

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, SEPTEMBER 16, 2010**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, September 16, 2010, in the Council Chambers of the St. Bernard Parish Government Complex, 8201 West Judge Perez Drive, Chalmette, Louisiana, after due legal notice of the meeting was sent to each Board member and the news media and posted.

Mr. Doody called the meeting to order at 9:45 a.m. and led in the pledge of allegiance.

PRESENT:

Timothy P. Doody, President
John M. Barry, Vice President
Louis E. Wittie, Secretary
Stephen Estopinal, Treasurer
David P. Barnes, Jr.
Thomas L. Jackson

ABSENT:

Stradford A. Goins
George Losonsky, PhD
Ricardo S. Pineda

OPENING COMMENTS:

Mr. Doody thanked Wayne Landry, St. Bernard Parish Council Chairman, and Roxanne Adams, Clerk of Council, for the use of the Council Chambers for today's meeting.

Mr. Doody advised that he attended the Mississippi Valley Flood Control Association meeting on September 14-15 in Washington, D.C. He commented that while on this trip he spoke to Congressman Cao and re-urged the SLFPA-E's request for language to authorize the U.S. Army Corps of Engineers (USACE) to take over the operations and maintenance of the IHNC Surge Barrier. In addition, he left a message with Secretary Ray Mabus' aide re-urging the SLFPA-E's desire to have input into the coastal restoration that will result from the BP oil spill. Mr. Doody further advised that he and Carlton Dufrechou, who is a member of the SLFPA-E's Coastal Advisory Committee (CAC), met with a representative from Homeland Security and requested SLFPA-E participation in the coastal restoration decision process. He noted that the CAC will meet on Tuesday and will report to the Board at its next meeting.

ADOPTION OF AGENDA:

The agenda was amended to add Item XIII.A.3 – a motion to request the USACE to immediately begin coating sheet piles for the projects in St. Bernard Parish, and two items under Presentations: 1. Government Access Special SLFPA-E Television

Program and 2. Emergency Measures to Reduce Oil Induced Erosion of Eastern St. Bernard Parish. A motion was offered by Mr. Wittie, seconded by Mr. Jackson and unanimously adopted by roll call vote to approve the agenda as amended.

**RESOLUTION #09-16-10-01 –
APPROVAL OF THE AUGUST 19, 2010 BOARD MEETING MINUTES**

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the minutes of the Board Meeting held on August 19, 2010.

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

PRESENTATIONS:

1. Government Access Special SLFPA-E Television Program

Denise Estopinal with the Estopinal Group explained that the Special SLFPA-E Television Program was developed as a public information piece and that it was designed as a foundation for public outreach. The program offers the public solid information, communicates the expertise of Board members and the work that is being done to oversee the regional flood protection system. She thanked New Orleans Access Television for their assistance in this effort and introduced Elton Jones, Director of Operations for New Orleans Access Television. Mr. Jones commented on the opportunity to participate in the project which led up to the fifth anniversary of Hurricane Katrina. This project allows the general public to understand what is taking place with flood protection and the unified work of the various levee districts. He thanked the levee district Executive Directors and the USACE for allowing camera access to the unique design-build elements that are taking place. Ms. Estopinal noted that the 30 minute program would be aired by government access stations across the metropolitan area. The Special SLFPA-E Television Program was then shown.

2. Emergency Measures to Reduce Oil Induced Erosion of Eastern St. Bernard Parish.

Bill Koppel advised that the presentation on the emergency erosion control projects recommended in the eastern St. Bernard marshes was provided at yesterday's Coastal Restoration and Protection Authority (CPRA) meeting. Coastal Environments, Inc. has been enlisted as environmental consultants. A thorough inspection was made of the eastern marshes. A major concern is the dieback of vegetation resulting from oil intrusion, the progressive undercutting of marshlands and the eventual marshland segmentation in certain areas, which increases erosion opportunities. A provision has

been included in the natural resources assessment damage phase for emergency projects. The proposed projects, which are located in the highest priority areas to date, recommended as emergency projects under the Natural Resource Damage Assessment (NRDA) Process have been adopted by St. Bernard Parish and fit within the State's master plan. The general approach is to create oyster cultch erosion projects. The main problem in the proposed locations is erosion from tidal or wave action. The aim of the projects is to generate as much immediate protection of the exposed flats as possible using oyster cultch. The build-up of oyster shells over time will provide a permanent protective barrier.

Mr. Koppel explained that several alternatives were considered; however, several of the techniques were inappropriate for this area of shoreline. It was decided that the best chance for stopping this erosion in the near term is by the use of cultch spreads and potentially one or two vertical oyster reefs. Cultch spreading is a common technique. The use of cultch offers immediate marshland edge stabilization. Fresh cultch material historically catches spat quicker than older natural cultch. Cultch controls erosion, establishes new colonies of oysters that in turn create a natural habitat for other species, and is readily accessible and cost effective. Oyster shells are becoming more difficult to find; therefore, crushed concrete aggregate is being used more often as cultch. In the emergency project a layer of six to eight inches of crushed concrete aggregate cultch would be applied along the shoreline to provide immediate protection. Oyster beds will then develop and as predators eat the oysters, the shells will build up and harden the shoreline. St. Bernard oyster fishermen are anticipated to be used to distribute the cultch. Vertical oyster reefs can be used in certain locations to provide an enclosure against wave wash. The cost for 16 projects estimated at \$6,300,000 was provided to the Unified Command. He asked the SLFPA-E's support for the construction of the projects with the emergency funding available for restoration purposes under the natural resources damage assessment phase of the Oil Protection Act.

Mr. Barry recommended that the presentation be provided to the SLFPA-E's Coastal Advisory Committee at its next meeting and that a resolution of support be presented at the Board's next meeting.

PUBLIC COMMENTS:

Roy Arrigo, a resident with property along the 17th Street Canal and a member of the 17th Street Canal Coalition, read a prepared statement, a copy of which is appended to the minutes.

Craig Berthelot, a resident with property along the 17th Street Canal, read a prepared statement, a copy of which is appended to the minutes. He asked about receiving answers to the three questions posed in his prepared statement. Mr. Doody advised that litigation is on-going. Mr. Berthelot stressed that the homeowners would like to be compensated for any current or future use of their property.

Colonel Robert Sinkler, Commander of the USACE Hurricane Protection Office, advised that a public meeting will be held tonight to answer questions and receive input from residents.

Epsie Hennessy, a resident on Bellaire Drive, asked about remediation plans in the Lakewood South area. She commented that it seemed that the tree and fence removal in Lakewood South was unnecessary and makes the back of her property unusable. She stated that she and the other property owners would like compensation for damages or the property returned.

COMMITTEE REPORTS:

Finance Committee: Chairman Estopinal advised that the Finance Committee met on September 2nd. The Committee discussed the completed financial audit of the SLFPAE and levee districts for the fiscal year ending June 30, 2010. Mr. Estopinal recommended that the staff review the Community Disaster Loan (CDL) forgiveness process. Mr. Doody added that this would include engaging with parish governments and other entities to develop a strategy for the CDL forgiveness request.

Operations Committee: Chairman Wittie advised that the Operations Committee did not hold a meeting in the month of September.

Legal Committee: Chairman Barry reported that the Legal Committee met prior to the Board meeting and approved legal invoices.

Engineering Advisory Committee: Chairman Jackson reported that the Engineering Advisory Committee met on September 2nd. The Committee discussed the following items:

- Submittal of the peer review plan comments – The Authority’s Board and staff do not have access to peer review comments until the report is distributed by the USACE Chief of Engineers. USACE officials have stated that the SLFPA-E is not considered as the local sponsor by the USACE and that any communications and discussions with the USACE relative to peer reviews and the results of the peer reviews would be shared only with the CPRA. The staff of the American Society of Civil Engineers (ASCE) is looking at the national policy relative to the SLFPA-E’s experience with the New Orleans District policy. The New Orleans District policy is different from the national policy. The ASCE committee has begun meetings with the USACE at the national level to discuss the SLFPA-E’s issues on the peer review policy. It is anticipated that there will be a recommendation to reword some of the language in the WRDA bill passed by Congress.
- Robert Lacour, SLFPA-E counsel, provided a report relative to SLFPA-E responsibility for the outfall canal levees once the permanent structures are completed. The report will be made to the Board under Agenda Item XIII.A.2.
- Corrosion protection – The USACE’s decision to use a thickened section of steel as opposed to a corrosion protection coating was based on time allowances. A variance from the design manual was granted based on the time schedule. Mr.

Jackson advised that he requested the status of the USACE's direction on the independent external peer review (IEPR) on the decision of whether or not to coat steel sheet pile. The USACE has advised that the IEPR for both coating and bending moment are in the Division Office and that some changes are being requested to what was proposed by the MVN (New Orleans District). Once the changes are completed, the procedure will be ready for the IEPR process. The USACE will advise when the task order is awarded. He pointed out that in the meantime, there are at least five contractors driving steel into the ground. Mr. Jackson advised that a meeting will be held tomorrow with the CPRA to discuss what actions will be taken by the CPRA on this issue.

- Surveys along the 17th Street Canal – The Committee was advised by Gerry Gillen, OLD Executive Director, that the surveys are being conducted by the State of Louisiana for the permanent pump stations.
- IHNC water storage capacity – The Committee was advised by John Greishaber of the USACE that the USACE calculated the water elevation for a 100-year storm surge event and that the water elevation in the IHNC corridor will not exceed +8 ft. The current elevation of the IHNC floodwalls is +12-ft.
- Status of LBBLD safe houses – The study of safe housing for LBBLD employees recommended a solution with an estimated cost of approximately \$5.5 million. Mr. Turner advised that several potential funding sources for one or two safe houses are being investigated. LBBLD employees at this time would be safe housed in a secured space at Domino's Sugar in Arabi.

CPRA/Governmental Affairs: Mr. Barry advised that his comments actually relate to the public comments made earlier in the meeting about the 17th Street Canal. He explained that he had made a statement in an earlier meeting that has somewhat embarrassed him in retrospect when he overacted to a single piece of legislation in the State legislature and made some comments about Representative Richmond. He explained that in the primary he received a RoboCall quoting himself and that someone else had said that he had seen the comments elsewhere. He stated that in all sincerity he was in no way endorsing anybody and that he regrets that statement, which was a vast overstatement. He stated that he never talked to Representative Richmond about flood protection, so he did not really have an understanding of his views on it. He and other SLFPA-E representatives hope to sit down with whoever is elected in November and have obviously already spoken with Representative Cao. Mr. Barry reiterated that he regretted the statement that he made in the earlier meeting and that it was probably bad judgment on this part—at least the level to which he raised it.

Mr. Barry advised that the Oil Spill Commission, which is co-chaired by former Senator Bob Graham and William K. Reilly, former EPA Administrator, is finally getting into coastal restoration. Two Commission subcommittees are exploring coastal restoration issues. Mr. Barry stated that he has had conversations with the Commission's commissioners and staff and that he would be providing a presentation at a meeting of the Commission in about two weeks. He indicated that it may well be that the only source of funding to start restoring the coasts will result from the damage created by the BP oil spill. The idea that significant appropriations will be received through Congress

in this fiscal climate is not realistic; however, the possibility of getting serious money, potentially in excess of \$10 billion, from BP to restore the coast is very real. There continues to be reason for optimism in this area.

Mr. Barry reported that the presentation provided earlier in this meeting on emergency erosion control projects recommended in the eastern St. Bernard marshes was provided to the CPRA. In addition, information was received about the construction of the sand berms. The sand grains being used in the construction seem to be somewhat larger than anticipated and make the berms more likely to survive. Over 50 percent of the sand is coming from areas around the Mississippi River, which was not previously available to the islands.

REGIONAL DIRECTOR'S REPORT:

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

A motion was offered by Mr. Estopinal, seconded by Mr. Barry and unanimously adopted by roll call vote, to amend the agenda to move the Executive Session after New Business and to add Item XIII.A.4 – a motion concerning the work plan submitted for the \$500,000 Community Development Block Grant.

NEW BUSINESS:

Completed audit of SLFPA-E, East Jefferson Levee District, Lake Borgne Basin Levee District and Orleans Levee District for the fiscal year ending June 30, 2010.

Mr. Estopinal reported that the SLFPA-E received the completed audit from Rebowe and Company for the fiscal year ending June 30, 2010. He stated that all of the auditor's opinions were unqualified. The audit was clean and had no significant deficiencies, no material weaknesses in internal controls and no instances of material non-compliance with the financial statements with respect to the grants that were audited. Mr. Doody noted that the audit report was filed timely on September 1st with the appropriate entities. Mr. Estopinal offered a motion to approve the audit report for the fiscal year ending June 30, 2010, which was seconded by Mr. Wittie and unanimously adopted. The audit report will be posted on the SLFPA-E web site.

Briefing by T. Robert Lacour concerning the status of the internal canals upon completion of lake barriers.

Mr. Lacour advised that the question that was posed is who has the authority or requirement to maintain the outfall canal floodwalls after the completion of the lakefront pumping stations. He explained that the only difference between the definition of a "levee district" and a "levee and drainage district" as provided in Revised Statute (R.S.) 38:281 is that a "levee and drainage district" also has drainage authority. The responsibility of a levee district was clear prior to 2006. The only difference between a "levee board" and "levee and drainage board" as provided in R.S. 38:325 is that the "levee and drainage board" has responsibility for drainage activities. The situation

became more complex after the passage of the legislation that created the Flood Protection Authorities. R.S. 38:330.2 sets out the powers and duties of an Authority and authorizes adequate drainage, gravity and pump drainage systems, and improvements related to tidewater flooding, hurricane protection and saltwater intrusion. Section B of R.S. 38:330.2 clarifies that the authority does not supersede Jefferson Parish's drainage authority or the New Orleans Sewerage and Water Board's (S&WB) drainage authority. Section D of R.S. 38:330.2 states that a levee authority "may construct and maintain drainage works of all types as such works relate to tidewater flooding, hurricane protection, and saltwater intrusion..." This provides some authority over drainage. Mr. Lacour stated that there is no statutory authority vesting responsibility for levees with the S&WB. R.S. 38:307 gives the Board of Commissioners of the Orleans Levee District "full and exclusive right, jurisdiction, power and authority to...construct, maintain, and improve levees..." The S&WB has no authority to maintain and construct levees. A local Court decision in a flood case has held that the S&WB does not have responsibility for levees.

Mr. Lacour explained that the levees along the outfall canals will be a part of a drainage system once the lakefront pumping stations are completed. The Authority or levee districts have the obligation to maintain the levees as long as they are a part of the flood protection system. The question is whether or not the floodwalls along the outfall canals will be de-authorized by the Congress at the request of the USACE. Until the floodwalls are de-authorized by the Congress, the Authority has no authority to force the S&WB to maintain them. However, this would not prevent the execution of a cooperative endeavor agreement should the S&WB be willing to maintain the floodwalls. One point that could be impressed upon the S&WB is that the floodwalls and the gates at the pumping stations are parts of a drainage system. The servitudes for the floodwalls are held by the Orleans Levee District. Therefore, a cooperative endeavor agreement would be required between the Orleans Levee District and the S&WB in order for the S&WB to utilize the servitudes.

Mr. Lacour advised that the USACE estimates that the pumping stations will be completed in about four years. The CPRA would probably be the entity to enter into an agreement with the S&WB. He commented that the Board could think about what it would like to do and begin negotiations with the S&WB.

Mr. Estopinal noted that the floodgates at the pumping stations and the floodwalls are integrally tied together because of the construction of Option 1. If the S&WB operates the floodgates, it would be in its financial interest to close the gates as infrequently as possible because of the operation of the pumping stations at the lake. However, it would be in the interest of the Authority, as the maintainer of the levees that protect against flooding from the canals, to close the pump station gates as frequently as possible in order to keep water levels down in the canals. He commented that this presents two conflicting desires and that it will be difficult to work out a solution. Mr. Doody added that it will be very important for the SLFPA-E and the S&WB to pay particular attention to the operations manual in regards to the timing of the closure of the gates. Mr. Estopinal stated that walking into an Option 2 scenario may be a better way to attain a better approach to handling storm water from rain events. Mr. Jackson pointed out that the S&WB's interior pump stations contain most of their capacities in

horizontal pumps and that the water level in the canal must submerge the discharge bells of the horizontal pumps to allow for priming.

Mr. Barry asked to amend his CPRA report and stated that there had been a request from the USACE to reprogram about \$150 million to the West Bank & Vicinity Project. There was some discussion about this request, but no resolution was placed on the table, at yesterday's CPRA meeting.

Mr. Doody advised that he and Robert Turner attended a meeting at the USACE at their request to discuss the need for reprogramming money because of the danger that the USACE will not be able to award contracts for West Bank & Vicinity projects if money is not reprogrammed. It was the USACE's strong belief that it had enough funding available to complete all of the hurricane protection projects. A briefing was provided on the status of the award of Lake Pontchartrain & Vicinity (LP&V), West Bank & Vicinity (WB&V) and SELA projects. The briefing concluded with the USACE presenting that there was enough money in all of the projects to complete all of the work. The USACE suggested a reprogramming of \$90 million from LP&V projects and \$60 from SELA projects. The USACE advised that there is enough money in LP&V to complete all of the SLFPA-E's projects and in SELA to complete those projects. The USACE requested input at the meeting. Mr. Doody stated that he is a strong believer in regional flood protection and that flood protection must be complete for the entire area. Hurricane Katrina demonstrated that when one area or polder is devastated, everyone in the immediate area is affected. He stated that he supported the reprogramming of the money, but only as suggested by the USACE (\$90 million from LP&V and \$60 million from SELA).

Mr. Jackson pointed out that the three lakefront pumping stations and structural gates have not yet come off the drawing board. He commented that some time ago the Board approached Senator Vitter and obtained an additional \$1.3 billion for the WB&V Project because the USACE had wanted to reprogram money from the lakefront pumping stations. He pointed out that pumping stations are complex structures and that there may be potential changes that require additional funding. He suggested that the transfer of money to the west bank that cannot be replaced not be supported.

Mr. Doody reiterated his belief that a regional approach to flood protection should be taken. He commented that the USACE will have to tell the Congressional committee that will ultimately have to approve the reprogramming that there is enough money to complete the work. He added that he did not know if the USACE has enough money to complete projects as the SLFPA-E would like to have them completed; however, he thought it was unlikely that the Congress would appropriate additional funds when the USACE is saying that there is enough money to complete all of the projects. The USACE indicated that many of the contracts that they have awarded have come in under the projected estimated cost. The USACE believes that competitiveness in the construction industry is driving some of the prices below the USACE's estimates.

Mike Parks, USACE Deputy Director of Task Force Hope, explained that bids have been coming in favorably and about 15 percent under the estimates contained in the construction budget. The USACE is confident that there is enough money in the

program to complete all of the work for 100-year protection and the SELA projects based on a recently completed thorough analysis of the problematic cost estimates for all of the future projects in the program. He clarified that he is referring to the construction general features and that the USACE is seeking a construction general reprogramming in order to complete the work on the WB&V Project.

Mr. Parks further explained that the apportionment of the dollars between the LP&V and the WB&V was based on the best information that the USACE had back in the 2006 time frame. As the projects matured, it was discovered that the USACE did not apportion enough dollars that were needed to the WB&V Project and had apportioned more than was needed in the LP&V Project.

Mr. Jackson commented that the Board wants the WB&V work done; however, its members were selected to serve by the Governor specifically to get east bank protection completed and maintained. While everyone wants the best for the entire metropolitan area, the SLFPA-E's obligation to east bank residents is paramount. Therefore, the SLFPA-E must be assured that the projects on the east bank will be completed.

Mr. Parks reiterated that the USACE is very confident of its ability to complete the work on the east bank. The USACE is also very confident that it has all of the dollars that are needed within the total program; however, the dollars not in the right places at this time. He pointed out that there is a separate appropriation under the Flood Control and Coastal Emergencies appropriation for the outfall canal pumping stations.

RESOLUTION #09-16-10-02

Mr. Estopinal advised that this item stems from the request that the USACE accelerate the external peer review and from issues dealing with LPV 109. He explained that the Board did not have much input in the original design for the T-wall. When the decision was made to alter the design to the point that a waiver was granted, every engineer on the Board stated that this decision was imprudent. The SLFPA-E requested the opinions of other individuals with expertise in coastal marine environments for steel structures. These experts agreed that the use of uncoated steel was imprudent. Board members and other experts also noted some very serious flaws in the maintenance requirements of the T-walls. Mr. Estopinal requested that the Board make two official pronouncements: (1) that the Board objects to the use of untreated steel in a marine environment because it is imprudent and that the USACE use coal tar epoxy coating on all steel piles henceforth; and (2) if the results of the external peer review agree with the SLFPA-E, that the decision to not treat the pilings be considered a design flaw and that the extraordinary maintenance procedures that will be necessary to correct the design flaw be funded by the Federal government and not be a burden on the local flood authority. In addition, the T-walls will develop voids underneath the structure due to subsidence because of its design and the support on H-piles and sheet piles. Mr. Estopinal stated that when the objection was first raised, the SLFPA-E was told that the USACE had an experienced way of dealing with this issue. However, he later found that the USACE's way for dealing with this issue, in his opinion as an engineer, is unsatisfactory. This is an additional high cost maintenance item flowing from a design

flaw that should have been corrected. He asked that the Board officially not only request an acceleration of the external review process, but that the Board also note that it considers these design flaws fundamental and that they should have been caught in the design phase. Additionally, if as a result of the peer review extraordinary maintenance procedures are needed because of these design decisions, that the Federal government pay this cost.

Mr. Jackson recommended that the resolved portion of the resolution be amended to state that the SLFPA-E demands that all sheet piling and structural foundation piling be coated in accordance with the USACE design manual with coal tar epoxy protective coating and requests that the USACE immediately begin planning for protecting the steel pilings already driven on this and other projects. Mr. Barry, who offered the motion, accepted the suggested changes and clarified that the amendment would basically change the word “urges” to “demands” in the RESOLVED paragraphs.

Mr. Estopinal suggested amending the word “reconsider” to “institute” in the final RESOLVED paragraph. The Board concurred with the amendment.

Mr. Jackson explained that, according to the records obtained by the SLFPA-E, the use of the thickened section is not in accordance with the USACE’s design manual and that a variance had been requested because of timing. The use of thickened steel as opposed to the use of coal tar epoxy coating is against the recommendation of experts hired by both the SLFPA-E and the Office of Coastal Protection and Restoration (OCPR). The standard practice even within the USACE is the use of coal tar epoxy for steel above the water line. Corrosion is an issue with steel above the water line, particularly in disturbed soils. The levees in which the piling is being driven were rebuilt after Hurricane Katrina, which adds to the corrosion problem. The decision to not coat the steel was not in accordance with good civil and geotechnical engineering design practices either locally or nationwide and was made because of schedule and budget considerations. Mr. Jackson added that a recommendation was made that the USACE immediately advertise for a coating firm to set up a facility on site to coat all of the steel before it is driven into the ground by the numerous contractors. He expressed concern about waiting months until the USACE Chief of Engineers releases the results of the peer review. He stated that he did not see how the SLFPA-E could accept maintenance of a system under these circumstances.

Mr. Doody asked that Col. Sinkler advise what could be expected in an expedited peer review process. Col. Sinkler explained that a peer review process typically takes about four months and that the USACE is trying to cut this time in half. The peer review will address all of the issues associated with corrosion. The USACE wants to take a holistic approach to the entire system and look at measures to reduce the potential for corrosion throughout the system. Mr. Jackson thanked Col. Sinkler for genuinely listening to the SLFPA-E and for looking for a solution.

Mr. Jackson clarified that the agreed upon amendment thus far was to modify the last paragraph of the resolution to state, “The SLFPA-E demands the USACE to institute requirements for coal tar epoxy coating of the steel piles on LPV 148.02 particularly if

the construction schedule shows that hundred year level attainment cannot be reached until after June 1, 2011.” He asked the purpose for including the June 1, 2011 date.

Mr. Turner explained that language was included in the last paragraph of the resolution relative to the June 1, 2011 goal for completion of the system because of the wording contained in the USACE’s waiver. The waiver states that if scheduling is not an issue, that the preferred method is to coat the piles with coal tar epoxy. Therefore, the only time for the waiver deviation from the HSDRRS guidelines was in a case where scheduling was the controlling factor.

Mr. Barry suggested that the resolution be amended to include an additional WHEREAS clause to indicate that a waiver has been granted based on the ability to complete the project by June 1, 2011 and that it is not feasible for this schedule to be maintained. The date would then be stricken from the last paragraph of the resolution. The Board concurred and the question was called on the amended resolution.

On the motion of Mr. Barry,

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

WHEREAS, the United States Army Corps of Engineers (USACE) is constructing the Lake Pontchartrain and Vicinity Hurricane Protection System in the Metropolitan New Orleans area on the East Bank of the Mississippi River; and

WHEREAS, LPV 145, LPV 146, and LPV 148 are segments of the system located in St. Bernard Parish that include approximately 23 miles of concrete T-Walls atop existing levee embankments; and

WHEREAS, the T-walls are supported on steel H-piles and utilize steel sheet piles for seepage cutoff; and

WHEREAS, the levee embankments will undergo significant settlement over time; and

WHEREAS, a void space will develop under the base/stability slab due to embankment settlement, thus exposing the upper portions of the steel piles to air and moisture; and

WHEREAS, the Hurricane Protection Office (HPO) of the USACE has been granted a waiver of the coating requirements required in the HSDRRS Design Guidelines, and has decided to use increased steel thickness as a sacrificial layer to account for corrosion of the steel foundation elements for these projects; and

WHEREAS, both the Southeast Louisiana Flood Protection Authority – East (SLFPA-E) and the Louisiana Office of Coastal Protection and Restoration (OCPR) hired independent corrosion experts to review the HPO’s decision and provide comment and recommendations; and

WHEREAS, the experts hired by SLFPA-E and the experts hired by OCPR both recommended coating the steel piles; and

WHEREAS, after numerous SLFPA-E and OCPR correspondences, written reports and meetings with the HPO concerning this corrosion issue, the HPO disagrees

with the findings of the Non-Federal Sponsor's experts and continues to drive uncoated steel piles into the ground on the referenced projects; and

WHEREAS, the waiver from the HSDRRS Design Guidelines has been granted based on the Corps' desire to complete the project by June 1, 2011; and

WHEREAS, present scheduling indicates that some projects may not reach the required level of protection before June 1, 2011, thereby invalidating the concern regarding scheduling impacts associated with properly coating the piles.

NOW THEREFORE BE IT RESOLVED THAT:

The SLFPA-E demands that the USACE accelerate the Independent External Peer Review process for corrosion issues, "down-drag" issues, subsidence issues, flood-side armoring issues, stability slab issues and other pertinent issues on the projects listed above;

The SLFPA-E demands that the USACE immediately begin development of a remediation plan to properly address corrosion of the steel piles if the results of IEPR indicate additional measures are needed;

The SLFPA-E demands that the USACE develop and fund a robust testing and long term monitoring program to detect potential corrosion issues before they become critical;

The SLFPA-E demands that the USACE institute requirements for coal tar epoxy coating of the steel piles on all LPV Projects.

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

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

NAYS: None

ABSENT: Mr. Goins, Mr. Losonsky and Mr. Pineda

RESOLUTION #09-16-10-03 – COMMUNITY DEVELOPMENT BLOCK GRANT

Wilma Heaton, SLFPA Executive Assistant, explained that the submittal of an extensive work plan was required at the time that the original application was made to the State for Community Development Block Grant funding. The work plan at that time included additional professional staffing; however, since that time the State has provided inspectors to supply this staffing need. Approval is needed in order to substitute engineering studies for the EJLD, O.L.D. and LBBLD.

On the motion of Mr. Barry,

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) is the recipient of a Grant under the State of Louisiana Community Development Block Grant (CDBG) Disaster Recovery Program; and

WHEREAS, it is the intent of the SLFPA-E to utilize the SLFPA-E Urgent Projects Program Technical Assistance Grant (CDBG Grant Number 677085) to fund the

Engineering Studies for the East Jefferson Levee District, Lake Borgne Basin Levee District and Orleans Levee District.

BE IT HEREBY RESOLVED, that the SLFPA-E approves the substitution of the aforementioned Engineering Studies in lieu of the work plan originally submitted to the State of Louisiana Office of Community Development.

BE IT FURTHER RESOLVED, that the SLFPA-E President 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. Barnes, Mr. Barry, Mr. Estopinal, Mr. Jackson and Mr. Wittie

NAYS: None

ABSENT: Mr. Goins, Mr. Losonsky and Mr. Pineda

RESOLUTION #09-16-10-04 - ADJUSTMENT TO MURRAY ARCHITECTS' FEE FOR FRANKLIN FACILITY WAREHOUSE SAFE HOUSE/IT/EOC BUILDOUT

Gerry Gillen, O.L.D. Executive Director, explained that approval is needed to amend the agreement with Murray Architects to include the additional design services provided and to provide for construction management.

On the motion of Mr. Barry,

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

WHEREAS, by Resolution No. 01-15-09-11, the Board authorized the award of a design and administration construction contract to Murray Architects, Inc. for the Franklin Facility Warehouse Safe House/IT/EOC Build-out in the amount of \$109,953.85 calculated on the 2006 Edition of the Louisiana Capital Improvements Project Manual based on a construction cost estimate of \$923,982; and

WHEREAS, the architect requests that the total fee be adjusted using the manual to \$261,741.90 based on an actual bid amount of \$2,373,000, which reflects additional scope of work items approved in Operations Committee meeting project updates.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority–East authorizes the amended scope design and construction administration fee increase in the amount of \$168,764.27, and further authorizes the Orleans Levee District Executive Director to execute a Supplemental Agreement to accomplish the above.

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

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

NAYS: None

ABSENT: Mr. Goins, Mr. Losonsky and Mr. Pineda

EXECUTIVE SESSION:

1. *Isabella Stevens Conner v. Board of Levee Commissioners of the Orleans Levee District*, Docket No. 53-112, Division B, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana c/w *Succession of Carter Ursin and Charles Ursin (Eusan), Heirs of Joseph Eusan, Warren H. Eusan, Michelle Eusan, Ahmed Collins v. Board of Levee Commissioners of the Orleans Levee District*, Docket No. 51-896, Division A, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana.

A motion was offered by Mr. Barry, seconded by Mr. Wittie and unanimously adopted, for the Board to convene in Executive Session to consider the item listed on the Board Agenda. The Board convened in Executive Session at 12:22 p.m.

The Board reconvened in regular session at 1:03 p.m. and the meeting was called back to order.

RESOLUTION #09-16-10-05 – LEGAL ACTION

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East follow the advice of legal counsel as presented in Executive Session on September 16, 2010 in the litigation entitled, *Isabella Stevens Conner v. Board of Levee Commissioners of the Orleans Levee District*, Docket No. 53-112, Division B, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana c/w *Succession of Carter Ursin and Charles Ursin (Eusan), Heirs of Joseph Eusan, Warren H. Eusan, Michelle Eusan, Ahmed Collins v. Board of Levee Commissioners of the Orleans Levee District*, Docket No. 51-896, Division A, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana.

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

There was no further business; therefore, the meeting was adjourned at 1:07 p.m.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

REGIONAL DIRECTOR'S REPORT

September 16, 2010

100 Year Level of Protection

Inner Harbor Navigation Canal Hurricane Storm Surge Barrier:

Construction is progressing well. Our emphasis continues to be Operation & Maintenance considerations and the necessity to "design in" reasonable O&M features early in the process.

All of the 66" diameter concrete piles and closure piles have been driven. All of the batter piles (645) have been driven with no major difficulties. All precast caps (337) have been set and all of the parapet wall has been erected. Cast in place "gaps" have also been completed. All of the braced wall is now at final elevation.

All 26 castings on the north T-wall have been completed and all 24 castings of the south T-wall are complete.

The Barge Gate area has been flooded and all navigation traffic is being routed through the Barge Gate Structure (as of August 16, 2010). The RTCV meter is not working properly. The USACE is investigating the problem.

All 478 piles have been driven at the Sector Gate location. The Contractor continues to work the cofferdam waler system, and 30% of the sheet piles have been driven.

The Bayou Bienvenue cofferdam has been dewatered and the contractor has completed the leveling course slab. The first of the sill castings is scheduled to begin next week (September 23, 2010).

Bayou Bienvenue will remain closed to all navigation at the Project site due to lift gate construction.

East Jefferson Levee District:

Reach 1:

The Work is approximately 97% complete. The Contractor is re-seeding and fertilizing areas with poor grass growth. The pre-final inspection was held on September 8, 2010. The Project is scheduled for completion in September 2010.

Reach 2:

The Work is approximately 85% complete. The Contractor is working on turf establishment and the all weather access road. The Project is scheduled for completion in November 2010.

Reach 3:

The project is approximately 94% complete. The Contractor is working on the all weather access road. This Reach is scheduled for completion in September 2010.

Reach 4:

The project is approximately 94% complete. Work continues on the flood side berm at the eastern end of the Project. The Project is scheduled to be completed in September 2010.

Reach 5:

The Project is approximately 93% complete. Work continues on the ramp at the Coast Guard Station. This Reach is scheduled for completion in September 2010. Utility relocations at the Coast Guard Station will be completed by the USACE hired labor crews.

Bonnabel Breakwater Project:

Work is substantially complete.

Duncan Breakwater Project:

Work is substantially complete. Final inspection was conducted on September 10, 2010.

Williams Blvd. Floodwall and Gate:

The Project is approximately 90% complete. All major concrete work is complete. The gate has been hung. Traffic is now routed through the floodgate opening. The Contractor continues to work on embankment earthwork and scour protection. A Contract Mod will be issued to add a tie-down system to the roller gate to resist uplift forces. The work is scheduled for completion in September 2010.

Bonnabel Floodwall and Gate:

The Project is 90% complete. The gate has been hung and the approach ramps are nearly complete. The Contractor is making adjustments to the gate and gate

hinge system to insure proper operation. Embankment work is continuing. Anticipated completion is September 2010.

Pump Station Fronting Protection:

The Project is approximately 5% complete. Dredging work continues at Pump Stations #2 and #3.

LPV 017.2 (Causeway Crossing):

Contract Award is under protest.

West Return Levee/Floodwall - North:

The Contractor has begun mobilizing on site.

West Return Levee/Floodwall - South:

Contract Award is under protest.

Foreshore Protection:

The pre-construction meeting will be held on September 21, 2010.

West Return Levee (Airport Runway):

100% Plans are pending. The Corps will issue a Contract for the levee construction and the Airport will contract for relocation of the landing lights at the end of the runway.

Orleans Levee District:

LPV 101.02 (17th St. Canal to Topaz Street):

Construction is approximately 59% complete and the Project is scheduled for completion before June 2011. The aesthetic quality of the wall finish has been poor and we have requested the USACE to require the Contractor to make the appropriate repairs.

LPV 102.01, 103.01, and 104.01

Projects are 100% complete.

LPV 103.01 A1 (Bayou St. John):

Construction is now about 90% complete.

LPV 103.01 A2 (Rail Street and Lake Terrace Flood Gate):

The Construction Contract has been awarded.

LPV 104.01 A (Ramp Crossings – Lakeshore Dr.):

The Contractor is working all sites. Construction is approximately 61% complete.

LPV 104.02 (Seabrook West Side IHNC):

This project includes the construction of a new T-Wall. Construction is approximately 33% complete.

LPV 104.02A (Retrofit of Wall and Floodgate South of W-40):

100% Plans and Specs were completed in mid June 2010.

LPV 105.01 (Lakefront Airport T-Wall West):

Construction is approximately 9% complete.

LPV 105.02 (Lakefront Airport T-Wall East):

Construction is approximately 2% complete.

LPV 106 (Citrus Lakefront Levee):

Construction is approximately 12% complete. We have received some complaints about high grass and weeds on this Project and have requested the USACE to require their contractor do a better job with vegetation management during construction.

LPV 107 (Lincoln Beach Floodgate):

Construction is approximately 9% complete.

LPV 108 (New Orleans East Lakefront Levee):

The Project is substantially complete. Final punch list items have not yet been addressed.

LPV 109.02a (South Point to CSX Railroad – Levee Embankment):

Construction of the Project has been combined with LPV 109.02c (HWY 90 and HWY 11 floodgates). Construction is about 15% complete.

LPV 109.02a1 (South Point to CSX Railroad - Wick Drain Test Section):

Construction is 100% complete.

LPV 109.02a2 (South Point to CSX Railroad – Drainage Blanket):

Construction is 100% complete.

LPV 109.02b (South Point to CSX Railroad - I-10 Crossing):

Construction is approximately 17% complete.

LPV 109.02c (South Point to CSX Railroad – Hwy 90 and Hwy 11 Floodgates):

Construction will be done under LPV 109.02a.

LPV 110 (CSX Railroad Crossing):

The Construction Contract has been awarded. Construction is about 1% complete.

LPV 111.01 (North Side GIWW):

The contract includes construction of levee sections using deep soil mixing, and a T-wall from the end of the earthen levee to the Inner Harbor Navigation Canal tie-in. Work is approximately 39% complete.

LPV 111.02 Pump Station 15 Fronting Wall:

Work is continuing on this project. Work on all new walls has been completed.

LPV 111.03 Tie-in to IHNC:

The Project consists of about 1000' of new T-Wall. Work is in progress. Modified designs are underway to make adjustments to tie into the IHNC-02 T-Walls.

LPV 113 (NASA):

Construction is approximately 90% complete. The Project is scheduled for completion before the end of summer 2010.

Seabrook Structure:

95% P&S are out for review.

Outfall Canal Remediation to Raise SWE to +8.0:

100% Plans are under review for portions of the London Ave and Orleans Ave Canals.

Lake Borgne Basin Levee District:

LPV 144 (Bayou Dupre Control Structure):

Overall, the Project is approximately 12% complete. Work continues on the cofferdam. Construction is about 23% behind schedule. Bayou Dupre will be closed to navigation at the existing Control Structure until April 2011.

LPV 145 (Bayou Bienvenue to Bayou Dupre):

The USACE has instructed the Contractor to use uncoated steel sheet piles and H-piles on this project in order to meet schedule demands. Construction is approximately 55% complete and production rates are good.

Proposed modifications have been submitted by the Contractor to make adjustments to tie into the IHNC T-Walls. The two projects produced wall sections with different geometry and base slab elevation.

LPV 146 (Bayou Dupre to Verret):

The USACE has instructed the Contractor to use uncoated steel sheet piles and H-piles on this project in order to meet schedule demands. Production rates have recently improved. The Project is approximately 36% complete.

The emergency by-pass ramp for LA HWY 46 will be constructed under the LPV 146 Contract.

LPV 147 (LA Hwy 46 Flood Gate):

The Project is approximately 18% complete.

The LA Hwy 300 Flood Gate will be constructed under the LPV 148.02 Project.

LPV 148.02 (Verret to Caernarvon):

The USACE has instructed the Contractor to use uncoated steel sheet piles and H-piles on this project in order to meet schedule demands. The Contractor is driving sheet piles and H piles and has begun casting stabilization slabs. Construction is approximately 1% complete.

LPV 149 (Caernarvon Floodwall – Lake Borgne Basin Levee District):

The Contractor is clearing and grubbing the site. Work is approximately 1% complete.

Permanent Pump Stations and Outfall Canals:

The “short list” of the Consultants who submitted on the Phase I RFP has been finalized.

The Phase II RFP for design/build of the Permanent Pump Stations is under review. Short-listed firms are working on preliminary design submittals. Phase II RFP submittals are due from proposers in mid November 2010. Award of the Design-Build Contract is scheduled for late April 2011.

All three Pump Stations will undergo Independent External Peer Review.

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 2010. The map can be found at the following web address:

<http://www.mvn.usace.army.mil/hps2/pdf/riskstatusmap.pdf>

Coastal Protection and Restoration

Lake Borgne Basin Levee District:

The Violet Freshwater Diversion siphon is operating at full capacity.

Flood Fight

The Mississippi River is below 5’ at the Carrollton Gage and is predicted to continue to fall slowly.

Design and Construction

East Jefferson Levee District:

Work is continuing on the EJLD Safe House. The Architect has submitted a draft of the “Existing Conditions Assessment”. EJLD meets with the A/E about twice a month

Orleans Levee District:

Construction of the OLD Safe House Project began in January 11, 2010. The Project is approximately 35% complete and the Contractor has fallen behind schedule. Progress continues to show improvement.

ID/IQ Contract Task Order #1 with AECOM has been authorized in the amount of 39,579 for design and construction management required for the Citrus Airport Levee Sewer Line Replacement. Design is complete and Bids are due on September 29, 2010.

The Bayou St. John Tide Gage System has been installed. The Final Capital Outlay Agreement for the Bayou St. John Water Management Study has been approved by the State of Louisiana Facility Planning and Control. A notice to proceed has been issued to BKL. This Project will be funded thru State Capital Outlay.

Dr. Lorenzo continued field tests in July and is analyzing the data.

Lake Borgne Basin Levee District:

A Emergency Contract has been awarded to temporarily address the seepage issue at Pump Station No. 3. Plans are to isolate two of the discharge tubes using sheet piles to address the emergency situation and allow time for preparation of plans and specifications for a permanent repair. The Contractor began driving sheet piles on September 14, 2010.

The Construction Contract for the Violet Canal Closure Structure Improvement Project has been awarded to Barrier Construction. The pre-construction meeting was held on September 7, 2010.

LBBLD is negotiating with Waldemar Nelson for the preparation of plans and specs for a remote control system to operate the pumps at Pump Station 2 from Pump Station 6, and Pump Station 3 from Pump Station 7. LBBLD will request Board approval to award a Contract to Nelson based on the agreed upon Scope of Work and fees.

Burk-Kleinpeter has been selected as the A/E for the Engine Replacement Project at Pump Station 1 or 4. Scope of Work and fee negotiation is underway.

LBBLD will issue a Contract to address problems with the right angle gear drives at Pump Station #8.

OCPR has begun preparation of Plans and Specifications for the Violet Canal Dredging Project (Phase II). LBBLD is working to secure the necessary right-of-ways.

Internal Affairs

The USACE intends to make modifications to the existing canal floodwalls to achieve a minimum safe water elevation of 8' in all three canals. We issued a Task Order to Halcrow (\$41,160 for Phase I only) to provide initial Technical Review of the USACE's analysis and design of the proposed wall modifications. A more comprehensive Task Order has been executed with Halcrow to complete all phases of the Technical Review.

We now have four inspectors working with us provided by OCPR. We have developed a management plan to establish procedures for interaction between the USACE, OCPR and SLFPAE during project construction. We are still awaiting USACE concurrence. We have been getting additional technical assistance from OCPR staff, LDOTD staff, and PBS&J (through an ID/IQ contract with OCPR).

The Annual Financial Audit has been completed and the Report is being submitted to the Board at today's meeting.

Mark Wickramasekera "Wick" has been hired by Lake Borgne Basin Levee District to supervise levee and drainage canal field operations.

New Contracts:

LBBLD – Sopena Corp. – Emergency construction to address seepage at Pump Station #3 for **\$132,000**. Work is scheduled for completion in early October, 2010.

Hurricane Preparedness

Preparation for the 2010 Hurricane Season began in earnest in April 2010. The Emergency Manuals for all Districts were updated and forwarded to all appropriate parties and the following tasks were completed:

- Inventory of emergency supplies has been completed
- Orders for required durable goods have been placed and plans have been made for the acquisition of perishables as needed
- Vendor contact information has been updated
- The annual Hurricane Preparedness Staff Meeting has been held at each District
- The Heavy Equipment Inventory has been updated and forwarded to OCPR as part of the interagency cooperative resource sharing plan

We are conducting radio checks of our emergency radio system and monitoring weather conditions in the tropics.

We are monitoring the Construction Projects throughout the LPV System and the USACE/Contractor's emergency closure plans that must be executed in case of an approaching storm.

We continue to inspect our levees and immediately correct any deficiencies.

TS Bonnie and TD #5 were used to test our emergency procedures, coordination and communications.