – Request for Attorney General’s Opinion on the Authority’s ability to allocate costs to the levee districts.
- To revise Item VIII.1 (Presentations) to include the introduction of Alexandra Evans with the L.R.A.
- To move Item XIII.A.4 after Item VIII.1.

**RESOLUTION #01-15-09-01 – APPROVAL OF MINTUES**

On the motion of Mr. Barry,  
Seconded by Mr. Goins, the following resolution was offered:

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East hereby approves the minutes of the Board Meeting held on December 18, 2008.

The foregoing was submitted to a vote, the vote thereon was as follows:  
YEAS: Mr. Barnes, Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Losonsky

**PUBLIC COMMENTS:**

Carol Byran commented on negative effects that resulted from the tree removal program in the fattened levee section of the 17<sup>th</sup> Street Canal. Ms. Byran stated that the Board received no proof that the tree removal in this section of levee was necessary.

Billy Marchal with the Flood Protection Alliance stated that the USACE has done a lot of modeling and simulations showing that the GIWW structure can be safely navigated under certain circumstances; however, the Commander of the 8<sup>th</sup> Coast Guard District has sent a letter to Senator Landrieu and General Walsh stating that anything less than a 225-ft. gate is a hazard to navigation. The Coast Guard has required the removal of other bridges and structures of 150-ft. to be replaced with structures of 200-250-ft. While a 150-ft. gated structure is the best that the USACE can do under the current circumstances given the time and financial constraints, what is being built in the mind of the Coast Guard is a hazard to navigation. The 360 plus model runs have been done by experienced captains who have practiced running the structure. The real tests will be done in the next several weeks when less experienced pilots are brought in for model runs under simulated hurricane conditions with both high tides and high winds.

Mr. Doody stated that the maritime industry must work with those entities that provide flood protection to come up with the best solution. The design of a structure to accommodate the worst conditions that the maritime industry could encounter would

cost a tremendous amount of money and could take money that could be used on other flood protection projects. He reiterated that the maritime industry could help by breaking down an eight pack of barges into four packs making it much easier for them to transit the gate. He added that by working together everyone's concerns could be resolved satisfactorily, economically and on time.

## **PRESENTATIONS:**

### **1. David Waggoner - Water Management and Recent Netherlands Trip and introduction of Alexandra Evans with the LRA.**

Mr. Doody introduced Alexandra Evans, Coastal Protection and Transportation Policy Advisor for the Louisiana Recovery Authority (LRA). He explained that Ms. Evans and a representative of the Dutch embassy had invited him to visit the Netherlands at the embassy's cost to view water management methods used by the Dutch. This led to discussions about how the LRA could assist the SFLAP-E with its mission.

Alexandra Evans stated that a major objective of the LRA is to rebuild smarter, stronger and safer. Since the SLFPA-E is having difficulty funding its mission, the LRA offered to enter into negotiations for a contract that could fund an expansion of flood protection services. The contract would provide the SFLAP-E with funding for engineers to attend critical meetings and possibly the consulting services necessary for different projects. Consideration has been given to the name "The Urgent Projects Program".

Mr. Doody advised that he and Ms. Evans have discussed the need to have some engineering done on coastal restoration projects in order to be able to apply for project funding when monies become available. The SLFPA-E has a critical shortage of engineering for particular coastal restoration projects that are believed would be beneficial towards moving to a higher level of protection than 100 year protection. The LRA could provide assistance by providing some funding to jump start the process.

Ms. Evans explained that the LRA merged with the Office of Community Development Disaster Recovery Unit and is under the Division of Administration. It works on all issues related to recovery and is the primary recipient and designee for all Federal programs and funding related to recovery. A major concern of the LRA is linking up the different funding sources in the most efficient manner. It realized that the SLFPA-E may be able to access other funding sources, however, preliminary designs are necessary in order to apply for funding from those sources. The LRA is hoping that this program will enable SLFPA-E to seek the large sums of money needed for major projects.

David Waggoner began his presentation by advising that he has been attempting to expand the knowledge network available to Louisiana and that the Dutch have been very welcoming and open to providing assistance. He mentioned that the Royal Netherlands Embassy has been a key in this effort and that Dale Morris has done a great service for New Orleans.

Mr. Waggoner explained that Dutch planning starts with the ground and water, then proceeds to networks and infrastructure, and lastly to the level of habitation and occupation. However, the Dutch are always integrating these three layers. The advice of the Dutch to New Orleans is not to do just flood protection, but to consider how to make a robust city with economic value.

Mr. Waggoner pointed out that havoc is created when natural systems are ignored. A diagram was shown of present conditions vs. natural conditions; i.e., an area with levees where the land begins to sink vs. the natural flow where the river would overflow and feed the swamp. He noted that people are coming to realize that the problem of subsidence must be controlled quickly.

Mr. Waggoner explained that a recommendation made in the St. Bernard recovery plan was that the infrastructure and overlying structure be placed based on the current canal system, so that the water is given its preeminent position and is not looked upon as a negative. Pictures were viewed of the Carondelet Canal Turning Basin (circa 1900) and the same site after the canal was filled in vs. a canal in Rotterdam. He stated that, although this region has twice the rainfall, the Dutch are the comparable. Pictures of a water storage canal in Rotterdam were shown and Mr. Waggoner commented on the issue of investing underground in pipes and pumping vs. on top with storage canals.

Mr. Waggoner advised that the Dutch have water plans, which are the organizing documents for planning and economic development. The Dutch also utilize polder systems.

Mr. Waggoner discussed the two workshops in which the Dutch participated. In the second workshop (Dutch Dialogue II) groups were organized to work in three scales to look at ideas or propositions. The first scale was the regional scale on the east bank from Jefferson to St. Bernard. The first goal was safety and strength and multiple lines of defense were considered; e.g., gates, levees and internal water storage. He discussed some of the ideas considered by the group, which included building islands in the lake, super levees, internal assets such as the Gentilly ridge, and internal canals vs. confined underground structures. The second scale looked at the Gentilly area as a sub-basin, polder or water unit. Assets were analyzed and the theme was internal water storage. He pointed out that water quality was one of the reasons canals were covered in New Orleans and that the key to water quality is circulation. He discussed ways to make water storage facilities, such as canals, attractive assets. He stressed that a major concern must be the long term maintenance aspect of inherited facilities.

Mr. Waggoner explained that the third level dealt with specific solutions internal to the City. The Hoffman Triangle (the area uptown between Claiborne and Broad) was specifically considered. He discussed a drawing done by a geo-hydrologist indicating ground water pressure coming from the Mississippi River. He talked about weak soils and subsidence and stated that a key is to keep the soil wet and not to pump ground water down to keep the City dry. He explained that the Dutch had also made this mistake and corrected it by monitoring ground water levels. The group looked at the creation of a ground water storage system. He pointed out that this does not mean that

the current drainage system must be taken out. The drainage system could be supplemented with a ground water system. He discussed the treatments and conditions that could be a part of such a system. Pictures were shown of Dutch housing, residential areas and landscaping. He commented on the opportunity to not only keep the ground wet, but to create an attractive living environment. He pointed out that every closure structure in the New Orleans area must deal with the water level behind the structure and with the disconnect between water levels inside and outside of the structure.

Mr. Waggoner concluded his presentation by discussing the management problem involving all of the different agencies and entities, having specialized, divided and competing interests, charged with dealing with these issues. It was recommended that these entities convene groups to begin discussions on how they can organize themselves to deal more intelligently with these issues in order to make a more attractive and safer city. He commented on the willingness of the Dutch to contribute to this effort.

Mr. Doody agreed that the willingness of the Dutch to contribute is almost limitless and that they are very willing to help and share their technology. He commented on the ability of the Dutch to manage water and the associated issues. He stated that more coordination is needed among the competing entities and across agencies.

Mr. Barry commented that the City of New Orleans has a master plan that is proceeding with the force of law which essentially has very little input about water. The Netherlands had made major errors that they have had to correct and the Dutch now use the phrase "living with water". He added that the technical issues are nothing compared to the political problems within the State, between the State and Federal government and within with City. He asked for suggestions on how the Authority could assist with moving forward.

Ms. Evans responded that the subject of overcoming organizational and political issues was discussed with the Dutch. It was noted that one Dutch province that was particularly at risk for flood had taken ten years for the coordination between the organizations charged with planning, development and water. She suggested that the process could start with the building of relationships and trusts and having entities come together to identify and work on similar problems. Ms. Evans also suggested that a water plan would be a good vehicle and could become a part of the master plan. The agencies could meet together on a regular basis to determine what form a water plan should take.

Mr. Waggoner pointed out that a political system must self-correct in order to survive and commented on the need for SLFPA-E to continue participation in the process of organizational reform.

Ms. Evans advised that the LRA is working with Dr. Blakely's office and that Dr. Blakely is supportive. She commented on the need for SLFPA-E's involvement.

Mr. Waggonner commented on SLFPA-E's need for additional staff and the need to think regionally.

### **RESOLUTION #01-15-09-02 – NEW ORLEANS FLOOD MARKERS**

Mr. Barry explained that Len Bahr, formerly with the Governor's Office of Coastal Activities, created the concept of New Orleans Flood Markers. Mr. Bahr had discussed the concept with the Board several months ago and now chairs an ad hoc committee on which Mr. Barry and Mr. Waggonner are members. The concept is to place markers depicting flood heights in various neighborhoods in New Orleans. Mr. Bahr discussed this concept with Dr. Blakely's office and they are supportive. At this time, the markers will consist of a band around telephone poles and similar publicly owned elements in various neighborhoods. An application for a grant from the Greater New Orleans Foundation will be made and the deadline for submission is January 20. Since the committee is ad hoc, a sponsor is needed. Mr. Barry explained that no cost to the Authority is involved and that only minimal amount of paper work and time would be required of staff. He discussed the need to convey a reminder and information about the flooding in an inconspicuous way. He stated that this reminder could help to keep flood protection as the highest possible priority and assist the public in decisions regarding the elevation of homes; therefore, it would be appropriate for the Authority to sponsor the grant application.

Mr. Waggonner stated that the application is for a \$50,000 grant. He discussed the program and named some of the members of the ad hoc committee.

Mr. Estopinal commented that this is a very worthwhile project. He recommended that once the grant funding is obtained that the ad hoc committee approach organizations for assistance; e.g. the New Orleans District of the Louisiana Society of Professional Surveyors for elevation values. He suggested methods of marking water levels on the interior of buildings.

Mr. Barry discussed the markers in downtown Providence, RI, that indicate flooding from the 1954 hurricane and the storm surge barrier subsequently built in Providence.

Mr. Jackson expressed his concern about possible litigation that could result from marking Katrina flood levels should it have a negative effect on the sale of property. He asked the reason the project focused only on Orleans Parish. He pointed out that Orleans Parish flooded as a result of a major failure in a hurricane protection system designed by the Federal government.

Mr. Doody stated that he was concerned about the possibility of complacency setting in. Flood markers would serve as a reminder of the potential dangers. He reiterated his hope that the public would become galvanized behind flood protection and stressed the importance of thinking regionally.

Mr. Pineda added that educating the public about flood risks serves as a reminder about non-structural ways to reduce the impact of flooding, such as voluntary elevation of new construction, purchase of flood insurance and evacuation.

Ms. Sutherland questioned whether the SLFPA-E has defined its role in providing flood protection.

Mr. Barry pointed out SLFPA-E's role is to provide flood protection and that informing the public is part of that role. He reiterated that this program is cost free to the Authority.

Mr. Doody stated that the Authority is defining its role, part of which is participation in strategic planning and public education.

Mr. Jackson suggested that it would be more appropriate to mark actual Katrina water levels around the floodwall system and to mark a 500 year storm nearby so that the public could understand what the protection to be built by the USACE really means. He commented on the flood protection put in place after Hurricane Betsy.

Mr. Doody clarified that the Authority is being asked to act as the sponsor for a group that does not have the ability to receive funds directly from the Greater New Orleans Foundation.

Members of the public, Billy Marchal and Carlton Dufrechou, requested to comment on the resolution under discussion. There was no objection from the Board and the comments were allowed.

Billy Marchal with the Flood Protection Alliance stated that in terms of economic development he could think of nothing worse than having street markers every couple of blocks. He suggested an occasional marker downtown and a few other areas.

Carlton Dufrechou with the Lake Pontchartrain Basin Foundation (LPBF) commented on the necessity of flood markers. He stated that while protection is better, it is not adequate. He offered to speak to the LPBF board about sponsorship of the grant application, if the sponsorship is a difficulty for the SLFPA-E. However, he hoped the SLFPA-E would support the concept.

Mr. Doody commented that if the flood markers serve to inform the public and galvanize them into action and flood protection is improved because of that involvement, it would enhance the economic development of the City.

On the motion of Mr. Barry,  
Seconded by Mr. Estopinal, the following resolution was offered:

**WHEREAS**, three years after Hurricane Katrina the public memory of the magnitude of flooding throughout New Orleans on August 29-30, 2005 is rapidly

fading, as is the importance of making flood protection the highest priority of local government; and

**WHEREAS**, no official markers have been installed in New Orleans to demonstrate the severity of flooding that occurred; and

**WHEREAS**, the role of the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) is to protect the public from flood hazards; and

**WHEREAS**, outstanding flood protection requires the knowledge and involvement of individual citizens; and

**WHEREAS**, the proposed project to mark flood heights involves placing accurate markers in the form of bands on telephone poles and the like which will inform citizens of flood heights in their neighborhoods; and

**WHEREAS**, the proposed project involves no cost either in direct or indirect expenditure to the Orleans Levee District or the SLFPAE.

**BE IT HEREBY RESOLVED** that the Southeast Louisiana Flood Protection Authority-East agrees to act as sponsor for a proposed project to design and install a system of flood markers throughout New Orleans to accurately document and commemorate historic peak flood levels during the aftermath of Hurricane Katrina and to work with an ad hoc committee of technical authorities to apply for and administer a grant application to the Greater New Orleans Foundation (GNOF) in the amount of \$50,000 to accomplish the goals of this worthwhile project.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Pineda and Mr. Wittie

NAYS: Mr. Jackson

ABSENT: Mr. Losonsky

**2. Bayou St. John presentation –  
Mark Schexnayder and Bayou St. John Conservation Alliance.**

Robert Counce, representing the Bayou St. John Conservation Alliance (Alliance), explained that the Alliance is a group of 19 organizations that came together concerning Bayou St. John. He listed the names of the founding members and read a portion of the resolution adopted by the Alliance recording its objectives, as follows:

“BE IT HEREBY RESOLVED, that the Bayou St. John Conservation Alliance urges the members of the Coastal Protection and Restoration Authority, the Southeast Louisiana Flood Protection Authority East and the U.S. Army Corps of Engineers to work with the Orleans Levee District to provide us with:

- a. a Bayou St. John sector gate in good working order that remains open as often as possible and provides 100-year protection.
- b. removal of the “waterfall dam” at Robert E. Lee Blvd.
- c. assistance in managing the Bayou St. John ecosystem based on science and storm protection.”

Mr. Counce then read the letter which was sent by the Alliance to President Doody:

“The Bayou St. John Conservation Alliance is concerned that the U.S. Army Corps of Engineers, and state and local authorities, are prepared to make decisions regarding the Bayou St. John flood protection sector gate that will adversely affect the health of one of our most historic and natural resources, Bayou St. John.

“We believe that flood protection is our first priority. However, we also believe that the degree of flood protection can be enhanced and that the health of Bayou St. John can be improved by operating the sector gate in accordance with its original design and operational commitments. Flood protection and a healthy bayou are compatible objectives and mutually beneficial to metro New Orleans.

“This gate was constructed with over \$11 million of taxpayer funds under a Louisiana Department of Wildlife and Fisheries permit which includes conditions that the gate remains open except for storm events. The conditions also require the “waterfall dam” at Robert E. Lee Blvd., an obsolete structure that impedes the natural flow of lake water, be removed. These conditions are permit requirements resulting from agreements between the levee authorities and various citizen groups. Both conditions have been ignored. The State’s Scenic Rivers Coordinator has indicated that these permit conditions are still binding and enforceable. However, currently, there are no plans to operate the gate as originally designed.

“The gate was designed with a system to prevent corrosion that requires regular maintenance, a critical function that also appears to have been ignored. The engineering firm that designed the gate has recommended a complete inspection and dewatering of the structure before proceeding with any modifications. This inspection must be accomplished if solely for flood protection reasons alone.

“The Bayou St. John Conservation Alliance respectfully requests your assistance to secure the necessary funding and binding agreements to make certain the “waterfall dam” is removed and the Bayou St. John flood protection sector gate is dewatered, de-silted, fully inspected, repaired as needed, operated on a regular basis, remains open as often as possible and is maintained in the future.

Mr. Counce offered the assistance of the Alliance for the achievement of the objectives that were listed and extended an invitation to the Alliance’s next meeting.

Mr. Doody advised that several members of the Board have been engaged in discussions on the issues that were cited; however, additional information is needed.

Mr. Jackson reported that a number of authorities met yesterday to discuss these issues. Participants in the meeting included three Board members and representatives from the USACE and the State. It was noted that the water quality of Bayou St. John and the lagoons in City Park needs to be as high as possible. Mark Schexnayer with the LSU AgCenter has volunteered to take some additional measures on an on-going basis on the water quality issue. The USACE has determined that the Bayou St. John Sector Gate must be raised six inches and that the most economical way to do this would be to attach plates to the top of the existing gate. He stressed that the inspection of the sector gate is extremely important. He further advised that there is a concern about opening the sector gate even once unless the silt problem is satisfied. The O.L.D. Executive Director has been pushing the USACE to put some rock jetty

protection in place to reduce or eliminate the silt problem at the base of the structure. He commented on the subsidence which has taken place over the entire New Orleans area and particularly in the areas adjacent to Bayou St. John. He expressed his concern about opening the sector gate with free flow into Bayou St. John without a full understanding of exactly what the situation is around the Bayou all the way to its discharge into the Sewerage and Water Board's drains. The State has agreed to run elevations to provide enough information to determine under what lake conditions it would be safe to open the sector gate. He stated that the primary function of the Authority is flood protection. Elevations around the Bayou will be obtained and evaluated to determine the current level of water that can be controlled by the banks of the Bayou; i.e., the safe water elevation. He added that the USACE is working on the inspection of the sector gate.

Mr. Jackson agreed that the waterfall dam at Robert E. Lee should be removed, however, at this time there is no solution to this issue. Mr. Doody advised that the Authority is working on the issue of removing the waterfall dam.

Mr. Counce expressed his appreciation to the Authority for its efforts.

Mark Schexnayder with the LSU Agricultural Center/Louisiana Sea Grant Program provided a presentation on the ecology of Bayou St. John. Bayou St. John is a low salinity bayou which has evolved over time. The history of the Bayou was reviewed.

Mr. Schexnayder explained that he became involved with Bayou St. John at the request of City Park because its 110 acre lagoon system derives water from rainfall and the Bayou. Bayou St. John receives water from rainfall and Lake Pontchartrain. It does not receive street run off. Pictures were shown of sand and sediment built up at the mouth of the Bayou and of the sector gate. The sector gate was built in about 1995 at a cost of \$11 million due to Bayou St. John being a navigable waterway. Three sluice gates operated by the Orleans Levee District are located on the right of the structure. Each sluice gate controls an 18 inch pipe and can be manually opened and closed. He discussed the salinity problems in Lake Pontchartrain and water quality problems in the City Park lagoons.

Mr. Schexnayder explained that a study was funded to look at a water management plan for Bayou St. John. Participants included representatives from the University of New Orleans, La. Dept. of Wildlife and Fisheries (LDWF), Sewerage & Water Board and Orleans Levee District. The LSU AgCenter drafted goals and an action plan. A \$120,000 grant was received from LDWF to improve water flow into City Park. Work included cleaning out waterways, directionally drilling a 6-inch line from Bayou St. John into City Park's Bayou Metairie and cleaning out gravity flows. A \$300,000 grant was received from LDFW last year to remove the dam on Bayou St. John and to purchase a water monitoring system. Shoreline plantings along Bayou St. John and the lagoons were used as a match for the City Park grants. LDWF has been doing fish sampling and has funded UNO to do fishery and water quality work in City Park and Bayou St. John. He described the water monitoring system that will be installed.

Mr. Schexnayder discussed the need for coordination between the agencies having various jurisdictions over the Bayou. He stressed that with whatever actions are taken that public safety is paramount.

**EXECUTIVE SESSION:**

1. Estate of Mrs. Emma Herwig  
Board of Commissioners of the Southeast Louisiana Flood Protection Authority–  
East on Behalf of the Orleans Levee District v. Louisiana Department of Natural  
Resources, No. 561-175, 19<sup>th</sup> Judicial District Court, Division 22.
2. Billie A. Breuille, Josephine H. Spencer, Gilbert J. Fortier, III, Mary Francis Fortier  
Klein, Estate of Charlotte Spencer Johnson, John E. Boagni, Jr., Irene E. Shute,  
and Evelyn G. Bennett v. Board of Levee Commissioners of the Orleans Levee  
District, No. 2006-14371, Civil District Court for the Parish of Orleans, Division “G”,  
Section 11.

A motion was offered at 11:55 a.m. by Mr. Goins, seconded by Mr. Barry and  
unanimously adopted, for the Board to convene in Executive Session to consider the  
items listed on the Agenda.

A motion was offered by Mr. Goins, seconded by Mr. Pineda and unanimously adopted,  
for the Board to reconvene in regular session at 12:43 p.m.

**RESOLUTION #01-15-09-03 – LEGAL ACTION**

On the motion of Mr. Pineda,  
Seconded by Mr. Estopinal, the following resolution was offered:

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection  
Authority-East authorizes action to be taken in accordance with the  
recommendation of counsel provided in Executive Session in the case of Billie A.  
Breuille, Josephine H. Spencer, Gilbert J. Fortier, III, Mary Francis Fortier Klein,  
Estate of Charlotte Spencer Johnson, John E. Boagni, Jr., Irene E. Shute, and  
Evelyn G. Bennett v. Board of Levee Commissioners of the Orleans Levee District,  
No. 2006-14371, Civil District Court for the Parish of Orleans, Division “G”, Section  
11.

The foregoing was submitted to a vote, the vote thereon was as follows:  
YEAS: Mr. Barnes, Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Pineda  
and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Losonsky

**RESOLUTION #01-15-09-04 – LEGAL ACTION**

On the motion of Mr. Goins,  
Seconded by Mr. Pineda, the following resolution was offered:

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes action to be taken in accordance with the recommendation of counsel provided in Executive Session in the matter of the Estate of Mrs. Emma Herwig.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky

### **COMMITTEE REPORTS:**

**Finance Committee:** Mr. Doody reported that the Committee discussed the audit of the levee districts and the difficulties that delayed its timely completion. The Authority and levee districts received a clean opinion on the audit reports. The Committee requested that an exit interview be set up with the auditors and established an informal committee to set up a chart of accounts for use by the three levee districts.

**Operations Committee:** Mr. Wittie reported that Dr. Ray Martin presented a preliminary report at the Committee meeting on the seepage at the 17<sup>th</sup> Street Canal. Dr. Martin's finding was that there is some seepage around or through the sheetpile wall in the area of the new T-wall; however, it is not effecting the stability of the levee and is not a safety issue. Dr. Martin recommended that fill be placed in the area to address the problem. The Committee discussed safehouses for the levee districts. The three responses to the Request for Qualifications (RFQ) issued by the Orleans Levee District (O.L.D.) were reviewed by a panel and Murray Architects was recommended for the design of the O.L.D.'s safehouse build out. Responses to the RFQ for the design of the Lake Borgne Basin Levee District (LBBLD) safehouse are due on January 23<sup>rd</sup>. The Committee requested that the responses be reviewed by a panel so that a recommendation could be presented at the next Committee meeting. A presentation was provided by the USACE on the floodwall stabilization of the west bank of the IHNC along the protected side of France Road.

**Legal Committee:** Ms. Sutherland reported that the Committee approved legal invoices for the month of December and discussed real estate acquisitions for the West Return Levee. Mr. Jackson noted that the Committee discussed setting up a reporting system for legal consultants and that Robert Lacour, Interim General Counsel, would provide a recommendation on the system at the next Committee meeting.

**Special Issues Committee:** No report was given.

### **REGIONAL DIRECTOR'S REPORT:**

Robert Turner, SLFPA-E Regional Director, reviewed the Regional Director's Report (copy appended to minutes).

Mr. Barry noted that the Mississippi Valley Flood Control Association annual meeting will be held on March 16-18, 2009, in Washington, D.C.

## **PRESENTATION:**

### **3. Presentation by J. Faust regarding flood protection on north shore.**

John Faust advised that he is a resident on the north shore of Lake Pontchartrain in Eden Isles. Mr. Faust presented information on community concerns and a project which he stated had resulted from meetings with residents of the community and their political representatives. He explained that this started after he had performed research on flooding and brought the information to a community meeting. He stated that there is a great concern for flood protection on the north shore. He outlined the factors seen as a great threat to the area, which include the flood protection systems developed to the west, loss of wetlands to the south, no flood protection for the north shore and predictions by the National Weather Service of increased hurricane intensity in coming years. He stated that approximately 100,000 people live on the north shore in a flood plain. About 65,000 people currently live in the southern portion in A-rated flood zones and this number is expected to increase by an additional 20,000 people. He commented on the future growth and development planned for the southern portion of St. Tammany Parish. Mr. Faust stated that an issue that is being looked into is the closure of the Mississippi River Gulf Outlet and the concern that shifting winds will drive water that builds up along the shore line into the Chef and Rigolets areas. In addition, levees that are now 16-17 ft. in height will be raised to 28-29 ft. for 100 year protection. He stated that waters built up and held in place by wind and tidal surge along the levee system could be driven north and into the lake by shifting winds. He discussed the location of flood plains both before and after 1965.

Mr. Faust stated that he would like to see a flood plan for New Orleans East to the Pearl River Basin and estimated the cost of protection at \$5 billion. He requested the Authority's assistance and asked whether funding from the \$14.8 billion designated for protection for the south shore was available to get a project started on north shore. He recommended a plan of protection along the CSX railroad, which has a right-of-way from New Orleans East to Alabama. The rail system is a solid structure built up approximately 8-1/2 ft. The line of protection could be continued by the State of Mississippi.

Mr. Pineda pointed out that moving into a FEMA flood plain is a knowledge based decision. He asked Mr. Faust to look at the measures included in the LaCPR plan and determine the common denominators in the plans.

Mr. Faust commented that while new buildings can be elevated, there remains a problem with the infrastructure should flooding occur. He asked what could the north shore expect in the way of protection in the next five years?

Mr. Doody pointed out that the 100 year protection that will be built by 2011 has been in development since at least 2005.

Mr. Jackson explained that the Authority is mandated by State law to follow the Coastal Restoration and Protection Authority (CPRA) master plan, which is coordinated with the USACE's LaCPR. He suggested that St. Tammany Parish would have more voice if it activated its levee district and strongly recommended that Mr. Faust approach St. Tammany Parish President Kevin Davis on this subject. A levee district could bring specific projects to be acted upon by the Authority and CPRA. He further explained that Post Hurricane Betsy the hurricane protection system was put into the Federal system. The USACE designed and built the system. The system failed and Congress authorized and funded the reconstruction to the 100 year level of protection, which is a higher level of protection than was previously used. The Authority is not satisfied with 100 year protection. He reiterated and stressed the importance of having a levee district as an entity with an executive director that could participate, along with the people of St. Tammany Parish, in defining issues and projects and obtaining authorization and funding from Congress. The Louisiana Constitution authorizes a levee district for St. Tammany Parish.

Mr. Barry expressed his concern about Post Katrina development in areas that are vulnerable. He added that funding is not limitless and that the idea that funds would be moved in the next five years from a project that is currently funded to a new project is not realistic.

Mr. Doody requested that Mr. Goins and Mr. Jackson participate in an informal committee under the leadership of Mr. Barnes to discuss the possibility of developing some plans and to assist with the process of setting up a local levee district.

Mr. Faust stated that he would contact St. Tammany Parish Council Chair Jerry Binder and inform him of the discussion concerning the development of a levee district.

Mr. Pineda recommended that the USACE be contacted relative to a reconnaissance study, which could lead to a feasibility study and an authorized project, in addition to checking the LaCPR study.

Mr. Faust stated that he had a letter from the USACE stating that the reconnaissance study had already been done, however, he did not know the results of that study. He stated that he was advised that there were 11 different projects that the USACE was ready to go with, if they had the opportunity to do so.

#### **NEW BUSINESS:**

**Notice of intent to amend Article 3, Section 9, Subsection A (1) of the Board's Bylaws to state that the regular monthly meeting for the month of November will be held on the Thursday prior to Thanksgiving in lieu of the second Thursday in the month of November.**

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This item serves as written notice of the intent to amend the Bylaws. The amendment of the Bylaws will be voted on at the February Board Meeting.

**General discussion concerning survey requirements when Authority controlled Rights-of-Way or Acquisitions are involved.**

Mr. Estopinal explained that the Board at its last meeting received inadequate survey and legal descriptions in support of property acquisitions. He requested that the Board institute a policy that boundary surveys or surveys for the acquisition of rights-of-ways, servitudes or exchange of property be done in accordance with Louisiana State law (La. R.S. 37:681, et seq.). The Louisiana Professional Engineering and Land Surveying Board enacted Professional and Occupational Standards which provide the minimum standards for property boundary surveys (Chapter 29). He stressed the importance of performing land boundary surveys in accordance with sound policies and procedures which results in a certainty of location, confidence of recovery, lasting documentation and full notification. He explained that in reviewing documents and information previously provided, the USACE seemed to be doing GIS overprints and not real property boundary surveys. He requested that at its next meeting the Board entertain a motion to require that all boundary surveys for acquisitions of rights-of-ways and servitude or the recovery of rights-of-ways and servitudes be performed in accordance with Louisiana State law.

The Board discussed the inadequacy of the surveys and descriptions provided by the USACE. It was pointed out that credit can be received for surveys done in acquiring LERRD's (lands, easements, rights-of-way, relocations and disposal sites).

Irys Allgood, Assistant Attorney General, discussed the recent property acquisitions in which the Attorney General's (AG) Office was heavily involved for the MRGO and IHNC projects. These activities involved a number of right-of-way acquisitions, property purchases and expropriations for the IHNC project, and two acquisitions, one by purchase and one by expropriation, for the MRGO project. The AG's Office had to step in on behalf of the Authority and handle quick takes on some of the properties that were needed and the CPRA had promised that the State would acquire by a specific date. The Cooperative Endeavor Agreement between the Authority and CPRA requires that the Authority fulfill the land acquisition requirements.

Ms. Allgood advised that the AG's Office had surveys performed before actually expropriating or purchasing the property. She stated that she handled these acquisitions very carefully so that each acquisition is within the prescribed limits and boundaries. Ms. Allgood advised that she has requested the USACE to provide a list of all property acquisitions that would be required to be done by the Authority for the next year. The USACE has not yet responded.

Mr. Doody requested that Mr. Estopinal prepare a policy for discussion at the next Board meeting. He also asked Ms. Allgood to assist in the preparation of the policy.

## **RESOLUTION #01-15-09-05 – IHNC SURGE BARRIER**

The Board briefly discussed the participation by the maritime industry in the process for in the IHNC Surge Barrier Project.

Mr. Jackson commented that the problem voiced by the maritime industry relative to steerage may be solved with the construction of the Seabrook Gate, which would control the IHNC flow going into the lake and reduce the currents.

Mr. Doody advised that representatives of the Authority would participate in a Coast Guard meeting on Friday and would be able to discuss safety concerns. He added that the cost of redesign of the gates thus far is \$105 million. The cost to redesign and widen the gate to 225-ft. is estimated at \$500 million.

Mr. Barry commented that he would prefer to have additional data, including information from the navigation industry and the Coast Guard, relative to this matter before voting, and that a letter from the 8<sup>th</sup> District Coast Guard Commander indicating that the gates are a hazard to navigation must be taken very seriously. However, he stated that he would vote in favor of the resolution because of the approval given by General Walsh, who would have been worked very hard to look at the navigation interests. The USACE initially took over internal waterways for the sole purpose of benefiting navigation.

Mr. Doody explained that the USACE and the Congressional Delegation should be informed about the Authority's stand on the possible delay of protection of up to two years to accommodate the changes desired by the maritime industry. He pointed out that changes were made to the gate design so that barges cannot damage the gates in the open position. Part of the Authority's request is that interim protection is provided as promised by this hurricane season for whatever is to be built.

On the motion of Mr. Barry,  
Seconded by Mr. Goins, the following resolution was offered:

### **A resolution to urge and support the completion of the Inner Harbor Navigation Canal Surge Barrier Project by the scheduled completion date of 2011.**

**WHEREAS**, the U.S. Army Corps of Engineers (USACE) has committed to providing 100-year level of flood protection for southeast Louisiana by 2011 through its Hurricane and Storm Damage Risk Reduction System; and

**WHEREAS**, the Inner Harbor Navigation Canal presents the greatest engineering challenge of the hurricane protection system on the east bank of the river; and

**WHEREAS**, in order to expedite protection and meet its commitment to complete risk reduction by 2011, the U.S. Army Corps of Engineers awarded a contract for the simultaneous design and construction of the largest design/build civil works project in its history (the IHNC Surge Barrier Project) to protect the IHNC from storm surge; and

**WHEREAS**, the IHNC Surge Barrier Project includes the construction of a surge barrier near the confluence of the Gulf Intracoastal Waterway (GIWW) and the Mississippi River Gulf Outlet (MRGO), with navigation gate structures to be constructed where the barrier crosses the GIWW and Bayou Bienvenue to prevent the risk of storm surge coming from Lake Borgne and/or the Gulf of Mexico; and

**WHEREAS**, the IHNC Surge Barrier when completed will provide the 100-year level of protection (i.e., protection against a storm with a 1% chance of striking in a given year); and

**WHEREAS**, due to the vulnerability of the Greater New Orleans metropolitan area, the USACE recognized the need to provide interim protection and included a component in the design-build contract to require the contractor to provide a certain measure of risk reduction, called Advance Measures, by 2009; and

**WHEREAS**, the on-going debate regarding the design width of the GIWW navigation gates is a cause of concern in that a re-design of the structure and gates could jeopardize the timely completion of the surge barrier project by the scheduled completion date of 2011; and

**WHEREAS**, the re-design of the GIWW navigation structure to widen the sector/barge gates would increase the cost of construction, potentially taking limited financial resources away from other projects within the system, as well as increasing maintenance costs; and

**WHEREAS**, any design changes that would extend the completion date beyond 2011 is in conflict with the compelling need for public safety and protection of the assets within the system.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East urges and supports the completion of the Inner Harbor Navigation Canal Surge Barrier Project by the scheduled completion date of 2011 and the completion of interim protection by September 2009.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to the Louisiana Congressional Delegation, the Governor of the State of Louisiana, and the Coastal Protection and Restoration Authority.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Pineda  
and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes and Mr. Losonsky

### **Discussion of approval of invoices for professional services.**

Mr. Jackson explained that the Legal Committee discussed the need to be more knowledgeable about the status and progress of litigation and that the Committee would receive a recommendation from Mr. Lacour at its next meeting relative to this issue. The consideration about whether this should be done for all professional services was brought up at the Committee meeting.

Mr. Doody requested that Mr. Lacour consider input from the Regional Director and Executive Directors in the process.

Mr. Turner pointed out that no procedures currently exist for issuing task orders on Indefinite Delivery-Indefinite Quantity (ID-IQ) contracts. Mr. Doody requested that Mr. Turner provide recommendations that include minimum and maximum standards for presentation to the Board.

The Board briefly discussed methods to keep Board members apprised of the status and progress of engineering contracts. Mr. Pineda pointed out the need for a position in the SLFPA-E office to handle contract administration and management.

Mr. Lacour expressed his concern about the potential for confidential information being provided in a status report that is distributed to the Committee or the Board at a public meeting becoming discoverable. Mr. Doody stated that he would prefer the reports to be submitted to Mr. Lacour and that Mr. Lacour brief the Committee in Executive Session.

Ms. Allgood explained that anytime legal information is distributed from an attorney to a client, whether it be one person or a board, and this one person is a public entity, that document becomes a public record and is discoverable. She added that other public boards that she has served had left review of legal materials to their counsel and counsel recommended action in executive session.

Ms. Sutherland pointed out that a status report could list activities which have taken place and not include strategy.

**RESOLUTION #01-15-09-06 –  
REQUEST FOR QUALIFICATIONS FOR SURVEYING SERVICES**

Mr. Turner explained that this item resulted from discussion at the Legal Committee meeting. Several firms could be selected to provide services.

Mr. Doody asked Mr. Jackson to serve on the selection committee.

Mr. Goins brought up the consideration of small business participation goals.

On the motion of Mr. Estopinal,  
Seconded by Mr. Goins, the following resolution was offered:

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East and the levee districts under its jurisdiction are in need of professional surveying services in connection with 100 year projection and other flood protection projects.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the advertisement of a Request for Qualifications for Surveying Services for the purpose of entering into an Indefinite Delivery-Indefinite Quantity contract.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Pineda  
and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes and Mr. Losonsky

**RESOLUTION #01-15-09-07 – EMPLOYEE CONTRACT MAXINE SUMMERS-JAMES**

Ms. Heaton advised that the contract would not exceed \$20,000 and that contract form is the same one currently used by the East Jefferson Levee District.

Mr. Goins commented that the Board had recently authorized the Executive Directors to approve construction contracts under a certain limited amount. He pointed out that a limit for the authorization of professional service contracts should be addressed. Mr. Doody agreed and requested that this item be placed on the next agenda.

On the motion of Ms. Sutherland,  
Seconded by Mr. Estopinal, the following resolution was offered:

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) authorizes the SLFPA-E President to execute an employee contract with Maxine Summers-James on behalf of the SLFPA-E.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Pineda  
and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes and Mr. Losonsky

**RESOLUTION #01-15-09-08 – REQUEST ATTORNEY GENERAL'S OPINION**

Mr. Doody explained that SSA Consultants had suggested that the Authority request a legal opinion from the Attorney General's Office for specific guidance on how expenses could be allocated. Ms. Allgood indicated that she understood the opinion request.

On the motion of Mr. Barry,  
Seconded by Mr. Goins, the following resolution was offered:

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East requests the Louisiana Attorney General to provide an Attorney General Legal Opinion relative to the allocation of expenses of the Southeast Louisiana Flood Protection Authority-East to the East Jefferson Levee District, Lake Borgne Basin Levee District and the Orleans Levee District, and authorizes the SLFPAE President to sign any and all documents necessary to accomplish the above.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Pineda

and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes and Mr. Losonsky

**RESOLUTION #01-15-09-09 – EJLD PROPERTY INSURANCE COVERAGE**

Mr. Doody advised that the Finance Committee recommended the procurement of this property insurance coverage.

Hardie Edgecombe with Arthur J. Gallagher Risk Management explained that two policies were procured last year; i.e., a policy for all perils except for wind and a winds only policy. This year both coverages have been combined into a single policy with a \$300 reduction in cost. The deductibles have been reduced from \$5,000 to \$2,500 and from 5 percent named wind storm to 3 percent named wind storm.

On the motion of Mr. Goins,  
Seconded by Mr. Jackson, the following resolution was offered:

**WHEREAS**, Property Insurance Coverage on the three buildings (administrative, maintenance/police and sandbag buildings) owned by the East Jefferson Levee District (ELJD) is due to expire on February 1, 2009; and

**WHEREAS**, a quotation has been received through Arthur J. Gallagher Risk Management Services for the purchase of the aforementioned coverage with Lloyds of London at an estimated annual premium of \$18,688.95.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of Property Insurance Coverage from Lloyds of London at an estimated annual premium of \$18,688.95 through Arthur J. Gallagher Risk Management Services for the period February 1, 2009 through February 1, 2010.

**BE IT FURTHER RESOLVED**, that the EJLD Executive Director is authorized to execute any and all documents necessary to carry out the above.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Pineda  
and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes and Mr. Losonsky

**RESOLUTION #01-15-09-10 – WEST RETURN PROJECT**

Mr. Estopinal stated that there seemed to be a need to acquire some additional permanent right-of-way and temporary servitudes for the construction of a T-wall. He stated that the information provided by the USACE was insufficient because it did not explain what was needed.

Ms. Sutherland explained that the issue before the Board is whether the land acquisitions would be handled by the Authority or the USACE. This land acquisition

need was brought up at a recent USACE meeting dealing with critical land acquisitions. Only one property owner is involved in this acquisition. The Legal Committee recommended that the Authority handle this land acquisition.

Credit would be received for the cost of the survey, which may also be reimbursable monetarily. The Board briefly discussed the receipt and application of credits.

On the motion of Mr. Goins,  
Seconded by Mr. Jackson, the following resolution was offered:

**BE IT RESOLVED** that the East Jefferson Levee District, by its Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, by its President, Timothy P. Doody, is hereby authorized and directed to acquire any and all of the Required Property in Jefferson and St. Charles Parishes identified in the files of the U.S. Army Corps of Engineers (USACE) as being necessary for the West Return Project, as described in those files and as the descriptions thereof may change from time to time through the date of such acquisition, for the public purpose of improving the protection of Jefferson Parish and the Greater New Orleans area from degradation, and loss, hurricanes, and flood through construction of the Project. The District is hereby authorized to acquire said properties in fee simple less minerals, as a temporary or permanent servitude, or through right of use. The District is hereby authorized and directed to acquire said properties by any due and lawful means, either amicably by offer and acceptance or if necessary by expropriation pursuant to La. R.S. 38:351, et seq.

**BE IT FURTHER RESOLVED** that the President of the Board of Commissioners of the Southeast Louisiana Flood Protection Authority – East, Timothy P. Doody, is hereby authorized and directed to execute any and all documents and to take any and all actions necessary to carry out the foregoing.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Pineda  
and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes and Mr. Losonsky

**RESOLUTION #01-15-09-11 – SELECTION OF A CONSULTANT FOR DESIGN OF A SAFE-HOUSE/IT/EOC BUILD OUT IN THE O.L.D. FRANKLIN FACILITY**

Mr. Wittie informed the Board that a panel had reviewed and evaluated the responses to the O.L.D.'s Request for Qualifications. The panel's recommendation to select Murray Architects was brought before the Operations Committee and the Committee concurred. The value of the contact is approximately \$110,000 for design, inspection and construction management.

On the motion of Mr. Goins,  
Seconded by Mr. Jackson, the following resolution was offered:

**WHEREAS**, by Resolution No. 10-18-08-06, the Board authorized the advertisement and issuance of a Request for Qualifications (RFQ) by the Orleans Levee District (O.L.D.) for Professional Architectural-Engineering Consulting Services for the design of a Safe-house/IT/EOC Build Out in the O.L.D. Franklin Facility; and

**WHEREAS**, Statements of Qualifications were received from three firms for the design of an elevated safe house within the existing warehouse facility on top of an existing concrete deck and were reviewed by a three member panel consisting of the SFLPA-E Regional Director, O.L.D. Executive Director and O.L.D. Chief Engineer; and

**WHEREAS**, the panel recommended the selection of the firm of Murray Architects, Inc. to provide the aforementioned professional architectural-engineering services at an estimated cost of \$110,000; and

**WHEREAS**, the Operations Committee at its meeting held on January 7, 2009 concurred with the recommendation of the three member panel.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the award of a contract to Murray Architects, Inc. for Professional Architectural-Engineering Consulting Services for the design of a Safe-house/IT/EOC Build Out in the O.L.D. Franklin Facility.

**BE IT FURTHER RESOLVED**, that the O.L.D. Executive Director is hereby authorized to execute said contract and any and all documents necessary to accomplish the above.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Pineda  
and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes and Mr. Losonsky

**RESOLUTION #01-15-09-12 – CSX TRANSPORTATION, INC.  
TEMPORARY RIGHT OF ENTRY AGREEMENT**

Stevan Spencer, O.L.D. Executive Director, explained that the USACE has requested a right-of-entry for LPV 110; i.e., CSX Railroad Gate Crossing in New Orleans East (Floodgate N-4). The height of the gate will be raised an additional 5 to 6 feet from its current height of 12-ft. A topographical survey will be done over a two day period by a USACE contractor. The execution of an agreement and payment of insurance costs are required in order to obtain the CSX Railroad's permission to go on the tracks.

On the motion of Mr. Barry,

Seconded by Mr. Goins, the following resolution was offered:

**WHEREAS**, a Temporary Right of Entry Agreement is required with CSX Transportation, Inc. (CSX) in order for the Orleans Levee District to grant right of entry to the U.S. Army Corps of Engineers to perform inspections, surveys and soil testing to determine topographic conditions in the vicinity of Floodgate N-4 in New Orleans East for LPV-110 (CSX Railroad Tracks); and

**WHEREAS**, Article 4 of the Agreement requires the reimbursement of CSX for adding the said activities to its blanket Railroad Protective Liability Insurance policy at a cost of \$3,000.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the Orleans Levee District Executive Director to execute the Temporary Right of Entry Agreement with CSX Transportation, Inc., and to execute any and all other documents necessary for granting the right of entry for the aforementioned activities.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Pineda  
and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes and Mr. Losonsky

A motion was offered by Mr. Jackson, seconded by Mr. Estopinal and unanimously adopted by roll call vote, to amend the agenda to add a motion to adopt a resolution to allow the SLFPA-E Regional Director to advertise for bids for the Blue Bird Ditch and Artillery Ditch Debris Removal Project.

**RESOLUTION #01-15-09-13 –  
LBBLD – DEBRIS REMOVAL BLUE BIRD AND ARTILLERY DITCHES**

Robert Turner, SLFPA-E Regional Director, explained that there have been numerous Natural Resources Conservation Service (NRCS) projects for the removal of debris in the canals in St. Bernard Parish. The NRCS cannot effectively do the work itself on the last two canals because of the way the money was allocated. Therefore, the NRCS requested that the LBBLD secure and pay for the services of a contractor. The NRCS will then reimburse the LBBLD.

On the motion of Ms. Goins,  
Seconded by Mr. Estopinal, the following resolution was offered:

**WHEREAS**, by Resolution No. 12-18-08-10, the Board granted authority to the Lake Borgne Basin Levee District (“LBBLD”) to enter into United States Department of Agriculture, Natural Resources Conservation Service Agreement No. 68-7217-09-001 for the Blue Bird Ditch (DSR No. 087-05-054K) and the Artillery Ditch (DSR No. 087-05-058K) projects; and

**WHEREAS**, the plans, specifications and bid documents have completed for the aforementioned debris removal project and the project has been turned over to the Lake Borgne Basin Levee District for advertisement, contract award, construction and management, all of which is reimbursable through the Natural Resources Conversation Service.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the SLFPAE Regional Director to advertise for bids for the Blue Bird Ditch and Artillery Ditch Debris Removal Project.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Pineda  
and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes and Mr. Losonsky

**RESOLUTION #01-15-09-14 –  
PURCHASE OF CASE 580 M TRACTOR LOADER EXTENDAHOE**

On the motion of Mr. Goins,  
Seconded by Mr. Estopinal, the following resolution was offered:

**WHEREAS**, the purchase of a backhoe for the Lake Borgne Basin Levee District has been approved by FEMA; and

**WHEREAS**, a Case 580 M Tractor Loader Extendahoe is available for purchase from Lee Tractor Co., Inc., at a total cost of \$65,418.60 through the Louisiana State Bid Contract; and

**WHEREAS**, the aforementioned cost will be reimbursed by FEMA.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) authorizes the purchase of a Case 580 M Tractor Loader Extendahoe from Lee Tractor Co., Inc. through the Louisiana State Bid Contract.

**BE IT FURTHER RESOLVED**, that the SLFPA-E Regional Director is hereby authorized to sign any and all documents necessary to accomplish the above.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Pineda  
and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes and Mr. Losonsky

The next Board meeting will be held on February 19, 2009.

There was no further business, therefore, the meeting was adjourned at 3:37 p.m.

# SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

## REGIONAL DIRECTOR'S REPORT

January 15, 2009

### **100 Year Level of Protection**

#### Inner Harbor Navigation Canal Hurricane Storm Surge Barrier:

Design work on the project continues. Many components have been submitted for 30% and 60% design review and comment. Our emphasis continues to be Operation & Maintenance considerations and the necessity to "design in" reasonable O&M features early in the process.

Brig. General Walsh has made the final decision on the GIWW sector gate width. The USACE will continue with the design and construction of a 150' wide sector gate and 150' wide barge gate at this location.

Construction began last month. The contractor has been driving test piles and dredging the required access channel.

#### Reach 5 – East Jefferson Levee District:

Construction has just begun (280 day duration). The contractor is mobilizing on site and making preparations to begin work at the borrow pit.

#### LPV 145, 146, and 148 – Bayou Dupre to Caernarvon Levee/Floodwall:

The USACE proposed alternative for improving the Chalmette Loop of the LPV is a T-Wall floodwall atop a levee section for nearly the entire 22 mile reach. The final decision will be made after the IER has been completed.

#### LPV 149 Caernarvon Floodwall – Lake Borgne Basin Levee District:

It appears that the USACE will recommend reconstruction of a new wall along the existing floodwall alignment. This project still has to be vetted through the IER process. The Parish Government and the general public (particularly residences and businesses near the existing floodwall alignment) favor shifting the alignment to a location east of the Caernarvon Canal (in Plaquemines Parish). This would require a new Control Structure in the Caernarvon Canal.

#### Elevation Map:

The USACE has published a map showing the 100 year level of protection elevations for the hurricane protection levee system in the metro New Orleans area. The elevations depicted are current as of June 13, 2008. The map can be found at the following web address:

## **Coastal Protection and Restoration**

The USACE and the state of Louisiana's Coastal Protection and Restoration Authority (CPRA) signed a cost share agreement that will initiate several studies that are part of the recent Louisiana Coastal Area (LCA) authorization. The studies will evaluate how to increase organic deposits and improve the productivity of the marsh while working to prevent further deterioration. The total cost for the studies is approximately \$27 million. The studies will culminate in a report the State and Corps will release in December 2010.

## **Submittals**

Copies of the following major submittals are available for review in the SLFPAE office:

- IHNC Storm Surge Barrier (new reviews daily)

## **Flood Fight**

There are no Flood Fight activities underway at this time. Debris removal associated with Gustav and Ike is continuing in EJLD.

## **Construction**

### East Jefferson Levee District:

Causeway Crib Wall repairs and West Return Wall jet grouting work is nearly completed. This work is scheduled for completion before the end of January.

### Orleans Levee District:

LPV-103, Lake Front levee raising is 96% complete.

RFQ's submitted by three firms for OLD Safe House Design were evaluated and we have recommended the selection of Murray Architects.

### Lake Borgne Basin Levee District:

Reconstruction/Renovation of Drainage Pump Stations 2, 3, and 5 is scheduled for completion in early 1Q 2009. A ribbon cutting ceremony will be scheduled soon.

LBBLD Office Building Repairs should be completed in early 2009.

LPV 148.01, Verret to Caernarvon Reach is 49% complete. The project is scheduled for completion in April 2009. The contractor has experienced weather related delays.

LBBLD is ready to advertise for bids for the last remaining drainage canal clearing work. The cost of the project will be funded through NRCS.

Repair of the aggregate roadway from Paris Rd. to Drainage Pump Station No. 3 has been completed by the contractor.

The Violet Fresh Water Diversion Siphon has been restarted after being shut down temporarily due to a spill in the River.

## **Internal Affairs**

The Contract with GCR has been executed and they are currently working on projects in East Jefferson and Orleans.

We have received Statements of Qualifications from a number of firms for the following specialized engineering disciplines for indefinite delivery indefinite quality (ID-IQ) engineering services:

Coastal and Environmental Restoration Engineers  
Geotechnical Engineers  
Hydraulic Engineers

Deadline for submission of Qualification Statements was January 14, 2009.

The Strategic Plan/Organizational Study is progressing.

At the Operations Committee Meeting Dr. Ray Martin, Ph.D., P.E. presented the preliminary results of the study that he and Dr. Bachus have been working on regarding the 17<sup>th</sup> Street Canal seepage area near Old Hammond Highway. According to Dr. Martin, the seepage does not appear to pose any danger related to the stability of the floodwall or to piping below the wall.

The USACE has developed a "permanent fix" to the stability problem discovered in a 2000' reach of floodwall along the west side of the IHNC. Deep Soil Mixing will be used (to a depth of about 30') The USACE is also re-analyzing a section of wall along the east side of the IHNC for seepage issues, which will probably result in the installation of some additional relief wells. All necessary work must be completed prior to the 2009 Hurricane season. We are closely monitoring the progress of this work.

We need to continue to work with our legislative delegation to revise some of the language in existing Authorizations. We need language to make the Federal Government responsible for the OMRR&R of the proposed GIWW gated

(navigation) structures that are a part of the IHNC Storm Surge Barrier. We also need changes to allow the USACE to properly complete the Permanent Pump Station Projects in the Outfall Canals (**including decommissioning of internal pump stations and reconstructing the drainage canals to provide for gravity drainage to the proposed new Permanent Pump Stations**).

## Upcoming Events

- Jan 22 – 23 Flood Protection Ecosystem Restoration Conference  
LSU Ag Center  
Dalton J. Woods Auditorium  
Energy, Coast & Environmental Building
- Feb 12 Facility/Utility Quarterly Meeting  
9:00 am to 11:00 am  
DARM A  
USACE N.O. District
- April 6 – 10 2009 31<sup>st</sup> Annual National Hurricane Conference  
Austin, Texas
- May 7 – 8 24<sup>th</sup> Annual ALBL Workshop  
Holiday Inn Select  
Baton Rouge, LA