

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, NOVEMBER 21, 2013**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, November 21, 2013, at the Orleans Levee District Franklin Administrative Complex, 6920 Franklin Avenue, Meeting Room 221, New Orleans, 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 9:30 a.m. and led in the pledge of allegiance.

The roll was called by Secretary Wittie:

PRESENT:

Timothy P. Doody, President
Louis E. Wittie, Secretary
Stephen Estopinal, Treasurer
Jefferson M. Angers
Lambert J. Hassinger, Jr.
Kelly J. McHugh
G. Paul Kemp
Richard A. Luettich, Jr.
Wilton P. Tilly, III

ABSENT:

None

OPENING COMMENTS:

Mr. Doody called on Wendell Curole, South Lafourche Levee District Executive Director and member of the Coastal Protection and Restoration Authority (CPRA), to address the Board. He advised that Mr. Curole met with Mr. Estopinal and Mr. Tilly and would be presenting some ideas on offshore oil and gas revenue sharing for the State of Louisiana.

Mr. Curole explained that a meeting was held to discuss how the issue of offshore oil was handled in 2004. The Federal government was receiving close to six billion dollars per year in offshore oil revenues and none of this money was coming to Louisiana. He described the impact of the oil industry on South Lafourche Parish. A letter was sent to Governor Blanco in 2004 requesting that she object to a lease sale that was taking place. The objection was not an objection to drilling, but because Louisiana would not receive a share of the revenues. Governor Blanco responded that she thought it was a good idea; however, a letter of objection was not sent because it was felt that it would be unsuccessful. Mr. Curole then established an ad hoc committee and invited the participation of the Louisiana Congressional delegation, local legislators, representation

from the Attorney General's Office, oil industry representatives and other interested parties. The committee's goal was to discover a method whereby Louisiana would receive a share of the offshore oil revenues. Several meetings were held over a period of 18 months. Another letter was sent to Governor Blanco requesting the same objection to a 2006 lease sale. Governor Blanco issued a letter of objection and requested a Temporary Restraining Order (TRO). The TRO was rejected; however, the Judge that rejected the TRO went on to opine on the validity of Louisiana's case. The resulting lawsuit assisted with the passage of a legislative bill that would lead to revenue sharing in 2017. He suggested the formation of an unofficial ad hoc committee to exchange ideas and determine whether some of the problems that are the subject of the Board's lawsuit could be resolved.

Mr. Doody advised that a memorial service was held for John "Steve" King, an Orleans Levee District employee with over forty years of public service.

Mr. Doody reported that he participated in a conference call on the Water Resources and Development Act (WRDA) bill. The conference committee met yesterday for the first time. It is the SLFPA-E's hope that authorizing language will be included in the bill while it is in the conference committee that would allow the U.S. Army Corps of Engineers (USACE) to operate and maintain the IHNC Surge Barrier Barge and Sector Gates.

Mr. Doody reported that he, Robert Turner, SLFPA-E Regional Director, and Gerry Gillen, Orleans Levee District Executive Director, met with representatives of the Sewerage and Water Board (S&WB) to discuss the Tulane University Rowing Club's and New Orleans Rowing Club's floating dock located in the Orleans Avenue Canal. The clubs are applying for permits. A letter of no objection was received from the CPRA. Responses have not yet been received from the S&WB and USACE. The permits must progress through the system.

Mr. Doody advised that a Strategic Partnering Meeting was held on November 1st. Items discussed at the meeting included Notifications of Contract Completion (NCCs) being issued by the USACE, armoring and the Permanent Canal Closures and Pumps (PCCP) construction progress.

Mr. Doody reported that he attended a luncheon meeting with Brig. Gen. Duke DeLuca, USACE Commander, Mississippi Valley Division.

Mr. Doody advised that he met with Walter Baudier, President of Design Engineering, Inc., to discuss the current lakefront seawall stabilization project. In addition, Mr. Doody and Mr. Tilly met with Mr. Turner, Fran Campbell, East Jefferson Levee District (EJLD) Executive Director, and the architect to discuss the future construction of the EJLD multi-purpose safehouse-administration-maintenance complex.

Mr. Doody commented that the Association of Levee Boards of Louisiana's annual meeting will be held on December 4 and 5 and that the Mississippi Valley Flood Control Association's annual meeting will be held on December 6 and 7.

Mr. Doody reviewed some of the accomplishments directly attributable to the efforts of the SLFPA-E:

- The London Avenue Canal Load Test, which helped to define the safe water elevations and dictated additional necessary work along the outfall canals.
- Deeper sills at the outfall canal Permanent Pump Stations to accommodate gravity flow drainage should future authorization and funding be obtained.
- Additional evaluation by the USACE of armoring for the Hurricane and Storm Damage Risk Reduction System (HSDRRS).
- Additional armoring at tie-in and transition points for the HSDRRS.
- Significant influence on the determination of which vessels may be allowed to remain inside of the U.S. Coast Guard's IHNC Regulated Navigation Area (RNA) during a storm event. The SLFPA-E's work with the USACE and Coast Guard was instrumental in eliminating as many floating projectiles as possible within the RNA.
- Hydraulic modeling to check the USACE's calculation for the 100-year standard for portions of the HSDRRS identified as potential risks.
- The on-going seawall stabilization project. The seawall is the first line of defense along the New Orleans lakefront.
- Early retirement of some of the outstanding bonds saving millions of dollars in interest.
- The construction of a swing-bridge at Bayou Dupre to service the system and floodgates between Bayous Bienvenue and Dupre.
- The concept of potential use of the Central Wetlands as additional storage for the IHNC basin.

Mr. Doody advised that the HSDRRS and its major structures will be turned over to the SLFPA-E and the levee districts for operation and maintenance over the next several months.

Mr. Estopinal explained that he noticed the frequency increase in the closures of the Bayou Bienvenue and Bayou Dupre structure gates. Information received from the Louisiana Spatial Reference Center indicates that some differential movement has taken place between two monuments located at the Michoud Facility. LSU reported a spike in the subsidence rate of the shallower of the two marks of about one-inch per year (23 millimeters), which is three times the average subsidence rate. He requested that the Operations Committee consider the development of a task order for one of the SLFPA-E's Indefinite Delivery-Indefinite Quantity (ID-IQ) contract surveyors to perform a significant investigation of the elevations around the site to determine whether there is a spike in the subsidence rate or movement in the Michoud fault. He added that some of the elevations used in the USACE's modeling for the storm surge calculations for the HSDRRS were stale; therefore, up-to-date data is needed. NOAA has been installing hardened weather stations along the coast. He requested that the Operations Committee invite someone to perform an analysis to determine how many hardened weather gages should be installed in this region in order to validate modeling efforts. A

standalone weather station is estimated to cost one-half million dollars. He noted the need to develop a regimen to revisit the elevations on a scheduled basis.

ADOPTION OF AGENDA:

A motion was offered by Mr. Wittie, seconded by Mr. Angers and unanimously approved, to adopt the agenda. Mr. Hassinger advised that Agenda Item No. XIII.A.10 (motion to say litigation) would be deferred. Misinformation has been presented in the public that there is a conflict that would keep Mr. Hassinger from voting on issues related to the litigation. Mr. Hassinger requested that the Ethics Board confirm that there is no conflict; therefore, the motion will be deferred until the Ethics Board's advisory opinion is received.

RESOLUTION NO. 11-21-13-01 - APPROVAL OF OCTOBER 17, 2013 AND NOVEMBER 7, 2013 BOARD MEETING MINUTES

On the motion of Mr. Angers,
Seconded by Mr. Tilly, 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 October 17, 2013 and the Special Board Meeting held on November 7, 2013.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Angers, Mr. Estopinal, Mr. Hassinger, Mr. Kemp, Mr. Luettich,
Mr. McHugh, Mr. Tilly and Mr. Wittie
NAYS: None
ABSENT: None

ELECTION TO FILL VACANT OFFICES OF THE BOARD

The floor was opened for nominations for the office of Vice President. Mr. Wittie nominated and Mr. Tilly seconded the nomination of Stephen Estopinal for the office of Vice President. There were no further nominations; therefore, Mr. Estopinal was elected Vice President by acclamation.

The floor was opened for nominations for the office of Treasurer. Mr. Estopinal nominated and Mr. Wittie seconded the nomination of Wilton Paul Tilly, III, for the office of Treasurer. There were no further nominations; therefore, Mr. Tilly was elected Treasurer by acclamation.

RESOLUTION NO. 11-21-13-02 – ELECTION TO FILL VACANT OFFICES

“A resolution stating the results of the election to fill the vacant offices of the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East for the remaining portion of the one year term expiring on June 30, 2014.”

WHEREAS, the Board adopted revised Bylaws at a Regular Board Meeting held on December 17, 2009, which provide in part for the designation and election of Officers of the Board; and

WHEREAS, Article IV, Section 1 (Officers and Elections), designates the officers as President, Vice President, Secretary and Treasurer to be elected from among the members of the Board at the regularly scheduled June meeting; and

WHEREAS, Article IV, Section 1 further provides that officers shall assume their duties on July 1st; and

WHEREAS, Article IV, Section 2, provides that officers shall be elected to serve one year terms; and

WHEREAS, Article IV, Section 2, further provides that if a vacancy occurs among the officers of the Board, because of resignation, death, removal or disqualification, an election to fill the vacant office shall be held at a regular meeting within sixty (60) days from the date of the vacancy.

BE IT HEREBY RESOLVED, that, in accordance with elections held this date, the following Officers of the Board of Commissioners of the Southeast Louisiana Flood Control Authority-East shall serve for the remaining portion of the one year term expiring on June 30, 2014:

Stephen Estopinal – Vice President

Wilton P. Tilly, III - Treasurer

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

YEAS: Mr. Angers, Mr. Estopinal, Mr. Hassinger, Mr. Kemp, Mr. Luettich,
Mr. McHugh, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: None

PRESENTATIONS:

1. Levee Certification Non-Federal Levees – Tetra Tech

Patti Sexton, PE, CFM, Vice President of Tetra Tech, explained that FEMA insures under its Levee Certification Program that updated certification information is filed demonstrating that a levee meets the requirements listed in Title 44 of the Code of Federal Regulations (CFR 44). CFR requirements address design criteria (freeboard, closures, embankment protection, stability/seepage, settlement and interior drainage), operations and maintenance plans, certified as-build plans and engineer certification. The operations and maintenance (O&M) plans must be levee specific, document operational requirements (including warning time to operate the system), detail maintenance activities (including documentation of frequency, responsible individuals and types of vegetation allowed), document the inspection process, and include the official adoption of the O&M manual.

Ms. Sexton advised that FEMA'S Provisionally Accredited Levee (PAL) Agreements were executed in 2012 for the two non-federal levees (Maxent-Paris Road Levee System and 40 Arpent-Florida Avenue Levee System) undergoing the certification process. Execution of the PAL Agreements indicates that a levee (as is) should meet certification requirements; however, there is a need to pull together the details of the certification. The identification and performance of maintenance requirements is allowable under the PAL Agreement period; however, the discovery of a need for significant improvements may invalidate the PAL Agreement. The PAL Agreement allows a period of two years to pull together the certification details. The certification documentation for the SLFPA-E's two non-federal levees must be provided to FEMA by August 7, 2014.

Ms. Sexton reviewed the work accomplished to-date:

- Inspection Reports – A visual inspection of the levees was conducted. The inspection report documents features along the levee and identifies maintenance issues. Levee district maintenance crews are currently addressing the identified maintenance issues. Work is being done to better understand the extent and impact of the corrosion identified in areas along the 40 Arpent Levee sheetpile.
- Meetings – Meetings were held with FEMA representatives concerning the sufficiency of the existing interior drainage documentation and seeking flexibility in the schedule. The geotechnical analysis is a significant cost in the certification process. This cost depends on the staging of the geotechnical work. FEMA indicated that it was not interested in decertifying a levee when the analysis is in process. A meeting was held with USACE representatives concerning the requirements for the geotechnical analysis. FEMA requires use of USACE EM 1110-2-1913, which is a more general requirement than the requirements used for the HSDRRS. The USACE did not present any issue with using EM 1110-2-1913 for the non-federal back levees.

Ms. Sexton reviewed the remaining work under the certification process:

- Field Work – Subsurface investigations (work was started last month and will take seven to eight months to complete), sheetpile testing and surveys.
- Analyses – Geotechnical and structural.
- Documentation – Develop as-built plans, update O&M plans and certification report.

Mr. Doody explained that the USACE is performing the certification process for the perimeter system (HSDRRS). The 40 Arpent and Maxent Levees are interior drainage levees. The system must be certified for frontal protection and drainage.

Mr. Turner provided a brief history of the subject non-federal levees. Construction of the original levees in this alignment began in the mid-1940s to early 1950s. The levees were designed by the Louisiana Department of Transportation and Development. He pointed out that the levees have been in place for a very long period of time and considerable consolidation has taken place. The levees were overtopped during Hurricane Betsy and several breaches occurred. However, there were no issues with

the non-federal levees during the time from Hurricane Betsy to Hurricane Katrina. Very little damage occurred to the interior levees during Hurricane Katrina. At least three feet of freeboard is provided along almost the entire length of the levees. No major issues are anticipated during the certification process. The non-federal levees form the boundary of a retention basin and must be certified for a 100-year rainfall event. The estimated cost of the non-federal levee certification process is \$4 million.

Mr. Luettich pointed out the importance of having an on-going evaluation process for the entire system. Mr. Doody noted that the current certification will only be good for ten years. In ten years the system will have to be re-certified.

2. Community Outreach – Lake Borgne Basin Levee District in conjunction with St. Bernard Parish – Dewberry Consultants, LLC

Nick Cali, Lake Borgne Basin Levee District (LBBLD) Executive Director, advised that funding for the Community Outreach program is provided through a Hazard Mitigation Program Grant (HMPG) to St. Bernard Parish (LBBLD is a sub-grantee of St. Bernard Parish). The LBBLD and St. Bernard Parish Government decided to partner in the outreach effort rather than conduct separate programs. The intention is to continue the established public outreach efforts beyond the 18 month HMGP period.

Gerri Daniels with Dewberry Consultants, LLC, introduced Denise Estopinal. Ms. Estopinal will manage the communications and outreach components of the education project. Ms. Daniels advised that the project's goals are to provide current and accurate technical information, encourage residential mitigation actions and increase community resiliency. The St. Bernard Parish Master Drainage Plan will be used in organizing the effort and reaching residents and business owners. Open houses will be held within designated districts throughout the Parish. Key partners [e.g., SLFPA-E, USACE, CPRA, the Governor's Office of Homeland Security and Emergency Preparedness (GOSEPH) and the Red Cross] will be brought into the outreach efforts.

Ms. Estopinal explained that the focus will be on three overarching messages:

- Technical Information that can be understood and acted on
- Highlighting the progressive drainage and flood control projects that enhance public safety
- Educating citizens on their interior drainage system

Ms. Estopinal advised that the project will reach out to current residents and displaced residents by integrating the messages and communication strategies. Strategic communication methods include:

- Branded collateral materials with targeted messages
- Business, civic and community stakeholders participation in project launch
- Internal St. Bernard Parish/Lake Borgne Basin Levee District Communications Network
- Key communicator media, civic and community speaking opportunities

- Government access television
- Branded website pages and social media strategies

Ms. Estopinal reviewed the proposed schedule:

- Mailers: beginning in February 2014
- Open Houses: May 2014
- Additional Mailers to follow Open Houses
- Information pushed out prior to and throughout the 2014 Hurricane Season

3 Mississippi River Levee Raising Projects (Orleans and Jefferson Parishes) – U.S. Army Corps of Engineers

Nick Sims, USACE Project Manager, provided an update on the on-going Mississippi River Levee (MRL) Raising Projects (Carrollton and Jefferson Heights). The MRL raising projects are funded under the Mississippi River and Tributaries Project. The USACE completed the Levee System Evaluation Reports (LSER) for the HSDRRS and provided the LSERs to FEMA on June 20, 2013 for the accreditation of the HSDRRS. Mr. Sims addressed the vegetation free zone (VFZ), which extends 15-feet from both the landside and riverside levee toes. The VFZ is needed for a positive LSER certification. If the levee access easement does not extend to the described limits, then the VFZ must be maintained to the easement limits (the critical VFZ). The USACE identified a number of critical vegetation instances. The vegetation was either removed or a plan was put into place for removal during on-going construction contracts.

Mr. Sims provided the status of the two projects:

- Carrollton Levee Enlargement – The construction contract was awarded to Cycle Consulting LLC on September 15, 2012 for \$5,000,000. The project was broken into two sections and consists of a one to two-foot levee lift for about 10,000-feet. The northern reach from the Jefferson-Orleans Parish line to the USACE New Orleans District office is about 95 percent complete. The multi-use access path atop the levee has been replaced. The floodside slope paving was replaced in a section of the northern reach. The southern reach from Eagle Street to the Parish line is about 80 percent complete. Contingent upon funding, a floodwall will be constructed in the future for the section of levee in the vicinity of the USACE New Orleans District office and a floodgate will be built in the fly area.
- Jefferson Heights Levee Enlargement – The construction contract was awarded to Hernandez Consulting LLC on Friday, September 27, 2013 for \$10,492,332.89. The contract duration is approximately 800 days. The levee will be raised two to three feet. The multi-use access path will be removed and replaced. Construction will be phased and the nine mile project will be broken into two sections. The estimated completion date for reach one is December, 2014 and for reach two is December, 2015.

Mr. Sims reviewed the Sponsor's responsibilities:

- Following construction of the Jefferson Heights and Carrollton federal levee projects, the sponsor will be responsible for operation, maintenance, repair, replacement, and rehabilitation of the levee system.
- Annual and periodic inspections will be performed to ensure that non-federal sponsors perform essential maintenance in accordance with the design standards and the project O&M manual.
- Inspection information contributes to risk assessment and supports levee accreditation decisions for the National Flood Insurance Program administered by FEMA.

Mr. Turner noted that the O&M requirements under the MR&T Project are different than the O&M requirements for coastal levees constructed in the HSDRRS. Major maintenance (such as levee lifts) on the MR&T Project levees is the responsibility of the USACE and is 100 percent federally funded. The levee districts flood fight the MRL in close coordination with the USACE during high river season.

PUBLIC COMMENTS:

Carol Byram commented on the passage of the change in legislation from the toe plus six-ft. to toe plus fifteen-ft. zone and the misinformation provided about the change. She commented that the MRL, which was the reason for the change in legislation, may not be subject to the toe plus 15-ft. zone.

Roy Arrigo commented that he found it ironic that the 17th Street Canal litigation could not be discussed in open session; however, there are several agenda items dealing with the oil and gas industry litigation. He added that the property owners along the 17th Street Canal were not given a fair hearing relative to structures built on their property. He asked that the Board not continue the oil and gas industry lawsuit and pointed out that there are other options.

John Barry advised that he is the President of Restore Louisiana Now, a new non-profit organization. He stated that a Silas Lee poll was conducted of 1,000 people in the area from St. Tammany Parish to the I-10 (including the Baton Rouge area) to Texas. Eighty-six percent of the respondents from metropolitan New Orleans did not want the legislature to intervene in the lawsuit. Seventy-four percent of the total respondents wanted the lawsuit to go forward. Twenty-one percent did not want the lawsuit to go forward. Restore Louisiana Now will be working with the public and the legislature to try to convince the legislature not to intervene. He commented that it is bizarre for a powerful entity to go to the legislature to change a law after litigation has been filed.

Sandy Rosenthal, founder of levees.org and a founding board member of Restore Louisiana Now, commented on the number of individuals who were at the Board meeting to support the litigation filed against 97 oil, gas and pipeline companies. She added that the public did not want to pay for damages caused by the oil and gas industry with tax dollars and that the industry should pay to fix the damages it caused.

Gary Rauber commented that he is a taxpayer in Orleans Parish and asked that the Board not increase the millage rates. He commented on the decreasing number of taxpayers in Orleans Parish and on the exemptions on many properties. He stated that the oil and gas litigation is a major distraction for the Board. He added that the Board would not be able to quantify the damages to the SLFPA-E based on oil and gas activities in the Pontchartrain Basin compared to other sources of land loss and that it is ironic that this Board chose to file the lawsuit.

Mr. Doody explained that the SLFPA-E will be inheriting the \$7 billion HSDRRS and that the Board is very aware of the taxes that the people within the system are paying. The levee districts will have to repay the Federal government roughly \$20 million per year as its cost share for the HSDRRS and will have to maintain a more complex and expensive system. He pledged that the Board will do its absolute best at the lowest possible cost.

Harry Shearer commented that the citizens of Louisiana who worked hard to reform the old levee board system in the wake of Hurricane Katrina and gave this Board its political independence would be disappointed to see that political interference is applied the first time it takes an action that has major long range consequences. He commented that it is a matter of survival and noted a U.S. Geological Survey (USGS) finding that about 36 percent of the land loss can be attributed to the oil and gas industry. He added that the Federal government is not going to come up with the money to compensate for leveeing the Mississippi River and the resulting land loss.

William Steincamp commented that he found the potential interference by the Governor's Office and legislature in the oil and gas industry litigation inappropriate. He stated that he scanned some of the reports regarding coastal restoration and that while the physical aspects of the relics of oil and gas production in this part of the country were incorporated into the calculations, he was concerned that the mitigation of these relics is not part of the listed alternatives.

Steve Murchie advised that the Gulf Restoration Network was founded 19 years ago to protect and restore communities and the environment of the Gulf. The organization has over 15,000 members and supporters in the Greater New Orleans area. He commended the Board for the action to hold the 97 oil, gas and pipeline companies accountable and to get them to pay their fair share for the protection needed for the community to deal with the challenges being addressed by the Board. He encouraged the Board to help the Gulf Restoration Network to tell the story about why the litigation is necessary by fully explaining the cost to provide adequate levels of protection and the likely sources of the money needed. He commented that individuals who vote to block the litigation are telling the people in this area that they will have to pay more taxes.

Mr. Doody noted that the Louisiana Master Plan is a 50 year plan with a price tag of \$50 billion. This does not include a form of protection or barrier for the Lake Pontchartrain area.

COMMITTEE REPORTS:

Finance Committee: Mr. Estopinal reported that the Finance Committee met on November 7th. The items discussed at the Committee meeting have been placed on the Board agenda for approval.

Operations Committee: Mr. Wittie reported that the Operations Committee met on November 7th. The Committee discussed the award of three contracts by the Orleans Levee District that are within the budgeted amounts. The Committee was advised that the NCC is anticipated to be received for the IHNC Surge Barrier in early December, which will trigger the O&M of the structure by the Orleans Levee District. The Committee was informed about stability issues in Reach 1 of the foreshore protection in Jefferson Parish. The Committee recommended approval of the execution of two Cooperative Endeavor Agreements with St. Bernard Parish for drainage and canal improvement projects that are being funded through the Hazard Mitigation Grant Program.

Legal Committee: Mr. Doody commented that the Board has discussed a number of on-going legal issues in Executive Session. He noted that he reviewed the legal invoices that have been placed on the Board agenda for approval. The invoices were also approved by the Board's General Counsel, SLFPA-E Regional Director and the appropriate levee district Executive Director.

CPRA/Governmental Affairs: The CPRA will hold its next scheduled meeting on December 3rd.

Coastal Advisory Committee: Mr. Kemp advised that the Coastal Advisory Committee did not meet in October. He noted that the Committee planned to meet on November 22nd.

REGIONAL DIRECTOR'S REPORT:

Mr. Turner reviewed the highlights of the Regional Director's Report (copy appended to minutes). He commented on the following items:

- IHNC Surge Barrier Barge and Sector Gates and Seabrook Complex – The NCC's are anticipated to be issued by the USACE in early December. The SLFPA-E participated in an inspection with the USACE earlier today on the Seabrook Complex and in a series of inspections with the USACE on the IHNC Surge Barrier. Several items of work by the USACE will be on-going, such as repainting the Bayou Bienvenue vertical lift gate and the repair of the Programmable Logic Controller for the Seabrook Complex. O&M training is continuing for SLFPA-E/levee district personnel.
- Foreshore Protection (Jefferson Parish) – The USACE is investigating a slide in Reach 3 and will report its findings. Erosion is occurring on the landward side of the rock dike. The SLFPA-E is working with the USACE to determine a permanent solution to correct the problem.

- LPV 111 (CSX RR to Michoud Canal) – A crack was discovered in the floodside levee embankment near Pump Station No. 15. The crack was probably due to differential settlement between areas supported and unsupported by deep soil mixing. The USACE disked the area, eradicated the crack and recompacted the soil.
- Armoring – The maintenance testing commenced on the pilot project in St. Charles Parish. The construction contracts for armoring will probably not occur until June, 2014. The SLFPA-E is reviewing the plans and specifications for the projects.
- Non-federal Levee Certification – The approval of a task order for additional surveying has been placed on the Board agenda for approval. The survey work primarily deals with levee cross sections, location of soil borings and CPTs.
- LPV 105.02 - A section of T-wall located east of the IHNC along Hayne Boulevard will be replaced by the USACE. The USACE determined that there is a problem with the concrete in one of the monoliths and the contractor will remove and recast the stem (not the base) for the 50-foot section of wall.
- OFC 08 – The USACE will place rock along the western side of the 17th Street Canal from the Hammond Highway Bridge to Veterans Highway. The sheetpile at this location is at a relatively shallow depth.

Mr. Turner advised that the estimated annualized O&M cost for the IHNC Surge Barrier is \$4 million. Significant high cost maintenance items will occur about every ten to fifteen years throughout the life of the project. Mr. Doody pointed out that language in the WRDA bill would authorize the USACE to take on the O&M responsibility of the IHNC Surge Barrier navigation gates at cost share of 65% Federal/35% local. He stressed that the WRDA bill only provides authorization; an appropriation by Congress would be needed to fund this effort.

Mr. Turner briefly discussed efforts to monitor differential movement in the HSDRRS. He advised that the AECOM studies of the levee districts' O&M costs are being updated and issues discovered in the original reports are being corrected. This effort should be completed in 30 to 60 days. The AECOM O&M Reports are limited in scope and only cover O&M and administrative functions. The reports did not include capital improvements (e.g., future levee lifts).

**RESOLUTION NO. 11-21-13-19 –
RESOLUTION RECOGNIZING JOHN M. BARRY**

“A resolution recognizing the commitment and contributions of Mr. John M. Barry to the Southeast Louisiana Flood Protection Authority-East and to the citizens of Louisiana.”

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

WHEREAS, after the devastation resulting from Hurricane Katrina, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) was created by the Louisiana State Legislature to provide regional flood protection for the Lake Pontchartrain Basin area; and

WHEREAS, due to his extensive knowledge and experience in the area of water issues, Mr. John M. Barry was selected to serve as a founding member on the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East; and

WHEREAS, Mr. Barry is a well-recognized prize-winning writer and historian and the author of "*Rising Tide: The Great Mississippi Flood of 1927 and How It Changed America*", which won the Francis Parkman Prize of the Society of American Historians for the year's best book of American history; and

WHEREAS, Mr. Barry sits on numerous boards and advisory boards, including M.I.T.'s Center for Engineering Systems Fundamentals, the Johns Hopkins Bloomberg School of Public Health, and the Society of American Historians; and

WHEREAS, Mr. Barry is a sought out speaker featured at events such as a White House Conference on the Mississippi Delta and in 2006 he became the only non-scientist ever to give the National Academies of Sciences annual Abel Wolman Distinguished Lecture; and

WHEREAS, after Hurricane Katrina the Louisiana congressional delegation requested that Mr. Barry chair a bipartisan working group on flood protection; and

WHEREAS, Mr. Barry has worked tirelessly to advance the SLFPA-E's mission of flood protection and to educate and inform governmental officials, members of Congress, business leaders and the public about current and future challenges to flood protection and the restoration and protection of Louisiana's coast and wetlands; and

WHEREAS, Mr. Barry served the SLFPA-E in the positions of governmental liaison, Vice President (July 1, 2010 to October 16, 2013), Secretary (January 10, 2007 to June 30, 2009), member of the Louisiana Coastal Protection and Restoration Authority, and Chair of the Legal Committee; and

WHEREAS, Mr. Barry's leadership, hard work and devoted service has resulted in many positive achievements and improvements to the flood protection system.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East hereby expresses its gratitude and appreciation to Mr. John M. Barry for his dedication and contribution during his tenure as a member of the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East.

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

YEAS: Mr. Angers, Mr. Estopinal, Mr. Hassinger, Mr. Kemp, Mr. Luettich,
Mr. McHugh, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: None

**RESOLUTION NO. 11-21-13-20 –
RESOLUTION RECOGNIZING DAVID P. BARNES, JR.**

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

“A resolution recognizing the commitment and contributions of Mr. David P. Barnes, Jr., to the Southeast Louisiana Flood Protection Authority-East and to the citizens of Louisiana.”

WHEREAS, after the devastation resulting from Hurricane Katrina, the Southeast Louisiana Flood Protection Authority-East was created by the Louisiana State Legislature to provide regional flood protection for the Lake Pontchartrain Basin area; and

WHEREAS, due to his outstanding qualifications and professional experience, Mr. David P. Barnes, Jr., was selected to serve as a founding member on the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East (SLFPA-E); and

WHEREAS, Mr. Barnes is a professional meteorologist and member of the American Meteorological Society with a career that expands over half a century with expertise in meteorology, climatology and hydrology ocean wave analysis; and

WHEREAS, Mr. Barnes has received special recognition and numerous commendations from various entities, including NOAA, the National Weather Service and the Louisiana Governor’s Office; and

WHEREAS, Mr. Barnes’ professional career includes two years as a U.S. Air Force meteorologist at Ellsworth Air Force Base in South Dakota, twenty-one years with the National Weather Service, and fourteen years as Chief Meteorologist for WWL-Radio and Television; and

WHEREAS, recognizing the importance of the mission of the Southeast Louisiana Flood Protection Authority- East, Mr. Barnes has continuously strived to achieve the best flood protection possible and has worked tirelessly in the service of the citizens of the region and diligently as the representative of St. Tammany Parish; and

WHEREAS, Mr. Barnes’ leadership, hard work and devoted service as a member of the Board and as a member of the SLFPA-E’s Operations and Legal Committees has resulted in many positive achievements and improvements to the flood protection system.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East hereby expresses its gratitude and appreciation to Mr. David P. Barnes, Jr., for his dedication and contribution during his tenure as a member of the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East.

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

YEAS: Mr. Angers, Mr. Estopinal, Mr. Hassinger, Mr. Kemp, Mr. Luettich,
Mr. McHugh, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: None

RESOLUTION NO. 11-21-13-21 –
RESOLUTION RECOGNIZING RICARDO S. PINEDA

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

“A resolution recognizing the commitment and contributions of Mr. Ricardo S. Pineda, P.E., CFM, to the Southeast Louisiana Flood Protection Authority-East and to the citizens of Louisiana.”

WHEREAS, after the devastation resulting from Hurricane Katrina, the Southeast Louisiana Flood Protection Authority-East was created by the Louisiana State Legislature to provide regional flood protection for the Lake Pontchartrain Basin area; and

WHEREAS, due to his outstanding qualifications, expertise and professional experience, Mr. Ricardo S. Pineda, P.E., CFM, was selected to serve as a founding member on the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East (SLFPA-E); and

WHEREAS, Mr. Pineda is the Chief of the Floodplain Management Branch of the California Department of Water Resources and California’s National Flood Insurance Program Manager with more than 30 years of experience as a Civil Engineer; and

WHEREAS, Mr. Pineda has served on numerous national committees for FEMA, the U.S. Army Corps of Engineers and the Association of State Floodplain Managers, as well as various Federal-State Flood Risk Management committees; and

WHEREAS, Mr. Pineda is the recipient of the 2010 William H. Hall Flood Control Award presented by the Sacramento Section of the American Society of Civil Engineers; and

WHEREAS, Mr. Pineda’s dedicated work and advocacy for achieving a high level of flood protection for urban areas and the adoption of strategies to mitigate for residual flood risks made him an invaluable asset to the SLFPA-E and Southeast Louisiana; and

WHEREAS, Mr. Pineda has continuously strived to achieve the best flood protection possible for the citizens of Southeast Louisiana and his diligent work as a member of the Board has resulted in many positive achievements and improvements to the flood protection system.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East hereby expresses its gratitude and appreciation to Mr. Ricardo S. Pineda for his dedication and contribution during his tenure as a member of the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East.

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

YEAS: Mr. Angers, Mr. Estopinal, Mr. Hassinger, Mr. Kemp, Mr. Luettich,
Mr. McHugh, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: None

EXECUTIVE SESSION:

1. Yacht Homes of Gabriel, LLC v. East Jefferson Levee District, 24th Judicial District Court, Parish of Jefferson, No. 626-181 Div. "P"
2. Yacht Homes of Gabriel, LLC and Bryan G. Krantz v. East Jefferson Levee District, 24th Judicial District Court, Parish of Jefferson, No. 688-793 Div. "F"
3. Southeast Louisiana Flood Protection Authority-East, et al, v. Tennessee Gas Pipeline Company, LCC, et al, Civil District Court for the Parish of Orleans No. 13-6911.
4. Discussion of potential litigation.
5. *"West End Tennis and Fitness Club, Inc. as Successor in Interest to Edward P. Gaskell, III and Edward P. Gaskell, III, individually versus Board of Commissioners for the Orleans Levee District and the City of New Orleans Civil District Court for the Parish of Orleans, No. 06-13668 Division "G"*.

A motion was offered by Mr. Wittie, seconded by Mr. Luettich and unanimously adopted, for the Board to convene in Executive Session to discuss the items listed on the agenda. The Board convened in Executive Session at 11:50 a.m.

A motion was offered by Mr. Wittie, seconded by Mr. Luettich and unanimously adopted, for the Board to reconvene in regular session. The Board reconvened in regular session at 2:10 p.m.

The Board considered recommendations from the Executive Session.

RESOLUTION NO. 11-21-13-03 – LEGAL ACTION

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East follow the attorney's recommendation in the litigation entitled, Yacht Homes of Gabriel, LLC v. East Jefferson Levee District, 24th Judicial District Court, Parish of Jefferson, No. 626-181 Div. "P".

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Angers, Mr. Estopinal, Mr. Hassinger, Mr. Kemp, Mr. Luettich,
Mr. McHugh, Mr. Tilly and Mr. Wittie
NAYS: None
ABSENT: None

RESOLUTION NO. 11-21-13-04 – LEGAL ACTION

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East follow the attorney’s recommendation in the litigation entitled, Yacht Homes of Gabriel, LLC and Bryan G. Krantz v. East Jefferson Levee District, 24th Judicial District Court, Parish of Jefferson, No. 688-793 Div. “F”.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Angers, Mr. Estopinal, Mr. Hassinger, Mr. Kemp, Mr. Luettich,
Mr. McHugh, Mr. Tilly and Mr. Wittie
NAYS: None
ABSENT: None

**RESOLUTION NO. 11-21-13-05 - WEST END TENNIS & FITNESS CLUB, INC.,
ET AL V. ORLEANS LEVEE DISTRICT**

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) accepts and approves the proposed settlement in the litigation entitled *“West End Tennis and Fitness Club, Inc. as Successor in Interest to Edward P. Gaskell, III and Edward P. Gaskell, III, individually versus Board of Commissioners for the Orleans Levee District and the City of New Orleans Civil District Court for the Parish of Orleans, No. 06-13668 Division “G”* based on recommendation of counsel.

BE IT FURTHER RESOLVED, that the Orleans Levee District Executive 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. Angers, Mr. Estopinal, Mr. Hassinger, Mr. Kemp, Mr. Luettich,
Mr. McHugh, Mr. Tilly and Mr. Wittie
NAYS: None
ABSENT: None

RESOLUTION NO. 11-21-13-06 - APPROVAL OF LEGAL INVOICES

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

WHEREAS, the legal invoices submitted to the Southeast Louisiana Flood Protection Authority-East (SLFPA-E), East Jefferson Levee District, Lake Borgne Basin Levee District and Orleans Levee District listed on the spreadsheet entitled "Legal Invoices Approved on November 21, 2013", have been reviewed and approved by the appropriate levee district Executive Director, the SLFPA-E Regional Director and the SLFPA-E General Counsel, Robert Lacour.

BE IT HEREBY RESOLVED, that the legal invoices listed on the spreadsheet entitled "Legal Invoices Approved on November 21, 2013" are hereby approved.

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

YEAS: Mr. Angers, Mr. Estopinal, Mr. Hassinger, Mr. Kemp, Mr. Luettich,
Mr. McHugh, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: None

RESOLUTION NO. 11-21-13-07 - SLFPA-E EXPENSE ALLOCATION

Mr. Estopinal advised that the Finance Committee recommended approval of the resolution before the Board.

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

WHEREAS, Hurricane Katrina brought awareness to the fact that flood waters know no political boundaries and of the interdependence from a flood protection and economical perspective of the parochial components within a region; and

WHEREAS, the Louisiana State Legislature acknowledging the necessity for regional flood protection established the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) as a levee district and to provide regional governance; and

WHEREAS, the SLFPA-E is responsible for a restored, strengthened and enhanced multi-parish integrated hurricane and flood protection system and coastal protection and restoration projects throughout the Metropolitan New Orleans area; and

WHEREAS, the SLFPA-E is committed to providing, operating and maintaining a strong, effective and resilient hurricane and storm damage protection system; and

WHEREAS, the SLFPA-E no longer receives \$500,000 each year from the State of Louisiana to accomplish its mission of achieving the highest level of flood protection possible for the region and to carry out all of its managerial and operational responsibilities; and

WHEREAS, the SLFPA-E desires to implement technologies and efficiencies that would benefit all of the levee districts within its jurisdiction; and

WHEREAS, there is a need to cost share the expenses of the SLFPA-E in order to continue the current operations and to implement technologies and employ the appropriate staff to advance the growth, management and efficient operation of the levee districts.

BE IT HEREBY RESOLVED, that one hundred percent of the overhead of the SLFPA-E be apportioned to the East Jefferson Levee District, Lake Borgne Basin Levee District and Orleans Levee District based on the ratio of each district's tax revenues dedicated to operations and maintenance to total taxes collected by all of the districts that are dedicated to operations and maintenance.

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

YEAS: Mr. Angers, Mr. Estopinal, Mr. Hassinger, Mr. Kemp, Mr. Luettich,
Mr. McHugh, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: None

RESOLUTION NO. 11-21-13-08 - SELECTION OF CONSULTANT TO DEVELOP AND IMPLEMENT LIMS DOCUMENT MANAGEMENT MODULE

On the motion of Mr. Wittie,

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) has received a grant under the Louisiana Disaster Recovery Community Development Block Grant Program for the purpose of planning and developing a Levee Information Management System (LIMS); and

WHEREAS, the SLFPA-E advertised and issued a Request for Proposals (RFP) for Professional Services for the development and implementation of a web-based Document Management Module as part of the LIMS; and

WHEREAS, six proposals were received in response to the RFP; and

WHEREAS, the six proposals were reviewed and competitively rated by a selection team consisting of Stephen Estopinal, SLFPA-E Commissioner, Robert A. Turner, Jr., SLFPA-E Regional Director, Roger Colwell, SLFPA-E GIS Administrator, and Kevin Kazmierczak, Orleans Levee District Information Technology Director; and

WHEREAS, the selection team recommended that GCR, Inc. be selected to provide the aforementioned Professional Services.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the selection of GCR, Inc. for the purpose of entering into a Contract with said consultant for the development and implementation of the LIMS Document Management Module.

BE IT FURTHER RESOLVED, that the SLFPA-E Regional Director is authorized to negotiate a contract with GCR, Inc. for the aforementioned services and to execute said contract.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Angers, Mr. Estopinal, Mr. Hassinger, Mr. Kemp, Mr. Luettich,
Mr. McHugh, Mr. Tilly and Mr. Wittie
NAYS: None
ABSENT: None

**RESOLUTION NO. 11-21-13-09 –
EXTENSION OF ID-IQ CONTRACT WITH GCR, INC.**

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

WHEREAS, the Indefinite Delivery-Indefinite Quantity (ID-IQ) contract between the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) and GCR, Inc., dated December 17, 2009, for Abstracting, Project Management and Right-of-Way Acquisition Consulting Services to support the SLFPA-E's acquisition of Lands, Easements, Rights-of-Ways, Relocations and Disposal Sites (LERRDs) will expire on December 31, 2013; and

WHEREAS, the aforementioned contract was amended to include services in connection with the development of a land management tool for the collection and archiving of critical land records and the creation of an interface to GIS maps and survey data delineating existing levee rights-of-way; and

WHEREA, the continued services of GCR, Inc. are needed to complete the collection and archiving of critical land records in the GIS Property Management Application for the East Jefferson, Orleans and Lake Borgne Basin Levee Districts.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes a one-year extension of the ID-IQ Contract with GCR, Inc. with all terms and conditions of the contract to remain the same.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Angers, Mr. Estopinal, Mr. Hassinger, Mr. Kemp, Mr. Luettich,
Mr. McHugh, Mr. Tilly and Mr. Wittie
NAYS: None
ABSENT: None

Briefing by John Barry on *SLFPA-E et al. v. Tennessee Gas Pipeline Company, LCC, et al.*

John Barry stated that he was speaking as a former Board member and not as the President of Restore Louisiana Now. He explained that he wanted to present a sense of the history of the thinking that went into the lawsuit against 97 oil, gas and pipeline

companies. He commented that it is a fundamental misunderstanding that the Authority's mission is essentially to take care of the levees and that the Authority sees its mission as trying to protect peoples' lives. The SLFPA-E mission statement talks about 500-year protection, which cannot be achieved by simply building higher levees. The SLFPA-E will need significantly more funds than it now receives, or is likely to have available, in order to maintain the levee system over time. An enormously increased revenue stream will be needed to achieve 500-year protection. The genesis of the lawsuit goes back prior to the BP oil spill. Mr. Barry was a member of the CPRA until October 16th. The CPRA was looking over the annual plan and he noticed that the projects under consideration in the out years were in the range of tens and perhaps hundreds of millions of dollars. Not only was the revenue stream not keeping pace, but it was decreasing into single digits of millions. The decrease in the revenue stream was because the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) funding was coming to an end. Mr. Barry stated that this began his thinking about revenue sources and what possibly could be done.

Mr. Barry explained that the impact of Hurricane Isaac got the attention of all of the Board members. Everyone knew intellectually that there were multiple causes of land loss and that land loss had an effect on storm surge and increased the threat. According to a USGS study that included industry scientists, 36 percent of the land loss statewide was the result of oil and gas operations. He stated that he talked to members of the Board to determine whether he had support if he inquired about a possible lawsuit against the oil, gas and pipeline companies, and with the unanimous support (no vote was taken) of the Board he went forward. Mr. Barry talked to lawyers in New York, Chicago, Los Angeles and New Orleans, national environmental groups and academic centers to try to find someone to take the litigation on pro bono, since the SLFPA-E could not afford the attorney fees. No one had the resources to take on the oil and gas industry in a potentially prolonged legal fight. He noted that he asked the SLFPA-E General Counsel and the Assistant Attorney General independently whether the SLFPA-E had standing and both indicated that the SLFPA-E had standing and authority to file suit. He then talked to some nationally renowned experts in this type of litigation, who expressed that the SLFPA-E had a case and standing, and provided a list of attorneys who could possibly handle this type of case. The first attorney on the list was Gladstone Jones. Mr. Barry then contacted Mr. Jones and the Board subsequently retained the services of Mr. Jones.

Mr. Barry addressed the reason for the lawsuit. Slides were presented with pictures comparing the Delacroix area in 1998 and 2008 and Pelican Rookery, Barataria, in 2012 and 2013. Slides from the Louisiana Master Plan depicted Louisiana's coast in 2050 and 2100, if nothing is done. He explained that the USGS has been remapping the State and has taken 31 place names off the map in Plaquemines Parish. Hundreds of place names will be taken off the map as the remapping of the State proceeds. To the extent that the oil and gas industry is responsible, it has a responsibility to pay. He quoted from the Master Plan, "Dredging canals for oil and gas pipelines took a toll on the landscape. Canals and pipelines crisscross south Louisiana marshes. Coastal marshes were lost when spoil banks were left randomly throughout the area drastically altering the natural hydrology. Salt water intrusion increased and more land was lost.

Canal dredging has had one of the most dramatic effects on wetland growth and regeneration. The marsh is unable to regenerate itself.” He commented that Bob Bea, formerly Shell’s chief offshore engineer and currently an emeritus professor at the University of California-Berkley and chair of the National Science Foundation’s investigation of what went wrong in Hurricane Katrina, stated that industry activities have contributed significantly to the loss of natural defenses, and, in several important cases, it was the loss of these natural defenses that contributed to the unanticipated breaches of flood protection facilities that protected the Greater New Orleans area during Hurricane Katrina and led to repeated flooding during Hurricane Rita.

Mr. Barry explained that 100-year protection is protection against a storm with a one percent chance of occurring in any given year. The river levees have been built to a much higher standard than 100-year protection. Four 100-year floods have occurred in the past 86 years (1927, 1937, 1973 and 2011). The 2011 flood would have crushed 100-year levees and was three to four feet higher than the 100-year standard. Therefore, advancing beyond the 100-year protection level is absolutely necessary. He pointed out that a study commissioned by the SLFPA-E concluded that it would cost an estimated \$1.2 billion to preserve the landbridge that extends from New Orleans East into the lake. The landbridge is necessary just to maintain 100-year protection.

Mr. Barry reiterated that the Board’s attorneys and Assistant Attorney General advised that the Board had standing to file the suit. The Governor’s Office was invited to challenge the Board’s standing in court and declined to do so. He stated that he asked Garrett Graves, the Governor’s Executive Assistant for Coastal Activities and Chair of the CPRA, at the time the CPRA adopted a resolution opposing the lawsuit whether the resolution authorized the CPRA to take legal action, and he responded that it did not authorize such action. There has been no challenge on the SLFPA-E’s standing.

Mr. Barry commented that the lawsuit does not interfere with the Louisiana Master Plan. The purpose of the suit is to fund the Master Plan in the SLFPA-E’s jurisdiction. He stated that the SLFPA-E has been criticized for trying to collect from an industry that states it was complying with the law at the time it conducted its operations; however, the Board does not believe this to be true. The permit language was clear and the permits were violated. State law has been consistent with much of the permit language since the mid-1980s. The industry did not comply with State law. If the industry complied with the law, then the SLFPA-E would lose the suit and the attorneys would not be paid. He stated that he did not think that it was possible for the lawsuit to interfere with the BP trial because the BP trial will end before discovery gets underway and new facts cannot be introduced on appeal. He stated that the SLFPA-E was told that the State had its own litigation plans; however, none of the Board members saw a conflict between the State’s plan and SLFPA-E’s plan. In response to the statement that the Board’s action would cost the State jobs, he stated that the oil and gas industry will stay as long as the oil and gas is here. The State, coastal parishes, the SLFPA-E and many others have filed lawsuits against BP. BP sued the Federal government to be allowed to bid on more areas. In response to the statement that the Board’s effort would interfere with the business climate and block expansion of projects, he pointed out that the Board’s lawsuit did not affect Shell’s \$12.5 billion expansion project. He commented that the

industry's cooperation with other levee districts and parishes is worth millions of dollars. However, the industry's liability statewide is worth tens of billions of dollars. The risks due to coastal land loss are increasing on a daily basis.

Mr. Barry advised that the SLFPA-E's lawsuit has been followed by two parishes and that he expected other parishes to file suits, which is perhaps the best and quickest path to a solution to get the money to give Louisiana a chance to survive. He commented on the unlikelihood of Louisiana receiving Federal funds. He stated that the SLFPA-E is an independent board, specifically designed to do what politicians cannot do, and that he hoped that the Board would vote to affirm the lawsuit.

Mr. Hassinger referred to the comments presented by Mr. Curole earlier in the meeting. Mr. Curole had stated that the Governor's Office, legislators, parish officials, oil and gas industry representatives and various stakeholders were approached because of the size of the issue and the effect on policy statewide. Mr. Hassinger asked whether the SLFPA-E took these steps prior to filing the lawsuit.

Mr. Barry responded that on December 4, 2012, he, Mr. Doody and Mr. Lacour met with Mr. Graves and told him about the SLFPA-E's plan and that this conversation clinched his decision that the lawsuit was the right thing to do. He mentioned at the meeting a suggestion that the SLFPA-E determine whether the industry would come to the table; however, Mr. Graves advised that he already did that and that they are not there yet – they were not ready to go to the table. He added that from the time the lawsuit was announced he said that a better solution would be for everyone to come to the table. He further explained that Mr. Graves was invited to the Board's executive sessions and that Mr. Graves was reminded in April and in June that the Board was still planning to go forward with the suit. He stated that he and Mr. Doody went to several legislators and that in February or March he advised King Milling at a CPRA meeting about the suit. He added that the Board did not expect as much push back as it received; however, it knew that its action would be controversial and could potentially evoke action by others.

Mr. Hassinger explained that he looked at this issue from a budgetary position and whether the Authority can accomplish its statutory mission while doing other things. The Board has an obligation to use its resources and assets wisely to accomplish flood protection. He noted that the contract between the SLFPA-E and the attorneys contains a "poison pill" provision. Mr. Barry advised that the provision is in place to protect the lawyers who are investing millions of dollars in cash and thousands of hours in time. Mr. Hassinger pointed out that the provision is poison to the Authority and not the attorneys. Mr. Barry responded that he did not see how it could be poison to the Authority since it has no risk unless it withdraws the lawsuit. He stated that this provision is standard in private contracts with contingency fees and that the only part of the provision that is unusual is the reference to a third party. If the legislature (a third party) intervenes, then the Authority would have responsibility. This makes it more difficult for the legislature to intervene. It presents some risk to the Authority; however, he stated that there are a lot of ways out of this risk. If the SLFPA-E was to lose in the legislature, a likely inclusion in the legislation, which would make it more palatable to

legislators within this region, would be for the State to pick up the negotiated legal fees. He added that his view primarily is that the provision included in the non-standard part of the contract was to make intervention maximally unpalatable to the legislature—the other part of the contract regarding contingency is completely standard and reasonable.

Discussion of fees and costs purportedly incurred to date under contract signed in connection with litigation captioned *SLFPA-E et al. v. Tennessee Gas Pipeline Company, LLC, et al.*

Mr. Estopinal offered a motion to table the discussion of this agenda item. He added that there has been considerable discussion and that he thought the questions were being answered. There was no second to the motion to table the discussion.

Mr. Hassinger explained that the contract contains a poison pill provision apparently intended to be poison to the Legislature, which is that the attorneys would be paid an hourly rate should the SLFPA-E cancel the contract. He asked the following questions: what is the hourly rate, what is the total of the costs to-date, and what would the SLFPA-E and levee districts be obligated to pay should the contract or lawsuit be terminated today. He explained that his concern is magnified by a Board resolution and the accompanying formula and ratios for the allocation of the SLFPA-E's expenses which has the Orleans Levee District paying almost 57 percent of the expenses.

Mr. Doody requested that Thomas Anzelmo, SLFPA-E attorney, address potential legal concerns relative to the public discussion of the questions asked. Mr. Anzelmo replied that there is no problem as long as a question does not seek the disclosure of confidential or product information. If a question implicates or causes the disclosure of any type of attorney-client work product privilege, he would suggest that the information being sought be discussed in executive session. The Board could then have a full opportunity to have its questions answered without violating any provision of confidentiality.

Gladston Jones stated that he has repeatedly given the Board updates about the status of the litigation and that he would be more than happy to come into the executive session and provide any and all information requested by the Board. He stated that he was not comfortable with having any discussion whatsoever that may violate the attorney-client privilege, which could cause problems with this type of litigation. The agenda item indicates that the Board would be discussing costs and fees incurred by the SLFPA-E for the work that has been done over the past 13 months. He stated that zero costs and zero fees have been incurred. The provision of the contract that was referred to by Mr. Hassinger is a provision that is only triggered in the event that the Board or the legislature decides to terminate the litigation. To-date the law firms have spent approximately \$750,000 in costs, which includes experts and vendors. The lawyers (three law firms) have incurred about 8,000 hours. He stated that there is no specific hourly rate. There is a provision in the contract that states that Louisiana law would be followed in the event of termination and that a court routinely looks to the reasonable hourly rates in the State of Louisiana. An hourly fee would only apply in the event services are terminated. The contract specifically does not provide an hourly rate

because the rate would be different if the contract is terminated today than it would be if the contract is terminated on January 1, 2014. He stated that he would not engage in speculation about the hourly rate. Should the firm's services be terminated, a bill would be submitted and, if there is a disagreement, then it would be arbitrated. He commented that the contract has been made public and that there is nothing unusual about the contract. He stated that should his firm's services be terminated, he would be more than happy to justify every dollar and every five minute increment of an hour spent on the case.

Mr. Hassinger asked Mr. Jones to provide a range of an hourly rate if the contract was cancelled today. Mr. Jones replied that he would not do so.

Mr. Doody commented that Mr. Lacour would contact Mr. Jones regarding the Board's questions about the contract.

Garrett Graves stated that he wanted to respond to some allegations made in the Board meeting and in the media. It was alleged on numerous occasions that the Governor, CPRA and others are defenders of big oil. He pointed out that BP should be asked if the Governor, CPRA and the State are defenders of big oil and whether the State of Louisiana has let them off easy. He stated that the allegation is absurd and that companies will be held accountable in any case where they are out of compliance with their permits. He noted that the discussion concerning the litigation has been about holding companies accountable and coastal restoration. He pointed out that the land loss in coastal Louisiana attributable to oil and gas in this district is a drop in the bucket compared to what is actually taking place. He stated that studies show, and that Mr. Barry stated in a video, that 11 percent of coastal Louisiana land loss is attributable to the oil and gas industry. The remaining 90 percent is attributable to the USACE due to the levees along the Mississippi River System and consists of historic and on-going loss. The value of the annual on-going loss of lands in coastal Louisiana is about two billion dollars per year. If the Board is concerned about coastal restoration and the sustainability of the region, he asked that it join the CPRA in its efforts to hold the USACE accountable. He pointed out that if the Board is successful in its lawsuit, the money will quickly disappear, with one-third of it going to the attorneys, addressing mitigation that should be addressed by the USACE.

Mr. Graves explained that the USACE under Federal law was given 17 different statutory deadlines to accomplish certain things (e.g., advancing projects, preparing reports and the MRGO restoration) since Hurricane Katrina. The USACE failed to meet a single statutory deadline. The CPRA has been fighting the USACE, working with the Congressional delegation to try to get USACE in compliance, and working with Lisa Jackson, former EPA Administrator, to have the task force document released that states that the river needs to be sustainably managed. The task force document recognizes that the narrow management regime of just looking at flood control and navigation, and not considering coastal land loss, actually jeopardizes flood control and navigation.

Mr. Graves commented on the inappropriateness of the Board doing things with the intention of circumventing the legislature and pointed out that the members of the legislature were elected to make decisions. It was inappropriate for the SLFPA-E, which is one of hundreds of boards across the State, to attempt to exercise authority to the degree that has been done. He commented that he respected and appreciated the work that has been done by the Board. He stated that he understood that Mr. Barry did not like the overall strategy developed by the State, which recognizes the overall liabilities of the USACE, historic logging operations, navigation channels and the oil and gas industry. However, the State had developed a strategy to move forward. He stated that his personal opinion is that if the Board continues with its strategy, the State will see less money invested in the coast and a less robust coast than would be seen if the various liabilities and strategies are properly sequenced.

Mr. Graves commented that the Board entered into a contingency contract on the BP oil spill, which he considered to be fundamentally different than the oil and gas industry suit. He pointed out that the contingency fees in the BP oil spill contract were from ten to twenty percent and that there was a five percent cap on expenses. The contract executed for the oil and gas industry lawsuit contains contingency rates that exceed 30 percent. The only cap on fees and expenses is the total recovery. Therefore, the SLFPA-E could end up with a judgment that all goes to the trial lawyers. The Board is in a position where it has absolutely no option but to go forward. The Board has handed over the authority and, in effect, the bank account to the attorneys because it cannot afford to execute the poison pill provision. He noted the provision in the contract that states that the attorneys' fees are not based upon the cost of a project, but upon the "value of gross recovery", which can be accumulative. He also noted that the contract does not include an expiration clause and can go on in perpetuity, allows the attorney to transfer or assign the contract to other attorneys in the future, and gives the attorney the sole discretion in determining how much money is spent.

Mr. Graves asked the members of the Board to separate the emotional issues associated with coastal restoration and to look carefully at what has been done. He stressed that the contract is incredibly dangerous. He added that the contract is not limited to oil and gas and does not identify a specific goal or objective. In the future the attorneys may address historic logging operations or the shipping industry. He asked the Board to join the CPRA with first holding BP accountable for the damages resulting from the oil spill, working with the Congressional delegation to hold the USACE accountable for its liabilities and to obtain a greater share of offshore energy revenues, and with meeting with other states to help them understand the connectivity between what happens in Louisiana and the rest of the country. He reiterated his concern about the contract and the fact that the attorney would not respond to the question from the Board regarding his hourly rate.

Mr. Kemp inquired about the recent suits filed by the parishes. Mr. Graves responded that it was suggested that the SLFPA-E lawsuit and the parish lawsuits are the same; however, he did not believe this to be true. The parishes are specifically mentioned in the coastal zone statutes in terms of plans and enforcement. He reiterated that if companies are operating outside of their permit conditions and regulatory compliance,

they need to be held accountable. He added that the Department of Natural Resources has been requested to look into this issue. He recommended that if companies are out of compliance, that meetings be held with the companies to determine whether the problems can be worked out so that 100 percent of the money would go the coast. He reiterated that the State supports holding companies accountable to permit conditions and regulatory compliance. He stated that he did not think that the method by which the parishes are proceeding is the right approach and that he would rather the money go into the coast than to attorneys.

Mr. Doody commented that everyone agrees that there has been damage resulting from the construction of levees by the Federal government for the benefit of the entire country. He stated that Mr. Graves brought up some good points about the contract that the Board can and will look into. He added that he would like to open a dialog so that everyone can work together towards the common goal of saving the coast and the construction of the State's Master Plan. Mr. Graves responded that he would be happy to meet as a formal or informal group and that he hoped the issues could be resolved as quickly as possible so that everyone can focus on the things that actually matter as opposed to being distracted by the litigation.

Mr. Graves pointed out that access canals constructed in areas that do not have levees have filled in. The State was growing on an average of three-quarters of a square mile per year prior to the construction of the levees. After the levees were constructed, the situation immediately reversed to approximately 28 square miles of land loss. In addition, when the access canals were constructed, the sediment resource was moved within the basin. He commented on the complexity of assigning liability and his concern that the pursuit of this litigation would take away from the top goal of holding the USACE accountable and forcing the USACE to manage the river in a sustainable manner.

Mr. Barry clarified that the 11 percent figure that he used was the lowest estimate of any credible study. The estimates increased from 11 percent.

Motion to stay litigation captioned “*SLFPA-E et al. v. Tennessee Gas Pipeline Company, LLC, et al.*”

Mr. Doody advised that Mr. Hassinger requested that the motion to stay litigation captioned “*SLFPA-E et al. v. Tennessee Gas Pipeline Company, LLC, et al.*” be deferred to a future meeting.

RESOLUTION NO. 11-21-13-10 - TO REQUEST THAT THE LEGISLATIVE AUDITOR EVALUATE THE CONTRACT FOR LEGAL SERVICES IN CONNECTION WITH LITIGATION CAPTIONED “*SLFPA-E ET AL. V. TENNESSEE GAS PIPELINE COMPANY, LLC, ET AL*”

Mr. Hassinger explained that he raised several concerns with the Board about the terms of the contract. He asked when was the contract executed? Mr. Barry responded that the contract was executed on July 17th. Mr. Hassinger stated that he would like to have the Legislative Auditor review the contract and advised the Board if there are any

provisions of the contract that are problematic from a statutory or budgetary standpoint. He expressed his respect for Mr. Barry and Mr. Jones and his firm and stated that he did not want anyone to take his questions or comments as accusations that something was done out of ill motive or ill will. He clarified that he had problems from the perspective of a public body spending or obligating itself to spend a large amount of money on litigation. The motion was seconded by Mr. Angers.

Mr. Estopinal offered a motion to lay the motion before the Board on the table.

Mr. Hassinger further explained that his request is for the Legislative Auditor, who has the responsibility of reviewing this type of document, to advise the Board concerning the contract. He reiterated that his request is due to his concerns about the contract and not because there was some intent to do something wrong.

Mr. Doody commented that the Board discussed having Mr. Lacour ask Mr. Jones some questions about the contract and that Mr. Jones acknowledged that he would answer Mr. Lacour's questions. He requested that the Board table the motion until the next meeting in order for the Board to obtain answers to the questions that Mr. Lacour may be discussing with Mr. Jones so that if the Board does vote in favor of asking the Legislative Auditor to review the contract, it has a final version. He reiterated that he would like to get all of the questions out of the way and have a final version.

Mr. Hassinger responded that the problem is thus far there are 8,000 hours that could potentially be billed to the SLFPA-E. Since the contract was executed on July 17th, this is about 2,000 hours per month or 70 hours per day. Therefore, he would like to obtain the opinion and some direction.

Mr. Angers expressed his support of the request to ask the Legislative Auditor to review the contract and any potential future revised version of the contract.

Mr. Tilly commented that he did not think that it would hurt anything to table the motion as long as it is brought up at the next meeting. The Board is not talking about stopping the contract; therefore, hours will still accumulate. Therefore, it does not matter when the contract is audited. It is important that the Board give its attorney the opportunity to answer the questions posed to him, and if the Board is not satisfied with the answers, then it can go to the Auditor. Therefore, he was in favor of tabling the motion at this time.

Mr. Luettich asked whether anyone could ask the Legislative Auditor to review the contract. Mr. Hassinger responded that the Legislative Auditor could review the contract on his own volition; however, he thought it would be responsible for the Board to make the request by vote.

There was no second on Mr. Estopinal's motion to table the motion. Mr. Tilly offered a substitute motion, which was seconded by Mr. Estopinal, to defer the motion before the Board until the next meeting in order to give the attorneys a chance to answer the Board's questions.

Mr. Luettich commented that the contract was made public, the Board's attorney reviewed the contract and the Attorney General was made aware of the contract.

Mr. Lacour clarified that he was advised by the Attorney General's (AG) top assistant that they did review the contract and that they (Mr. Lacour and the AG's assistant) discussed some of the provisions.

Mr. Graves commented that a vote to table or defer the motion is a vote against public disclosure. If the contract has been properly vetted and reviewed and is appropriate, then there should not be a problem. He reiterated his request that the Board separate the emotional issue of land loss in Louisiana from the request before the Board. Every month the potential debt is increasing.

The motion to defer the motion to request the Legislative Auditor to evaluate the contract failed with the following vote: Mr. McHugh, Mr. Hassinger, Mr. Angers, Mr. Luettich and Mr. Doody voting nay and Mr. Estopinal, Mr. Tilly, Mr. Wittie, Mr. Kemp voting yea.

Mr. Luettich inquired about the verbiage "evaluate the contract" and asked whether the Legislative Auditor is being asked to render an opinion on standing. Mr. Hassinger clarified that he would like to request that the Legislative Auditor evaluate the contract, with the understanding of the context of the contract (the SLFPA-E, a flood protection authority, suing oil companies), and advise the SLFPA-E whether the terms are legal and that the Legislative Auditor evaluate the impact on the SLFPA-E's ability to meet its statutory mission. The request is not to have the Legislative Auditor evaluate anything with respect to the litigation. The request is simply to evaluate the contract so that the Board can be advised whether it is legal, appropriate and viable, and concerning its impact on the Authority's ability to perform its function. He cited examples of questions regarding the terms of the contract: provisions that prevent the Board from having the opportunity to change its mind at the risk of bankruptcy, the fact that the Board has no oversight or control over any costs or the selection of experts or other consultants, and the fact that the Board waives discovery and submits to arbitration if there is a dispute.

Mr. Doody requested that Mr. Lacour craft the request if the Board votes in favor of having the Legislative Auditor review the terms of the contract. (Copies of the proposed resolution were distributed.) Mr. Lacour stated he would like to circulate the request among the Board members before submitting it to the Legislative Auditor to assure that he does not miss anything.

Mr. Barry commented that the legislature is a political body. The legislative fight is to occur between March and June when the legislature is in session. He stated that the Board is naïve if it thinks that the Legislative Auditor is not influenced by politics. He stated that it is very important that the fight occur between March and June and not get started today. The reality is if the legislature had voted the day the lawsuit was filed, it would very likely have been killed. The Board knows that the lawsuit has public support, which moves legislators. He stated that he believes that the legislature will not

intervene if given time. The Board would now be providing a tremendous political weapon before legislators have been given an opportunity to be educated. He stated that he thought that the request was a terrible idea and that it was suggested as a way to inject politics more than ever into the process. He asked that Restore Louisiana Now be given an opportunity to educate legislators and that the public be given an opportunity to express their desires to their legislators before getting the legislature involved.

Mr. Hassinger stated he did not subscribe to any suggestion that the Legislative Auditor acts out of political motivation. The Legislative Auditor is supposed to be the watchdog. He commented that he has heard over the past several years that the SLFPA-E Board is not political. He stated that he is not making a comment today about the litigation. He asked, considering the comments made today about non-profits and that the Board can't go to the Legislative Auditor and must wait until the legislative session, did anyone really think that the Board is not neck deep in politics with this case.

Mr. Arrigo commented that it was stated that it would be horrible for the legislature to intervene in the lawsuit. He pointed out that the legislature is part of the process and represents the public. He added that much of the lawsuit was put together behind closed doors. If legislators intervene, they are accountable to the public. He noted that the Legislative Auditor is the neutral entity to evaluate this type of contract and urged the Board to have the Legislative Auditor review the contract without delay.

Craig Berthold commented that the Board would like to have its day in court with the lawsuit; however, the property owners along the 17th Street Canal have been denied this right.

Mr. Luettich stated that the resolution seemed clear and asked whether Mr. Lacour had to write the request. Mr. Doody advised that there may be questions of the Board separate and apart from the resolution that could be included in the request.

On the motion of Mr. Hassinger,
Seconded by Mr. Angers, the following resolution was offered:

WHEREAS, the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) needs the opportunity to evaluate several issues related to the contract for legal services entered into for representation in the litigation captioned "*Southeast Louisiana Flood Protection Authority-East, et al. v. Tennessee Gas Pipeline Company, et al*", originally in Civil District Court for Orleans Parish as Case No. 13-6911 and removed to the federal District Court for the Eastern District of Louisiana as Case No. 13-5410,

BE IT HEREBY RESOLVED, that the SLFPA-E requests that the Legislative Auditor evaluate whether the terms of the contract comport with Louisiana law, its impact on the Authority's budget and operations, and the implications for a public body charged with being a responsible steward of taxpayer funds, including but not limited to:

1. Page 1, paragraph 1. The Board retains the law firm “in connection with...claims for damages...sustained as a consequence of the ongoing land loss and erosion...” And then, in paragraph 2, the Board “specifically authorizes [the law firm] to undertake negotiations and/or file suit or institute legal proceedings...” The contract places no restrictions on what suit can be filed, the number of suits that can be filed, or what persons or industries can be sued.

2. Page 1, paragraph 2. The Board has given the law firm the sole authority to “retain and employ, at [the Authority’s]” - i.e. taxpayers’- “expense, the service of any experts, as well as the services of other outside contractors, as [the law firm] reasonably deems necessary or expedient in representing the Client’s and the Levee Districts’ interests.”

3. Page 1, paragraph 3. The Board agrees that in the event of an unfavorable judgment by the trial court, “if *in [the law firm’s] sole opinion* good grounds exist, [the law firm will] appeal said cause to the appropriate court of appeals and prosecute same to a final determination therein.”

4. Page 1, Section 1 – Attorney Fees. The Board agrees that the law firm shall receive set percentages “of any gross recovery (“fee”) before the deduction of any costs and expenses...” In the very next paragraph, “gross recovery” is defined to include “litigation costs and expenses.” Then, in Section 2, the Board agrees that, in addition to that fee paid per Section 1, the Board will then pay the law firm all costs and expenses in connection with the matter.

5. Page 1, Section 1 – Attorney Fees. The Board obligates itself to pay attorney fees in cash, even if the defendants implement a restoration or remediation plan rather than pay a cash settlement.

6. Page 2, Section 2. The Board agrees that the law firm “shall have the right and authority, *without prior approval of [the Board]* to incur such litigation costs and expenses as may be necessary and/or advisable...”

7. Page 4, Section 7. The Board agrees “to submit to arbitration” in the event of a dispute or disagreement concerning the contract. Further, not only does the Board agree to submit to arbitration, it agrees that it is “also giving up your rights *to discovery...*”

8. Page 4, Section 9. The “poison pill” provision.

Here, the contract defines “third persons” as “meaning persons or entities not party to this agreement.” The Board agrees that if the law firm’s representation “is terminated prior to full and final recovery and payment of the attorney’s fees, costs and expenses owed to [the law firm] under this agreement,” the Board will be responsible for paying those fees and expenses.

Further, the law firm’s fee “shall be based on all of the facts and circumstances deemed relevant...including [the law firm’s] prevailing standard hourly rates and the risk taken...” The contract does not set forth what that hourly rate will be, and provides no cap and no controls whatever.

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

YEAS: Mr. Angers, Mr. Hassinger, Mr. Luettich, Mr. McHugh, Mr. Tilly and Mr. Wittie

NAYS: Mr. Estopinal and Mr. Kemp

ABSENT: None

Motion to reaffirm Resolution No. 08-15-13-04, and to authorize continued prosecution of the lawsuit filed originally in Civil District Court for Orleans Parish as Case No. 13-6911 and removed to the federal District Court for the Eastern District of Louisiana as Case No. 13-5410, naming as plaintiffs the Board of Commissioners of SLFPA-E, individually and as the board governing the Orleans Levee District, the Lake Borgne Basin Levee District, and the East Jefferson Levee District, and naming as defendants Tennessee Gas Pipeline Company, LLC, *et al*

Mr. Estopinal stated that there has been much discussion about the contract and that Mr. Graves commented on the cost of continuing the litigation. He stated that he is proposing that the Board tell its attorneys through the reaffirming of its resolution that it wants to proceed with the lawsuit and that the attorneys can move ahead with all due speed or that it does not want to proceed with the lawsuit and to send the SLFPA-E the bill. The motion was seconded by Mr. Wittie.

Mr. McHugh stated that the law firm would still keep working whether the motion before the Board is tabled or passed and that the Legislative Auditor will be requested to review the contract. He offered a motion, which was seconded by Mr. Hassinger, to table the motion before the Board to reaffirm its prior resolution. The motion to table was adopted with the following vote: Mr. McHugh, Mr. Hassinger, Mr. Tilly, Mr. Angers and Mr. Wittie voting yea and Mr. Estopinal, Mr. Luettich and Mr. Kemp voting nay.

RESOLUTION NO. 11-21-13-11 - TASK ORDER TO BFM CORPORATION FOR PHASE 2 SURVEY – MAXENT & 40 ARPENT LEVEE SYSTEMS

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

WHEREAS, the Maxent Levee in New Orleans East and the 40 Arpent Levee in the Lower Ninth Ward and St. Bernard Parish must be certified order to be accredited by FEMA for the National Flood Insurance Program; and

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) entered into an Indefinite Delivery-Indefinite Quantity Contract with BRF Corporation, dated November 29, 2012, for professional survey services; and

WHEREAS, BFM Corporation completed the Phase I Survey of the 40 Arpent and Maxent Levee for the aforementioned certification process; and

WHEREAS, there is a need to perform additional survey services as described in the proposal submitted by BFM Corporation, dated November 8, 2013, at a not to exceed cost of \$166,500, for the certification of the aforementioned non-federal levees; and

WHEREAS, by Resolution No. 02-21-13-05, the Board established a maximum contract value for ID-IQ Surveying Contracts of \$250,000; and

WHEREAS, there is a need to raise the maximum contract value for the ID-IQ Survey Contract with BFM Corporation to \$400,000 due to the significant amount of survey work needed for the non-federal levee certification process.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the issuance of Task Order No. 07-01-04 to BFM Corporation for the Phase 2 Survey – Maxent and 40 Arpent Levee Systems at a cost not to exceed \$166,500 and the amendment of the ID-IQ Contract with BFM Corporation to raise the maximum contract value to \$400,000.

BE IT FURTHER RESOLVED, that the SLFPA-E Regional Director is hereby authorized to execute the aforementioned task order to BFM Corporation and the amendment of the BFM Corporation Contract, and 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. Angers, Mr. Estopinal, Mr. Kemp, Mr. Luettich, Mr. McHugh, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Hassinger

RESOLUTION 11-21-13-12 - ADOPT MILLAGE RATES FOR THE YEAR 2014 AND CERTIFY THE LEVY OF THE THREE MILLAGE RATES TO THE CITY OF NEW ORLEANS FOR THE PURPOSE OF ASSESSING AND COLLECTION OF THE THREE TAXES

Mr. Wittie read the resolution in full into the record. Mr. Doody clarified that the Board is neither raising nor lowering the millage rates. The resolution was adopted after a roll call vote.

On the motion of Mr. Wittie,

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

BE IT RESOLVED that the Southeast Louisiana Flood Protection Authority – East (“the Authority”), acting as the governing authority of the Orleans Levee District, that:

Section 1. Millage to be levied in 2014. The following millages are adopted and levied for the tax year 2014 on all property subject to taxation within the portion of Orleans Parish located on the East Bank of the Mississippi River, by the Orleans Levee District:

General Tax	5.46 mills
Special Levee Improvement Tax (SLIP Tax)	5.46 mills
Maintenance Tax	<u>0.75 mills</u>

Total Millage 11.67 mills

The General Tax is authorized by Article 6 Section 39(A) of the Constitution.

The Special Levee Improvement Tax is authorized by the Special Election of November 19, 1983.

The Maintenance Tax is authorized by the Special Election of March 5, 1974 and imposed by the District's Resolution No. 1-081899.

Section 2. Statement of Total Millage to be levied. A total of 11.67 mills shall be levied in 2014.

Section 3. The Authority, acting for the District, hereby certifies the annual levy of the General Tax, the SLIP Tax and the Maintenance Tax to the Council of the City of New Orleans for the purpose of causing the three taxes to be entered on the assessment rolls of said City for the tax year 2014, and that the taxes herein levied shall become a permanent lien and privilege on all property subject to taxation as herein set forth, and enforced and collected by The City's Finance Department in the manner and under the conditions and with interest and penalties prescribed by law for City taxes; and such monies, the ad valorem taxes including interest and penalties connected therewith, thus collected shall be paid to the District as provided by law for the tax year 2014.

Section 4. Further Action. The President of the Authority or the Executive Director of the District is and they are hereby authorized and empowered to execute any and all documents necessary to accomplish the above purposes.

The foregoing resolution was read in full, the roll was called on the adoption thereof, and the resolution was adopted by the following votes:

YEAS: Mr. Angers, Mr. Estopinal, Mr. Hassinger, Mr. Kemp, Mr. Luetlich,
Mr. McHugh, Mr. Tilly and Mr. Wittie

NAYS: None

ABSTAINED: None

ABSENT: None

RESOLUTION NO. 11-21-13-13 - AWARD OF CONTRACT FOR FLORIDA AVENUE BRIDGE EROSION PROTECTION PROJECT

Mr. Wittie advised that the award of the contract was reviewed and recommended by the Operations Committee.

On the motion of Mr. Wittie,

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

WHEREAS, the non-hurricane flood protection that provides erosion protection and protects low roadway approaches southeast and northwest of the Florida Avenue Bridge over the Inner harbor Navigation Canal is deteriorating; and

WHEREAS, the Orleans Levee District (O.L.D.) wants to replace the deteriorating non-hurricane flood protection with a steel sheet pile wall southeast and northwest of the bridge; and

WHEREAS, the Florida Avenue Bridge Erosion Protection Project was advertised and two bids were received, as follows:

Bidding Contractors	Total Base Bid Price
Cycle Construction LLC	\$394,455.00
M.R. Pittman Group LLC	\$459,099.00
Double Aught	N/A

WHEREAS, funds for this project are available from the approved FY 2014 Special Levee Improvement Fund Budget.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority–East authorizes the award of a contract in the amount of \$394,455.00 to Cycle Construction Company, LLC, and the establishment of a budget in the amount of \$450,000.00 to include contingencies, for the Florida Avenue Bridge Erosion Protection Project.

BE IT FURTHER RESOLVED, that the O.L.D. Executive Director is hereby authorized to execute a contract in the amount of \$394,455.00 with Cycle Construction Company, LLC, and any and all other documents necessary to accomplish the above.

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

YEAS: Mr. Angers, Mr. Estopinal, Mr. Kemp, Mr. Luettich, Mr. McHugh, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Hassinger

RESOLUTION NO. 11-21-13-14 - AWARD OF CONTRACT FOR FLOODGATE AND FLOODWALL REPAIR

Mr. Wittie advised that the award of the subject contract was reviewed and recommended by the Operations Committee.

On the motion of Mr. Wittie,

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

WHEREAS, the Orleans Levee District (O.L.D.) floodgates and floodwalls require repairs; and

WHEREAS, the Floodgate and Floodwall Repair Project was advertised and three bids were received, as follows:

Bidding Contractors	Total Base Bid Price
Kostmayer Construction LLC	\$ 906,337.00
PCS, Inc.	\$1,024,678.00
IMC, Inc.	\$1,093,490.00

WHEREAS, funds for this project are available from the approved FY 2014 Special Levee Improvement Fund Budget.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority–East authorizes the award of a contract in the amount of \$906,337.00 to Kostmayer Construction Company, LLC, and the establishment of a budget in the amount of \$1,200,000.00 to include contingencies, for the Floodgate and Floodwall Repair Project.

BE IT FURTHER RESOLVED, that the O.L.D. Executive Director is hereby authorized to execute a contract in the amount of \$906,337.00 with Kostmayer Construction Company, LLC, and any and all other documents necessary to accomplish the above.

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

YEAS: Mr. Angers, Mr. Estopinal, Mr. Kemp, Mr. Luettich, Mr. McHugh, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Hassinger

RESOLUTION NO. 11-21-13-15 - AWARD OF CONTRACT FOR THE FRANKLIN AVENUE FACILITY PARKING LOT IMPROVEMENTS PROJECT

On the motion of Mr. Wittie,

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

WHEREAS, the parking lot and other roadways for the Franklin Avenue Facility are deteriorating and must be renovated; and

WHEREAS, the Franklin Avenue Facility Parking Lot Improvements Project was advertised and five bids were received, as follows:

Bidding Contractors	Total Base Bid Price
Barriere Construction Company LLC	\$749,595.10
Boh Brothers Construction Company LLC	\$817,800.30
Durr Heavy Construction LLC	\$833,246.86
D. Honore Construction Inc.	\$881,041.84
Fleming Construction Company LLC	\$894,918.70
Kastnor Construction	N/A
Commander Corporation	N/A

WHEREAS, funds for this project are available from the approved FY 2014 Special Levee Improvement Fund Budget.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority–East authorizes the award of a contract in the amount of \$749,595.10 to Barriere Construction Company, LLC, and the establishment of a budget in the

amount of \$900,000.00 to include contingencies, for the Franklin Avenue Facility Parking Lot Improvements Project.

BE IT FURTHER RESOLVED, that the Orleans Levee District Executive Director is hereby authorized to execute a contract in the amount of \$749,595.10 with Barriere Construction Company, LLC, and any and all other documents necessary to accomplish the above.

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

YEAS: Mr. Angers, Mr. Estopinal, Mr. Kemp, Mr. Luettich, Mr. McHugh, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Hassinger

**RESOLUTION NO. 11-21-13-16 –
RENEWAL OF O.L.D. UMBRELLA INSURANCE COVERAGE**

On the motion of Mr. Angers,
Seconded by Mr. McHugh, the following resolution was offered:

WHEREAS, the Orleans Levee District (O.L.D.) Flood Protection Division's Umbrella Insurance Coverage will expire on December 19, 2013; and

WHEREAS, Arthur J. Gallagher Risk Management Services, Inc. shopped the market and recommended that said coverage be renewed with Lexington Insurance Company, with a limit of liability of three million dollars, for a one year period commencing on December 19, 2013, at an annual premium of \$62,498.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of Umbrella Insurance coverage with Lexington Insurance Company at an annual premium of \$62,498, for a one year period commencing on December 19, 2013, through Arthur J. Gallagher Risk Management Services, Inc.

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

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

YEAS: Mr. Angers, Mr. Estopinal, Mr. Kemp, Mr. Luettich, Mr. McHugh, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Hassinger

**RESOLUTION NO. 11-21-13-17 –
HAZARD MITIGATION GRANT PROGRAM FUNDING – LBBLD - ST. BERNARD
PARISH PALMISANO DRAINAGE UPGRADES, PHASE I**

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

WHEREAS, the St. Bernard Parish Government (Parish) requested and received a grant for Federal assistance under the Hazard Mitigation Grant Program (HMGP) for mitigation against natural hazards and invited interested participants to voluntarily participate in the program; and

WHEREAS, the Lake Borgne Basin Levee District (LBBLD) / Southeast Louisiana Flood Protection Authority-East (SLFPA-E) prepared and submitted an eligible HMGP application through the Parish to the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) for funding for the Palmisano Drainage Upgrades, Phase I, in St. Bernard Parish; and

WHEREAS, the aforementioned application was approved by FEMA and GOHSEP and the Parish's HMGP Grant has been amended to include HMGP Project No. 1603x-087-0011 (FEMA-1603-DR-LA, Project #0418) - \$447,412.00 for costs associated with Phase I H&H Study and Design for the Palmisano Drainage Upgrades; and

WHEREAS, a Cooperative Endeavor Agreement is required between the Parish and the LBBLD/SLFPA-E for the aforementioned project for the utilization and administration of the HMGP grant funds.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the LBBLD Executive Director to execute a Cooperative Endeavor Agreement for the aforementioned HMGP project.

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

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

YEAS: Mr. Angers, Mr. Estopinal, Mr. Kemp, Mr. Luetlich, Mr. McHugh, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Hassinger

RESOLUTION NO. 11-21-13-18 - HAZARD MITIGATION GRANT PROGRAM FUNDING – LBBLD - ST BERNARD PARISH WIDENING/STABILIZATION OF CONGRESSMEN HEBERT, CREELY, AND BLUEBIRD CANALS, PHASE I

On the motion of Mr. Wittie,

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

WHEREAS, the St. Bernard Parish Government (Parish) requested and received a grant for Federal assistance under the Hazard Mitigation Grant Program (HMGP) for mitigation against natural hazards and invited interested participants to voluntarily participate in the program; and

WHEREAS, the Lake Borgne Basin Levee District (LBBLD) / Southeast Louisiana Flood Protection Authority-East (SLFPA-E) prepared and submitted an eligible HMGP application through the Parish to the Governor's Office of Homeland Security

and Emergency Preparedness (GOHSEP) for funding for the Widening and Stabilization of the Congressmen Hebert, Creely, and Bluebird Canals in St. Bernard Parish; and

WHEREAS, the aforementioned application was approved by FEMA and GOHSEP and the Parish's HMGP Grant has been amended to include HMGP Project No. 1603x-087-0010 (FEMA-1603-DR-LA, Project #0417) - \$318,627.00 for costs associated with Phase I H&H Study and Design for the Widening/Stabilization of the Congressmen Hebert, Creely, and Bluebird Canals; and

WHEREAS, a Cooperative Endeavor Agreement is required between the Parish and the LBBLD/SLFPA-E for the aforementioned project for the utilization and administration of the HMGP grant funds.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the LBBLD Executive Director to execute a Cooperative Endeavor Agreement for the aforementioned HMGP project.

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

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

YEAS: Mr. Angers, Mr. Estopinal, Mr. Kemp, Mr. Luettich, Mr. McHugh, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Hassinger

The next regular monthly Board meeting will be held on December 19, 2013 and hosted by the Lake Borgne Basin Levee District. Mr. Doody announced that due to a conflict in schedule with the Association of Levee Boards of Louisiana's annual meeting, the regular monthly committee meetings will be held on December 12, 2013.

There was no further discussion; therefore, the meeting was adjourned at 4:05 p.m.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

REGIONAL DIRECTOR'S REPORT

November 21, 2013

HSDRRS Project Status Update

IHNC-01 - Seabrook Complex Although all gates are operational, a problem has developed in the Programmable Logic Controller panel that controls one of the lift gates. The PLC is still under warranty, and the Corps has contacted the supplier to schedule a site visit and make needed repairs.

Orleans Levee District personnel conduct maintenance and gate operations each Tuesday under Army Corps of Engineers' supervision, as part of the Seabrook Complex Operations & Maintenance Training Program.

The Notification of Contractor Completion (NCC) for Seabrook is to be issued early next month, according to the latest Corps schedule.

IHNC-02 - Lake Borgne Surge Barrier Complex All three navigational floodgates are operational. Miscellaneous work continues on various surge barrier and gate structure components, and the final Operation and Maintenance Manuals are still in development. A new remote control unit for the Barge Gate windlasses has been successfully installed to improve operational performance.

The bottom ten feet of the Bayou Bienvenue Vertical Lift Gate is being painted and should be complete by Dec. 12. The Corps schedule indicates the NCC will be issued next month.

Orleans Levee District personnel continue to practice barge gate operations, as well as participate with the Corps in weekly utilization meetings to review activities and discuss lessons learned

LPV-20.2 - Foreshore Protection Reaches 3 & 4 The NCC letter for this project was received Oct. 2, but there are still several unresolved issues, including a 150- foot-long section of rock dike near the Suburban Pump Station at Lake Villa that may have undergone a rotational failure. The Corps has completed additional survey to use as part of their investigation into this issue.

We are also concerned about a "fix" the Corps used to address some areas of excessive erosion that developed along the landward interface between the rock and the soil embankment on an adjacent project, **LPV-01.2 - Foreshore Protection Reaches 1&2**. Recent high water and wind-driven waves have eroded some of the areas recently repaired by the Corps. We have tasked one of

our IDIQ contractors, CH2MHill, with investigating this problem and providing options for an acceptable repair plan.

LPV-109.02a - Levee Enlargement for South Point to CXS Railroad and US11 and US 90 Floodgates About 3,000 feet of levee was found to be below design grade due to unanticipated settlement. All deficient levee sections are now complete, but adequate grass cover must still be established.

A Corps' consultant is preparing plans to repair problems resulting from excessive settlement of the Highway 11 floodgate. The Corps plans to make temporary repairs to the emergency by-pass road adjacent to the gate, but that work has not started.

A section of slope paving near the CSX Railroad Floodgate has undergone significant, non-uniform settlement, and the Corps has decided to remove the damaged paving and install grouted rip rap in its place. No date has been set to begin that work.

LPV-111 - CSX RR to Michoud Canal Gaps in slope paving joints caused by levee embankment settlement near the CSX Railroad Floodgate were previously filled with asphalt, per Corps guidelines; however, the joints continue to widen and must be periodically refilled.

The linear crack discovered on the flood side berm near Drainage Pump Station 15 has been repaired by the Corps. The crack may be the result of the discontinuity in the deep soil mixing columns near the pump station. Although the Corps has determined there is no concern for levee stability, we will monitor this area for future cracking and make repairs as necessary.

LPV-145A- Bayou Bienvenue Bridge A construction contract award is scheduled for late January 2014.

LPV-149AR - Access Road at Caenarvon The construction contract for this project was awarded and a Notice to Proceed (NTP) issued Oct. 25. Construction is expected to take approximately 120 days.

LPV – 149A – Floodwall Tie-in to the MRL at Caenarvon Construction contractor mobilization is scheduled to begin Nov. 23.

Outfall Canals The plans and specifications to install more sheet pile along the London Ave Canal and the west side of the 17th St. Canal have been reviewed and our comments submitted (OFC-07). The construction contract award is scheduled for early December 2013.

The low water case in all three outfall canals is still being investigated. Canal bank protection on the west side of the 17th Street Canal to ensure wall stability for the low water case has been designed and is under review (OFC-08).

Permanent Canal Closures and Pumps (PCCP) Mobilization is in full swing and construction is scheduled to start this month. The CPRA will hold regular, Non Federal Sponsor team meetings throughout the life of the project, working closely with the New Orleans Sewerage & Water Board, which will own and operate the new pumps.

Armoring The extent of armoring on LPV projects is not yet final, but indications are that multiple LPV segments will be candidates for armoring with High Perform Turf Reinforced Mats, or HPTRM. Field testing with maintenance equipment and demonstrations of HPTRM repairs at the armoring test site in St. Charles Parish are imminent. Lessons learned at the test site will help inform the system-wide installation and maintenance of armoring still to come. Draft reports from the pilot projects on both the east and west banks are tentatively due to Corps projects managers on Nov. 29; installation contracts are not scheduled to be awarded until June 2014

SBPS-07 – Repairs to LBBLD Pump Stations #2 and #3 The project is scheduled for construction contract award in January of 2014, with completion anticipated the following December. Final plans and specifications are now in review.

Mississippi River & Tributaries (MR&T)

There are two Mississippi River east bank levee-raising projects, the Jefferson Heights Project in East Jefferson and the Carrollton Project in New Orleans. The Notice to Proceed for the Jefferson project was issued Oct. 21 and is expected to take 783 days to complete. The work will add height to the river levee from the Jefferson-St. Charles parish line east to the Jefferson-Orleans parish line. The Corps' Public Affairs Office is notifying land owners of expected tree removals within sight of their homes. Trees within the limits of the levee right-of-way will be removed during this project. Corps project leaders say no trees on the property owners' side of existing fence lines will be removed.

The Carrollton project, which raises the east bank levee from the Orleans-Jefferson line to just north of Audubon Park, is still under construction. A recent pre-final inspection of the work identified significant issues that still need addressing by the contractor.

Additionally, one small levee section near Bisso Marine must still be raised after a power line is relocated.

Internal Affairs

Non-Federal Levee Certification A new task order must be executed for the next phase of required land surveying. An item is on this meeting's agenda seeking board approval.

Geotechnical field investigations began earlier this month.

Complex Structure Training Our personnel train weekly to become more familiar with operation and maintenance of the complex gated HSDRRS navigational structures.

As-Built Review Process An Atkins construction inspection group is helping SLFPAE staff review all as-built drawings for completeness, clarity and accuracy. All as-builts for projects in East Jefferson have been reviewed, as well as all as-builts for New Orleans projects, with the exception of the Seabrook and Lake Borgne Surge Barrier complexes. The review of projects in St. Bernard continues.

Emergency Preparedness The Mississippi River level at the Carrollton Gage in New Orleans is hovering around 3.5'.

USCG IHNC/GIWW Corridor Inspection Inspections to inventory vessels in the corridor have been discontinued until next hurricane season.

Document Management System A Request for Proposals was advertised and six proposals received on Oct. 18, 2013. A recommendation for selection comes before the SLFPAE Board today.

Meetings and Items of Note:

The Governor's Advisory Commission on Coastal Protection, Restoration and Conservation will meet Dec. 10 from 9:30 am – 5 pm at the Lafitte Civic Center in Lafitte.

The CPRA board meeting will be held at 9:30 am on Dec. 3 in the LaSalle Building's LaBelle Room, 617 N. Third St. in Baton Rouge.

The Association of Levee Boards of Louisiana is holding its annual meeting Dec. 4-5 at the Hilton Riverside in New Orleans.

Levee District Construction Projects:

Project	District	Status	Comments
Franklin Administration Building Refurbishment	OLD	99% complete	Substantial completion issued Aug. 6, 2013.
Bayou Bienvenue Maintenance Cycle	OLD	99% complete	Structure open for navigation
Bayou St. John Waterfall Demolition Project	OLD	Complete	
Bayou St. John Sandbar Removal	OLD	90%complete	Notice to Proceed (NTP) issued April 29, 2013; marsh creation added
Seawall Steps Erosion – Phase 1B	OLD	complete	NTP issued Feb. 27, 2013; investigating power outage to lights
Franklin Warehouse Steel Silo Demolition	OLD	99% complete	NTP issued June 24, 2013.
Franklin Warehouse Safe house Remediation	OLD	95% complete	Work started Aug. 12, 2013.
OLD Franklin Facility Parking Lot Improvements Landscaping Plan	OLD		Award pending Board Resolution
Fence repair on Canal/Levees	LBBLD	100 complete	Final inspection was conducted 11/5/13
Citrus Lakefront Levee Haynes Blvd. utility pads removal	OLD		Contractor issued NTP
IHNC Florida Ave. Bridge Sheet Pile	OLD		Award pending Board Resolution
Floodgate & Floodwall Repairs	OLD		Award pending Board Resolution

Levee District Project Designs and Studies

Project	District	Comments
Citrus Lakefront Railroad Drain Pipe Crossings (BKI)	OLD	Study 95% complete
Franklin Front Parking Facility	OLD	Design 100%complete; Construction Administration 0%
Lakefront Seawall Area Reach , 4&5	OLD	Bid opening Dec. 12, 2013; Reach 4&5 Design 95% complete
Floodgate Seal Repairs	OLD	Design complete; Construction Administration 0%
IHNC Florida Bridge Floodwall Replacement	OLD	Design complete; Construction Administration 0%
Phase 1 for engine upgrades at Pump Stations 1&4 HMGP approved by FEMA	LBBLD	Design Contract awarded; NTP issued. 5% complete
Phase 1 for Safe Room Design HMGP approved by FEMA	LBBLD	Design 95% submitted to FEMA/GOHSEP for review
Pump Station #6 pump repair and hangers at P.S. #7	LBBLD	P&S at 100%; advertise when erosion control project is complete
Pump Station #6 Erosion Repair	LBBLD	P&S at 100%; advertise for construction bids in December 2013
Floodgate #9 renovation	LBBLD	P&S at 100%; advertise for construction bids in December 2013
Safe house & Consolidated Facility	EJLD	FAA approval for on-site fuel storage has been received. The architect is meeting with Kenner zoning officials; schematics under review by SLFPAE & EJLD; and sales documents are in progress.
PM Support to LBBLD Staff for HMGP Projects	LBBLD	Ongoing – provides staff augmentation for LBBLD HMGP projects
Paris/Maxent Levee Clearing	OLD	Complete