

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, AUGUST 21, 2008**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, August 21, 2008, in the Second Flood Hall, Lake Vista Community Center, 6500 Spanish Fort Boulevard, New Orleans, Louisiana, after due legal notice of the meeting was sent to each member and the news media and posted.

Mr. Doody called the meeting to order at 9:35 a.m. and led in the pledge of allegiance.

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

Present:

Timothy P. Doody, President
Abril B. Sutherland, Vice President
John M. Barry, Secretary
George Losonsky, Ph.D., Treasurer
David P. Barnes, Jr.
Stradford A. Goins
Thomas L. Jackson
Larry A. McKee
Ricardo S. Pineda
Louis E. Wittie

Absent:

Sara Lee St. Vincent

OPENING COMMENTS:

Mr. Doody stated that this month marks the third anniversary of Hurricane Katrina. Although much work has been done, much more work lies ahead. The biggest obstacle to rebuilding the system was taken care of last week with the granting of the thirty year time extension for payment of the local cost share for the 100 year level of protection, which was an issue identified at the Authority's Levee Summit held last November. In addition, the Governor has pledged to pay the local cost share and not saddle the local levee districts with this burden. The Authority had hoped that the traditional cost share would be allowed along with an extension of time for payment. However, the extension of time for payment of the \$1.8 billion local cost share allows State funding to be used for other needs throughout the Louisiana, such as the recovery of the medical and school systems and law enforcement. The projects under construction are complicated and will place additional financial burdens on the ability of the Authority and levee districts to maintain the system. The estimated annual cost of maintenance of the GIWW control structure/ navigation gate alone is \$700,000 annually. Although the Authority and levee districts are relieved from the large immediate cost share burden, increased costs for operations and maintenance will be experienced in the future. The

language of the Project Partnership Agreements (PPA's), which was also identified early on as a potential hurdle, is presently being negotiated between the State and the U.S. Army Corps of Engineers (USACE) at the highest levels. The need for borrow materials is being evaluated by the USACE. With \$15 billion to be spent, a lot will be happening very rapidly. The Board remains focused and resolute on the challenges ahead and places a premium on the protection of life and the community.

Mr. Doody reported that Robert Turner, SFLPAE Regional Director, and Stevan Spencer, Orleans Levee District (O.L.D.) Executive Director, met with Ray E. Martin, Ph.D., P.E., and Robert C. Bachus, Ph.D., P.E., the consultants retained to review the 17th Street Canal seepage issue. Dr. Martin and Dr. Bachus expressed no concern relative to the stability of the T-wall and indicated that they had an idea about the source of the seepage.

Mr. Doody advised that he and Robert Turner traveled to Springfield, Illinois, to meet with the Illinois Emergency Management Agency (IEMA) to discuss coordination and handling of emergencies. Coordination of future National Incident Management System (NIMS) training is anticipated.

Mr. Jackson provided a report relative to the lakefront pumping stations in Orleans Parish. He complimented the USACE for allowing the Authority to participate in the process as a stakeholder. He advised, however, that no resolution has been reached upon which both entities can agree. The USACE was mandated by Congress to do a 90 day report, which specifically directed that three options be studied. Option 1 is for the construction of lakefront pumping stations that would operate only during hurricane conditions or lake conditions exceeding elevation 6-ft. Option 2 consists of lakefront pumping stations and changing the outfall canals from high level canals, which now flow at lake level or above, to low level drainage canals. In Option 2 much of the lakefront area adjacent to the 17th Street Canal could drain by gravity directly into the canal as opposed to flowing back to the intake side of Pumping Station 6, with similar situations on the Orleans and London Avenue Canals. Option 2a would include a Pump to the River station in Jefferson Parish of approximately 2,500 cfs. Mr. Jackson stated he supported Option 2 because the canal levees, particularly along the London Avenue Canal and secondarily along the 17th Street Canal, are very fragile and multiple failures had occurred that had to be repaired. The USACE looked at Option 2 in detail. The USACE convened a technical panel during the entire process of the study that consisted of pumping and hydraulics experts from throughout the country who, along with the New Orleans Sewerage & Water Board and other participants, unanimously recommended Option 2. Jefferson Parish participants recommended Option 2a, which included the riverfront pump station. He explained that even with new pump stations built at the lakefront, drainage water will be flowing at elevation 6-ft. in the canals during a storm event and with the ground elevation in the vicinity being about elevation (minus five feet) -5-ft., the canals and canal levees would be holding back 11 feet of water. He commented concerning the position that the USACE seemed to be taking on closing the canals at the lakefront and leaving the responsibility for the questionable canal levees which were built by the USACE to the local entities.

Mr. Jackson advised that since the Authority's responsibility is for hurricane protection and levees, the resolution he prepared for today's meeting does not address Option 2a; i.e., Pump to the River. He added that he had no position on Option 2a, which deals with a drainage issue with respect to the old Metairie area and a pumping station outside of the Authority's jurisdiction.

RESOLUTION #08-21-08-01 – ADOPTION OF AGENDA

The agenda was amended to include item XIII.D.4, a motion to approve amending the agreement with the Natural Resources Conservation Service for debris removal from various canals in St. Bernard Parish to include the Blue Bird and Artillery Ditches, and to amend agenda items XIII.A.6 and A.7 to state and to clarify these items as motions.

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

“A resolution to adopt the agenda, as amended, for the Board Meeting of August 21, 2008.”

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

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

NAYS: None

ABSENT: None

RESOLUTION #08-21-08-02 – APPROVAL OF MINUTES

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

“A resolution to approve the minutes of the Board Meeting of July 17, 2008.”

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

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

NAYS: None

ABSENT: None

PUBLIC COMMENTS:

Robert Smith Lupo, a Lake Vista Subdivision resident, explained that a decision will be required to either raise the roadway or place a floodgate at the Rail Street Crossing due to the Lakefront levee raising between Marconi Drive and Bayou St. John. He requested that the Board call a public meeting in which local representatives, City Council members, State Representatives and Senators and property owners, especially those who would be affected should there be a realignment of Rail Street, could provide public input. He advised he spoke to Stevan Spencer, O.L.D. Executive Director, who

requested the USACE to call such a meeting. There seemed to be agreement on having a public meeting; however, there is a disconnect on who would call the meeting.

It was noted that the USACE had conducted public meetings in connection with the levee project. Mr. Lupo informed the Board that neither the public officials nor neighborhood residents knew anything about the discussion of the options for a floodgate or the realignment of this major access into a historic neighborhood. Mr. Jackson recommended that the meeting have some type of plan so as to have some impact on the outcome of the project.

Mr. Lupo also advised that the USACE had sent letters to area residents for permission to enter onto their property to perform testing. He commented on the language in the letters relative to damage and repairs to property.

Mr. Pineda explained the design decision process. The goal is to complete the 100 year project by 2011. The USACE has a series of design decisions it must make along with its partners on how to proceed with the design; e.g., floodgates vs. ramps. Decisions will be needed soon and the USACE will look to its partners/sponsor, technically the CPRA, for recommendations. The non-federal sponsor must look at issues such as cost, maintenance and impact. The CPRA will be looking to the Authority for recommendations.

Mr. Lupo stated that his understanding was that the USACE would obtain input from the community through the local sponsoring agency.

Mr. Doody advised that Ms. Heaton work would on this matter.

Epsie Hennessy provided comment on the removal of the vegetation and chain link fences in levee toe plus six foot corridor in the 17th Street Canal fattened levee section. She stated that the levee toe plus six feet at the location of her residence is eight feet below the surface and the deepest hole measured after the vegetation was removed was 18 inches. The USACE's attorneys have argued that no additional armoring of the levee is going to occur. She stated that the removal of the vegetation and fences adds no additional flood protection and weakens the levee. She stated that the land, fences, vegetation and structures all belong the property owners and never once was there any discussion with property owners about compensation for their loss and no offer for reimbursement was ever given. She stated that it was obvious from the opinions of the State and Federal judges that the non-navigable status of the 17th Street Canal destroys any argument that any six foot servitude exists and renders the entry into the properties a trespass. She commented that Board members at the time that they voted did not know the differences in the levee in Lakeview and Lakewood South.

Carol Byram commented that the 17th Street Canal levee in the fattened levee section has lost some of its land and is now covered with clay. She stated that Dr. Bea's quote concerning trees being a threat to the levee did not apply to this section of levee. She showed pictures of the levee before and after the tree and fence removal work, which started in late July and is not yet finished. She commented on the current condition of the levee since the vegetation has been removed and about the layer of clay.

John Davis, a Lake Vista Subdivision resident, commented relative to the USACE's alternates for the Orleans Parish outfall canals. He explained he had attended several USACE meetings on the alternates and was confused concerning the differences between the alternates and the options. He added that to place the pumping stations at the mouth of the canals would be a disaster for the lake and the lakefront, and that the description for pump placement should be at or near the lake.

Mr. Jackson clarified that the resolution on the agenda addresses the hydraulic concept of the interior drainage waters and the ability to move those waters into Lake Pontchartrain during high levels. The resolution did not address the alternates relative to the specific location of the pumping stations. He added that he specifically did not address the location of the pumping stations because the individuals impacted by the stations should have input.

John Baus with the Pump to the River Committee commented that he appreciated the sentiments of the Board in wanting the USACE to provide the best technical solution to the problem. He clarified that the best technical solution in the 4303 Report included Option 2 and Option 2a, which is Pump to the River. He stated that Option 2a is the best technical solution and falls within the Authority's jurisdiction. The construction of Option 2 would be easier and cheaper with Option 2a in place. Mr. Baus advised that in talking with engineers he received estimates indicating that if Option 2a was already in place, there would be a cost savings of 20 to 25% for Option 2. He commented on the areas impacted by Option 2a, which basically deals with Hoey's Basin. He stated that Option 2a is a part of the overall solution to the problems initiated by the 17th Street Canal levee failure and would add a second level of protection. He added that the USACE was requested to provide the reason that it added two diversions from the London Avenue Canal to Option 2 and to assess the issue of savings by doing the Pump to the River.

Mr. Jackson explained that Option 2 plus Option 2a would provide two potential connections between the Orleans Parish and Jefferson Parish drainage systems. At this time there is only an option of flowing water from Jefferson Parish into Orleans Parish for handling by Orleans with a contribution towards the cost of pumping. If Option 2 and Option 2a are built, there is a potential for a connection at a low level for pumping between the two parishes under conditions that potentially exist during strong rain storms so that one parish can assist the other. This situation would exist at the Hoey's cut. The Authority was mandated by the Louisiana Legislature to perform a study on cross parish pumping. A consultant has been selected for this study, however, the State has never provided funding for the study. He stated that the ability for the parishes to assist one another would be beneficial.

Colonel Jeffrey Bedey, USACE Hurricane Protection Office Commander, explained that in the Sixth Emergency Supplemental, which appropriated the additional funding to fully fund the Federal portion of the hurricane protection system, Congress directed the USACE to generate a report within 90 days with cost estimates for three options. Option 1 consists of a pump station at the lake working in tandem with the existing pump stations. Option 2 would eliminate the interior pump stations and deepen the

canals for gravity flow. Option 2a would add Hoey's Pump to the River on the 17th Street Canal as a component to Option 2. He noted that the discussion today is valuable, but speculative in nature. A facilitated partnering session has been scheduled for September 2nd wherein the USACE will lay out its status relative to generating the report for the Congress. The report that is presented to the Congress will provide the USACE's estimate for each of the three options and the basis for establishing the costs. Col. Bedey stressed that whatever is built by the USACE for permanent protection under any scenario will at a minimum be adaptable for future enhancements and improvements. The USACE is limited and cannot go beyond the current authority and/or appropriations, which is for building permanent protection against surge at the outfall canals. After Congress receives the report it can make a decision relative to appropriating any additional funding required.

Mr. Jackson pointed out that opinions should be voiced at this time so that those opinions can reach the Congress with the 90 day report.

Mr. McKee asked whether the USACE had received any public opposition to Option 2a. Col. Bedey responded that the opposition to Option 2a dealt with return on investment. He added that it is premature to say at this time whether there would be a positive or negative return on investment and that better information would be available on September 2nd.

Leo Richardson, a resident in old Metairie and a founding member of Pump to the River Jefferson-Orleans, commented that the 4303 Report was rendered to Congress subsequent to partnering sessions in which the unanimous vote was for Option 2a. He stated that the Authority's flood protection responsibility includes a combination of protection against surge and protection against interior flooding from rainfall which would accompany an event that provokes the closure of the gates at the three outfall canals. He requested that the Authority express support for Option 2a because it encompasses Option 2 and better serves the bottom line objectives of the Authority for the citizens of the central parts of New Orleans and western parts of Jefferson Parish.

Patricia Fullmer, a resident of Lake Vista Subdivision, requested that safety be considered first when considering the pumps at the outfall canals and, if possible, that the beauty of the Lakefront be saved. She commented on the low rise pump system used in Germany, Holland and the United Kingdom. Thirteen neighborhoods have come together and invited one of the pump builders, KSB and their Dutch and German affiliates, to an informational meeting on September 9th. She encouraged the Authority to attend the meeting and schedule a technical meeting to learn about the safety and environmental features of the low rise pumps.

Mr. Doody advised that the Authority had been invited to the September 9th meeting, which is scheduled to be attended by Robert Turner.

Mr. Jackson pointed out that it may not be a low lift situation and the lift may potentially be 30 plus feet. He explained that pump selection is very technical and based on many things, the most important of which are the conditions under which the pumps must operate under normal and extreme situations. The contract will be design-build with the

ultimate decision steered by USACE project specifications. He suggested that residents would be better served by attempting to identify how they wish the station to look.

Darryl Malek-Wiley, a New Orleans resident and member of the Sierra Club, provided a two page handout put together by University of Wisconsin students concerning Bayou Bienvenue and the Lower Ninth Ward Project to restore approximately 436 acres from the current open waters status to the cypress swamp that was originally located there before construction of the Mississippi River Gulf Outlet (MRGO). The USACE is going through studies to possibly bring in Mississippi River sediments. The Bayou Bienvenue Project could not be considered for funding because the project was not included in the State's Master Plan. Therefore, an attempt will be made to have the Bayou Bienvenue Project included in the State's Master Plan. The coalition of environmental and other groups in the Lower Ninth Ward and St. Bernard are concerned that the USACE has money in hand to close the MRGO, but does not have money in hand to restore all the coastal cypress and wetland areas damaged by the MRGO. He advised that efforts will continue for obtaining additional funding to restore the cypress and wetlands areas damaged by the MRGO at Federal cost. Mr. Malek-Wiley stated he would work with the Authority's staff relative to a letter of support which may be required under the CWPPRA (Coastal Wetlands Planning, Protection and Restoration Act) process.

Gerry Terranova with Walton Roofing commented on Agenda item XIII.C.1 concerning the award of a contract for the replacement of the Franklin Avenue warehouse center section roof. He advised his company was initially the low bidder on the project, however, the bid was rejected because the bidder's qualification page was not signed. He pointed out that there could be potential savings by re-bidding the project.

Ms. Sutherland advised that this matter could not be discussed in open session due to potential liability; however, it would be discussed in Executive Session.

PRESENTATIONS:

Presentation by Lake Pontchartrain Basin Foundation on Levee Elevations:

Carlton Dufrechou with the Lake Pontchartrain Basin Foundation commended the efforts of the Authority in obtaining the time extension for payment of the local cost share, which not only assures flood protection works, but also the initiation of coastal restoration works. Relative to borrow materials, he requested that until such time as it becomes necessary for public safety, that terrestrial resources be exhausted before harvesting mining clay from the bottom of Lake Pontchartrain. In the event that it does become a critical path issue to meet the 2011 protection date, he requested that the Lake Pontchartrain Basin Foundation be informed so that it can work with the USACE and the Authority.

Mr. Dufrechou provided a presentation on the Lake Pontchartrain Basin Foundation's 2008 East Bank Hurricane Protection System Evaluation Report. He commented that the hurricane system protection projects were not truly integrated prior to Hurricane Katrina. However, since Katrina, largely due to the work of SLFPA-E, the USACE and many others, there is a storm protection system, which is much better than that of 2005.

The presentation included slides showing color coded maps depicting the current levee elevations provided by the USACE, a comparison of existing heights to authorized heights, a composite of storm surges for the 1/100 year storm, the impact of a 1/100 year storm surge with current levee heights, the actual storm surge from Hurricane Katrina, and the impact of the actual Katrina storm surge with the current levee elevations. Mr. Dufrechou commented on the potential of levees to run up or induce a storm surge in certain areas depending on the path of a storm.

COMMITTEE REPORTS:

Finance Committee: Mr. Losonsky reported that the Finance Committee met on August 7th and discussed the following topics:

- LBBLD insurance issues.
- Equipment purchases for EJLD and LBBLD.
- The audits of the three levee districts and the Authority.
- Award of a contract for roof replacement.
- Software upgrades for the O.L.D.
- The Memorandum of Understanding securing the transfer of funds to the Authority from the Department of Natural Resources.

Operations Committee: Mr. Wittie reported that the Operations Committee met on August 13th and discussed the following topics:

- 17th Street Canal seepage issue—a proposal has been received from the consultants and a contract should be signed soon.
- Turn over of borrow pits by the USACE—it was determined the borrow pits are the property of the O.L.D. and must be accepted.
- Encroachments—DOTD will lend the Authority equipment which will assist in locating and staking rights-of-ways.
- Monthly status reports were received from the levee districts.

Legal Committee: Ms. Sutherland reported that the Legal Committee met on August 7th and approved legal invoices.

Special Issues Committee: Mr. Goins advised that the Special Issues Committee did not meet in August. He reported that he is following up on the attempt to obtain the twin span debris materials. A meeting is tentatively scheduled for Tuesday with members of the Governor's staff in an attempt to obtain a commitment and funding. The only determination thus far is that the first 500 feet on both the north and south shores has been committed to development of a fishing reef.

Mr. Barry reported that he met with members of the White House Office of Management of the Budget on August 6th to discuss the long term situation. At this meeting he explained that this region is different from other parts of the country primarily because much of its vulnerability was created artificially by benefits that accrued to the rest of the country. He was requested to document this information and continued communication was invited.

REGIONAL DIRECTOR'S REPORT: Mr. Turner reviewed the Regional Director's Report (copy appended). In addition, he explained that the Department of Natural Resources (DNR) engaged a consultant to begin the process of acquiring the necessary rights-of-ways for the IHNC Project. The contract instrument available to DNR at that time for the appraisals had a cap on monies that could be spent. They are very close to reaching the cap at this point in time; i.e., 80 percent or more complete. DNR requested that the Authority enter into a contract with this consultant to complete the remaining 10 to 20% of the appraisal work, which is estimated at less than \$20,000, in order to keep the IHNC Project moving forward. Approximately 12 tracts are involved.

EXECUTIVE SESSION:

1. 17th Street Canal Coalition, et al, v. Orleans Levee District, CDC 2008-06979.
2. Report on Schwegmann's Giant Supermarkets, Inc. v. East Jefferson Levee District, 563-683, 24th Judicial Court.

At 11:58 a.m. a motion was offered by Mr. Barry, seconded by Mr. Goins and unanimously adopted, for the Board to convene in Executive Session.

The Board reconvened in regular session at 2:00 p.m. and the meeting was called back to order.

The Executive Directors were requested to provide an update on the hurricane readiness of their levee district. Mr. Doody reminded Board members about the SLFPA-E emergency web site and the emergency procedures that were put in place by the Board last year.

Fran Campbell, EJLD Executive Director, advised the East Jefferson Levee District (EJLD) is monitoring the weather and will ratchet up readiness as conditions warrant. Supplies have been checked and the EJLD has coordinated with Jefferson Parish concerning safe housing for employees. Should the current storm intensify or conditions warrant, all leaves will be cancelled and employees notified to remain, Emergency Operations Procedures will be followed, debris and items such as trash cans will be removed from levees and the levee system inspected. The EJLD will start closing non-essential gates a couple of days in advance and closing any openings with Hesco baskets.

Jason McCrossen, LBBLD Executive Director, advised the Lake Borgne Basin Levee District (LBBLD) updated its Emergency Operations Procedures Manual and emergency contacts prior to hurricane season and supplied this information to the USACE, the State and St. Bernard Parish. All supplies have been inventoried. Extra fuel is being held at the pump stations and the LBBLD yard for equipment. Repairs have been made at the Bayou Dupre Structure and the structure exercised. All floodgates and levees have been inspected. Monthly radio checks have been held with the Authority, the three levee districts, St. Bernard Parish and the Sheriff's Office. Mr. McCrossen advised he had attended hurricane drills with the State, the USACE and St. Bernard Parish. In coordination with St. Bernard Parish and the Sheriff's Office, the LBBLD has located safe housing for employees. Constant communication is being maintained with

Colonel Dysart, EOC Manager. The LBBLD is working with the USACE to obtain extra Hesco baskets and sand bags for any necessary flood fighting. Mr. McCrossen stated he is working with the USACE Project Manager for the Verret to Caernarvon Levee Raising for placement of Hesco baskets in areas as required. He advised he will monitor weather conditions and work with the Executive Director and staff of the O.L.D. relative to closing the Bayou Dupre and Bayou Bienvenue Structures should water elevations warrant such action. All pump stations will be manned over the weekend and the levee crew and additional pump operators will be on alert.

Stevan Spencer, O.L.D. Executive Director, advised that prior to the hurricane season the O.L.D. held its annual staff meeting to review hurricane readiness and included checking supplies, vehicles, generators, equipment, facilities, fuel and the radio system. Inspection of floodgates and valves is on-going to assure operability and access. The O.L.D. is performing maintenance of the levee system. An inventory of the O.L.D.'s rolling stock has been supplied to DOTD, which has been collecting this information from all levee districts for a consolidated data base. O.L.D. maintenance personnel are making small 40 lb. sand bags on rain days. Contact information has been obtained for O.L.D. personnel.

RESOLUTION #08-21-08-03 – LEGAL ACTIONS

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East directs counsel to follow the recommendations of the Board on Agenda Items XI. 1 and 2, which were discussed in Executive Session, i.e.:

1. 17th Street Canal Coalition, et al, v. Orleans Levee District, CDC 2008-06979.
2. Report on Schwegmann's Giant Supermarkets, Inc. v. East Jefferson Levee District, 563-683, 24th Judicial Court

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

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee, Mr. Pineda
and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

Motion to authorize and direct the Orleans Levee District and the Lake Borgne Basin Levee District, by their governing authority, the Board of Commissioners of the Southeast Louisiana Flood Protection Authority – East (SLFPAE), by its President, Timothy Doody, to acquire properties as identified and described in the files of the U.S. Army Corps of Engineers for the Construction of the Inner Harbor Navigation Canal (IHNC) Hurricane Protection Work, contingent upon execution of a Cooperative Endeavor Agreement between SLFPAE and the Coastal Restoration and Protection Authority, and to authorize and direct the SLFPAE President to execute any and all documents and to take any and all actions necessary to carry out the foregoing.

The motion as stated on the agenda was offered by Mr. McKee and seconded by Mr. Barry.

Mr. McKee pointed out that one of the WHEREAS clauses stated in part, "SLFPAE and CPRA are in the process of entering into a Cooperative Endeavor Agreement, whereby SLFPAE will agree to operate and maintain the IHNC Work upon its completion..." He recommended modification of this language in order to provide a mechanism to assure the Authority has designated the work to be complete.

Mr. Doody recommended deferring action on the motion until the Authority had an opportunity to review the Cooperative Endeavor Agreement (CEA) and address any areas of concern with the CPRA.

The Board briefly discussed the turn over of projects by the USACE to local sponsors, issues concerning the CEA, including project ownership, liability risks and responsibility for maintenance costs. An Agreement has been executed between the USACE and the CPRA, on behalf of the State, and a subsequent CEA will be required between the CPRA and the Authority.

It was pointed out that the resolution on the table addresses land acquisition for the project, which can only be done by the levee districts. The levee districts must file any necessary expropriation proceedings and the property must be acquired in the name of the appropriate levee district. The Board discussed whether the resolution addressed only the acquisition of land or could be interpreted to cover broader issues, such as the CEA and operations and maintenance.

Ms. Sutherland stated that in general acquisition of real estate is a legal matter and that she wanted to clarify that the Legal Committee should be involved in any project that requires land acquisition. The Board's policy requires that the President appoint a selection committee for contracts between \$5,000 and \$20,000, with the Regional Director presenting the names of three firms for consideration. She requested that the President appoint a selection committee with one or two representatives of the Legal Committee, along with Mr. Pineda who has taken the lead on these services.

Mr. Turner explained that the next motion on the agenda concerns a contract for appraisal services which was requested by the State. Eighty percent of this work has been completed and the State has requested that the Authority enter into a contract for the remaining 20 percent in order to finish the appraisal work for the IHNC Project. This matter is being handled outside the procedures prescribed under the Board's policy due to the need to expedite this work to remain on schedule with the IHNC Project.

Mr. Pineda explained that he had participated on two of the selection teams (the Strategic Plan/Organizational Study and East Jefferson Shoreline Project), and in each case all members of the Board were invited to participate. He further explained the competitive selection process that was followed in accordance with the Board's policies. A Request for Qualifications will be posted soon for right-of-way services and relocations, which includes right-of-way engineering, data base, GIS, appraisal and

other services not requiring an attorney. Any Board member who chooses to do so can be a member of the selection team. In the near future two additional RFQ's will be issued for engineering services.

The Board voted unanimously in favor of deferring the motion on the table (Agenda Item XIII.A.1) to the Special Board Meeting to be held on August 27, 2008.

RESOLUTION #08-21-08-04 – IHNC REAL ESTATE ACQUISITION

Mr. Turner explained this contract would basically be an extension of a previous contract entered into by the State with Right of Way Services, Inc. for appraisals of the tracts of lands that will be required for the IHNC Project.

Ms. Sutherland pointed out that approval of the motion would violate procedures in the Board's Competitive Selection Policy.

Irys Allgood, Assistant Attorney General, indicated that the specific part of the Competitive Selection Policy which was adopted by resolution of the Board that would potentially be violated would be relative to obtaining three names and the selecting of one name from that list. She explained that a motion could be adopted by the Board to operate outside of its policy in an emergency situation.

Mr. Doody asked whether action on this matter could be deferred until the Special Board Meeting on August 27th. Mr. Turner explained the potential difficulty in finding two individuals or firms by August 27th for the completion of this appraisal work, but if the Board wished, he would attempt to do so. He cautioned the Board, however, that if it allows action on these services to go beyond August 27th, then it could be putting the schedule for completion of the IHNC work in jeopardy.

The Board discussed the need to follow its policy procedures for an \$18,000 to \$20,000 contract versus the need to waive those procedures in this instance due to the importance of proceeding with the contracting of services for the completion of the appraisals to avoid a potential stoppage or delay of the IHNC Project.

Ms. Allgood clarified that the Board could waive its policy for emergency or other special circumstances. In this case this company has already been through a selection process with the State and the Board would be approving something for the completion of work that is almost complete. It would be up to the Board to determine whether these are special circumstances.

Mr. Barry offered a motion to amend the agenda to include a motion to waive the Board's normal selection process. The motion was seconded by Mr. McKee and unanimously adopted.

Mr. Jackson offered a motion for the Board to waive the Competitive Selection Policy for this one item only based on special circumstances; i.e., the selection process performed by the State, the urgency to continue the existing State contract and timing for this

critical work for the vital IHNC project. The motion was seconded by Mr. Barry and unanimously adopted.

Ms. Sutherland stated she would work on an emergency authorization policy.

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

WHEREAS, the Orleans Levee District and the Lake Borgne Levee District, by their governing authority, the Board of Commissioners of the Southeast Louisiana Flood Protection Authority - East, must acquire certain properties for the Design and Construction of the Inner Harbor Navigation Canal (IHNC) Hurricane Protection Work, Louisiana, to be constructed by U.S. Army Corps of Engineers in Orleans and St. Bernard Parishes; and

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) desires to retain the services of Right of Way Services, Inc. to complete the appraisal work for the IHNC real estate acquisition.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the SLFPA-E Regional Director to negotiate and enter into a contract with Right of Way Services, Inc. for the IHNC Right of Way Acquisition at a cost not to exceed \$20,000.

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

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #08-21-08-05 –
REQUEST FOR LOUISIANA ATTORNEY GENERAL TO CLARIFY OPINION**

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East requests the Louisiana State Attorney General (AG) to clarify a previously issued AG Opinion.

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

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

RESOLUTION #08-21-08-06 – 17TH STREET CANAL SEEPAGE REVIEW

Mr. Jackson requested that the resolution clarify that these expenses would be paid by the Orleans Levee District. There was no objection to modifying the resolution.

Mr. McKee pointed out that the hiring of these consultants had previously been approved by the Board.

Mr. Pineda added that the travel expenses should be consistent with the State Travel Guide.

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

WHEREAS, by Resolution No. 07-17-08-09 the Board approved the hiring of professional engineering consultants to perform a review of the information provided by the U.S. Army Corps of Engineers in connection with seepage on the 17th Street Canal (at breach) and to provide a written report; and

WHEREAS, Ray E. Martin, Ph.D., P.E., and Robert C. Bachus, Ph.D., P.E., with Geosyntec Consultants, have been retained for the aforementioned work.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes reimbursement of travel expenses of Ray E. Martin, Ph.D., P.E., and Robert C. Bachus, Ph.D., P.E., to be paid by the Orleans Levee District in connection with the 17th Street Canal Seepage review.

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

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

RESOLUTION #08-21-08-07 – LAKEFRONT PUMPING STATIONS

Mr. Goins stressed the need to endorse a holistic plan and expressed his concern about flood control, including interior drainage. He wanted to assure that the Board receives the appropriate hydraulic information showing how the interior drainage will match with the proposed recommendation so that there is no disconnect. He pointed out that this is to partially fix circumstances from Hurricane Katrina and that funding should not be left to just the locals, but that the USACE should also be targeted for funding.

Mr. Doody agreed that the Board cannot ignore the interaction between flood protection and interior drainage. He noted the concerns stated in the resolution relative to Option 1. The resolution does not address Option 2 versus Option 2a, and at some point when more information is received from the USACE, he hoped the Board would not shy away from a position. He pointed out that resources for flood protection will be limited and the Board needs to assure that those resources are applied towards the best engineering solutions that can be afforded.

Mr. Jackson explained he attempted to write this resolution geared towards the Authority's prime responsibility of levee protection and purposely did not include Option 2a because it deals with an interior drainage issue. When asked should the Board preclude Option 2a, Mr. Jackson responded that pumping from the Hoey's Canal into

the Mississippi River presents a vast number of very difficult issues not only in design and construction, but also in the operation of the pump station. USACE estimates are showing that it costs three times as much to build per square foot than a station that lifts waters into Lake Pontchartrain. He further explained some of the issues that would be involved in building the Pump to the River concept. While the technical committee upon which he served recommended this alternate, the recommendation was made on the basis of the assignment, which was to find each and every possible alternative discharge point to reduce discharge of the City's drainage waters to the lake.

Mr. Doody reiterated that the Authority would receive additional information in the meeting scheduled for September 2nd. Today the Board would be adopting a resolution that basically suggests that there not be a tandem pumping solution as a permanent solution.

Mr. McKee concurred with Mr. Jackson that Option 2a is a very complex and tricky situation and requested additional information on Option 2.

Mr. Doody pointed out that there would be very little time from the final recommended solution by the USACE until a decision is made. He stressed that dual pumping and the continuation of the floodwalls and levees as part of the hurricane protection system are dangers that should be avoided if possible.

Mr. Jackson provided a brief synopsis of Options 1 and 2 and the benefits of Option 2.

Mr. Goins was in agreement with the concept of at-grade canals and pumps at the lake, and pointed out that the hydraulics should be analyzed.

The Board discussed the need to obtain additional Federal funding which would be required for the construction of Option 2.

Mr. Barry requested that the resolution be modified to state Option 2, in lieu of Alternate 2, and to add the USACE to the list of recipients of the resolution. Mr. Jackson accepted the modifications to the resolution.

Mr. Jackson indicated that the Board's possible future support of Option 2a is not precluded by the adoption of this resolution in support Option 2.

The USACE's report is due to Congress at the end of September. Mr. Doody advised he would request a presentation by the USACE at the next Board meeting.

The question was called on the motion. Mr. Goins stated that he would abstain because he did not want an appearance of conflict of interest since his mother-in-law lives on Warrington Drive in the event there is some type of buy out due to any improvements to the London Avenue Canal.

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

“A resolution supporting Option 2 for the construction of the Lakefront Pumping Stations”

WHEREAS, the Lakefront Pumping Stations at the mouths of the 17th Street Canal, Orleans Outfall Canal and the London Ave. Canal are major components to hurricane protection for the City of New Orleans; and

WHEREAS, after more than a year and one half of study developing alternatives to closing these outfall canals to hurricane tidal surge; and

WHEREAS, after thorough consideration of each option including Option 1 which includes building new pumping stations at the lakefront while pumping in series with the existing interior Sewerage and Water Board pumping stations leaving the outfall canals between the two stations flowing at very high water levels against the very weak levees and floodwalls which breached during hurricane Katrina; and

WHEREAS, considering the fact that Option 1 would leave these weak levees and flood walls as an integral part of the system; and

WHEREAS, Option 1 is only part of the required improvements required to provide full 100 year hurricane protection while allowing drainage of the City to take place without jeopardizing flooding from a breach of the interior canal levees and floodwalls, and will require very large future expenditures by local agencies to complete the project; and

WHEREAS, Option 1 will require the lakefront and inland Sewerage and Water Board pumping stations to operate in series with each other during hurricane events; with any operator error, a very distinct potential exists of exceeding the maximum water level in each of the three outfall canals, thus failing the interior levees and spilling water into the City; and

WHEREAS, Option 2 will provide a complete project with permanent hurricane protection at the lakefront and allow drainage of the City without jeopardizing residents from flooding of the fragile levees and floodwalls between the new Lakefront pumping station and the NOS&WB interior pumping stations; and

WHEREAS, Option 2 will provide a lining of the three outfall canals between the new lakefront pumping stations and the existing interior pumping stations which will be removed providing a much more efficient and permanent protection system than proposed in Option 1.

NOW THEREFORE BE IT RESOLVED that the Southeast Louisiana Flood protection Authority – East does hereby fully support the selection of Option 2 as shown in the Environmental documents for the three lakefront pumping stations, and that a copy of this resolution be sent to the two Louisiana Senators and members of the House of Representatives, as well as the Governor, and members of the Coastal Protection and Restoration Authority (CPRA), New Orleans Mayor and City Council, U.S. Army Corps of Engineers, New Orleans Sewerage and Water Board, Jefferson Parish President and the members of the Jefferson Parish Council.

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

YEAS: Mr. Barry, Mr. Jackson, Mr. Losonsky, Mr. McKee, Mr. Pineda
and Mr. Wittie

ABSTAINED: Mr. Goins

NAYS: None
ABSENT: Mr. Barnes

Motion to approve the development and advertisement of a Request for Qualifications (RFQ) for indefinite delivery-indefinite quantity engineering services related to hydraulic analyses, hydraulic structures and project management.

Mr. Pineda explained that he has been working with Mr. Turner, Ms. Heaton and the levee districts to assure the appropriate expertise is in place to deal with issues associated with the repair of the flood protection system, bringing the system to authorized levels and the 100 year level of protection. Based on current staff and workload, a gap was identified for right-of-way services. A scope of work has been developed and the Board approved advertisement of an RFQ, which will go through the competitive selection process. In discussions with Mr. Turner, an expertise and staffing gap was identified in the area of hydraulic engineering for hydraulic structures and hydraulic analysis, and project management related to the activities of the Authority and three levee districts. The process would include the advertisement of an RFQ, review of submittals, determination of any disqualified submittals, the formation of a review committee which would include any Board member wishing to be on the committee along with representatives of the levee districts, development of standard questions, conducting a competitive interview process (usually one day), individual scoring by committee members and the tallying of scores with the results brought to the Board for approval. Staff would then develop the final version of the contract. He advised he would develop a scope of work after approval of the motion.

The Board discussed the benefits of issuing separate RFQ's and having separate contracts for hydraulic expertise and geotechnical expertise. Mr. Pineda pointed out the contract would be indefinite delivery-indefinite quantity (ID-IQ) and therefore task driven. A two to three year contract with perhaps a one year renewal option is anticipated.

Mr. Barry offered a motion to approve the development and advertisement of a Request for Qualifications (RFQ) for indefinite delivery-indefinite quantity engineering services related to hydraulic analyses, hydraulic structures and project management. The motion was seconded by Mr. Goins and unanimously adopted.

Motion to approve the development and advertisement of a Request for Qualifications (RFQ) for indefinite delivery-indefinite quantity engineering services related to geotechnical engineering, levee and floodwall design and project management.

Ms. Sutherland asked the rationale behind authorizing advertisement of the RFQ before the scope of work is developed. Mr. Lososky pointed out this is similar to what had been done in the selection of law firms.

Mr. Jackson explained Federal and State agencies generally carry a certain number of ID-IQ contractors on board in order to respond quickly to an assignment. The selection goes through a competitive process; however, it is not based on a specific assignment.

The advertisement will generally describe the type of work that may be assigned and the consulting firms requested to relate their expertise. The contract and rates are negotiated at that time. It would then only take a resolution of the Board to authorize an assignment when one comes up at a not to exceed amount. At that time a specific scope of services would be defined, along with a fee recommended by staff.

Mr. Pineda advised he had not had time to write the scope; however, the main engine of the scope, which would only be about two paragraphs long, would include information about the 100 year project and project management.

Mr. Losonsky pointed out the ID-IQ contracts would not preclude the Board from bringing in other firms on particular projects.

Mr. Jackson offered a motion to approve the development and advertisement of a Request for Qualifications (RFQ) for indefinite delivery-indefinite quantity engineering services related to geotechnical engineering, levee and floodwall design and project management. The motion was seconded by Mr. Barry and unanimously adopted.

RESOLUTION #08-21-08-08 – LaCPR

Mr. Barry explained the National Academies of Science’s review took place several months ago and behind the scene discussions have been taking place with the USACE. A presentation was given by Denise Reed at a CPRA meeting several months ago concerning realigning the river; i.e., moving the mouth of the river thirty to forty miles upstream and allowing the river to flow out and build land accretions on both banks. It was not exactly clear as to what precisely was defined as being outside of the USACE’s scope of study. However, it was seemed to Mr. Barry and some members of National Academies of Science’s review team that this option was what was deemed to be outside of the scope. Therefore, the Board should make its position known on this issue. This option may or may not create problems for shipping and could possibly be rejected, however, it should at least be considered.

Mr. Losonsky and Mr. Jackson concurred that the option should be considered.

Mr. Barry advised that the USACE is considering some extremely large diversions that could possibly be the equivalent of this option. However, the Board should state its position in the event the equivalent of this option is not being considered.

The Board briefly discussed the USACE’s study, possible plans and levels of protection. Mr. Barry pointed out that if these “bold actions” are not even considered, then the USACE will be subject to intense criticism.

On the motion of Mr. Barry,

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

WHEREAS, the U.S. Army Corps of Engineers is engaged in a study to provide protection against major hurricanes known to laymen as Category 5 storms; and

WHEREAS, this study is of crucial importance to the safety and viability of the entire Louisiana coast and part of the Mississippi coast, as well as the economic health of the entire state of Louisiana; and

WHEREAS, numerous experts, including Charles P. Groat, former head of the U.S. Geological Survey, have said that only “bold action” involving the Mississippi River can provide long-term coastal protection through restoration; and

WHEREAS, the review team of the National Academies of Science has expressed concern that the Corps of Engineers interprets some of these bold actions as “outside the scope” of the Corps of Engineers’ study; and

WHEREAS, the review team found no legislative language that seems to justify this interpretation.

BE IT RESOLVED that the Southeast Louisiana Flood Protection Authority-East urges the US Army Corps of Engineers to change its position and carefully consider proposals to maximize the sediment available to rebuild land, including shifting the mouth of the Mississippi River, and that it also define the ability of newly created land, marsh, and barrier islands to mitigate storm surge.

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

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

RESOLUTION #08-21-08-09 – EJLD EQUIPMENT PURCHASE

This item was discussed at the Finance Committee meeting and recommended for approval. All the equipment will be procured from Louisiana State Contract or Jefferson Parish Contract.

On the motion of Mr. Jackson,

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

WHEREAS, funding has been budgeted in Ease Jefferson Levee District’s (EJLD) FY 2008-2009 budget for the purchase of certain equipment, which can be obtained from State or Parish Contract, as follows:

¾ ton 4X4 pick up truck	LA State Contract	\$ 20,803.00
Utility Tractor	LA State Contract	\$ 23,068.08
Skid loader	LA State Contract	\$ 56,969.20
Tractor truck	Jeff. Parish Auto. Contract	\$111,075.99

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the EJLD Executive Director to purchase the aforementioned equipment at a total cost not to exceed the budget amount of \$224,102.00.

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

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #08-21-08-10 –
O.L.D. FRANKLIN AVENUE WAREHOUSE ROOF REPLACEMENT**

Mr. Losonsky advised this matter was discussed at the Finance Committee meeting. The lowest bid had to be excluded due to an omission and therefore not meeting bid requirements. The bidder expressed his grievance earlier under public comments.

Mr. Jackson explained that as a result of his request at the Finance Committee meeting counsel has reviewed the insurance policy and it was found that the policy may require that the insurance carrier pay more than the \$600,000 that was offered. However, the Board should proceed with the contract in order to mitigate potential future damage.

Mr. Doody cautioned staff and counsel to follow the procedures necessary for filing a proof of claim and to protect the levee district's rights under the insurance policy.

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

WHEREAS, the roof on the Orleans Levee District's (O.L.D.) Franklin Avenue Warehouse was severely damaged by winds from Hurricane Katrina; and

WHEREAS, the Franklin Avenue Warehouse Center Section Roof Replacement Project was advertised and ten bids were received; and

WHEREAS, the lowest responsive bid was received from The Ellis Company in the amount of \$825,800; and

WHEREAS, funds for this project is available from insurance proceeds and the SLIP Fund Major Maintenance Capital Improvement Budget.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the award of a contract in the amount of \$825,800 to The Ellis Company, and the establishment of a budget in the amount of \$949,670 to include contingencies, for the Franklin Avenue Warehouse Center Section Roof Replacement Project.

BE IT FURTHER RESOLVED, that the O.L.D. Executive Director is hereby authorized to execute a contract in the amount of \$825,800 with The Ellis Company and any and all documents necessary to accomplish the above.

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

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #08-21-08-11 –
LBBLD RENEWAL OF PROPERTY INSURANCE COVERAGE**

Hardie Edgecombe with Arthur J. Gallagher Risk Management explained the cost of coverage last year was \$105,000. This year Lexington Insurance Company has

submitted a quote of \$90,000 for \$5 million of coverage and Landmark American Insurance Company submitted a quote of \$67,809 for full coverage in the amount of \$7,303,500 with a reduction in the wind deductible from 5% to 3%. He recommended obtaining coverage from Landmark American Insurance Company at a savings of approximately \$38,000 over last year for full coverage with a lesser wind deductible.

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

WHEREAS, the Lake Borgne Basin Levee District's (LBBLD) Property Insurance Coverage will expire on August 30, 2008; and

WHEREAS, Arthur J. Gallagher Risk Management Services has shopped the market and received a quote from Landmark American Insurance Company, an AM Best rated A XII Non Admitted carrier, for the renewal of the Property Insurance Coverage at an annual cost of \$67,809 for Option 1, with a limit of coverage in the amount of \$7,303,500.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of Property Insurance Coverage for the LBBLD from Landmark American Insurance Company at an annual cost of \$67,809 as indicated above, through Arthur J. Gallagher Risk Management Services, for a one year period commencing August 30, 2008, and authorizes the LBBLD Executive Director 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. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. McKee, Mr. Pineda and Mr. Wittie
NAYS: None
ABSENT: Mr. Barnes

RESOLUTION #08-21-08-12 – LBBLD EQUIPMENT PURCHASE

Mr. McCrossen explained the Woods rotary cutters cost approximately \$1,000 to \$1,200 less than the equipment the LBBLD is now using and has a better warranty. LBBLD staff has viewed this equipment at the Pontchartrain Levee District where it is currently being used and discussed the equipment with their staff.

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

WHEREAS, funding has been budgeted in Lake Borgne Basin Levee District's (LBBLD) FY 2008-2009 budget for two 15-ft. Woods rotary cutters to replace two old, worn out units; and

WHEREAS, quotes for the purchase of this equipment have been obtained through Louisiana State Contract.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the LBBLD Executive Director to purchase two 15-ft. Woods rotary cutters from Ascension Equipment at a cost of \$14,202 each.

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

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #08-21-08-13 -- REPAIR/RENOVATION OF
LAKE BORGNE BASIN LEVEE DISTRICT OFFICE/WAREHOUSE BUILDING**

Mr. Doody explained the contract has been executed for this project and authorization is required at this point for execution of change orders, such as the one that is required for changing the doors from wood to metal due to insurance requirements.

Mr. McKee recommended the resolution be modified for two signatures; i.e., the Regional Director and the LBBLD Executive Director. Mr. Jackson accepted the modification to the resolution.

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

WHEREAS, by Resolution No. 04-17-08-08 the Board authorized the execution of a contract with Sherlock Construction Incorporated for the Repair/Renovation of the Lake Borgne Basin Levee District (LBBLD) Office/Warehouse Building Project; and

WHEREAS, there is a need to provide the LBBLD Executive Director, as the contract administrator, and the SLFPA-E Regional Director authorization to execute certain minor change orders or other documents concerning ancillary matters as may be required in order to maintain construction progress and to avoid unnecessary and costly delays.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) authorizes the LBBLD Executive Director and the SLFPAE Regional Director to execute all minor change orders costing under \$20,000 or other documents concerning ancillary matters in connection with the administration of the contract for the Repair/Renovation of the LBBLD Office/Warehouse Building Project.

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

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #08-21-08-14 – LBBLD AGREEMENT WITH
U.S. DEPT. OF AGRICULTURE, NATURAL RESOURCES CONSERVATION
SERVICE TO REMOVE DEBRIS**

Mr. McCrossen advised that the Natural Resources Conservation Service found additional funding to include debris removal in the Blue Bird Ditch and the Artillery Ditch. Therefore, an amendment to the existing Agreement is required.

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

WHEREAS, by Resolution No. 03-15-07-024, the Board granted authority to the Lake Borgne Basin Levee District (“LBBLD”) to enter into Project Agreement Number 68-7217-07-013 with the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) (the Agreement) to remove debris from various canals in St. Bernard Parish; said canals being public drainage channels and subject to a 100-foot servitude on either side of the canal, in accordance with the terms and conditions set forth in the Agreement; and

WHEREAS, an amendment to the Agreement (Amendment No. 2) is required in order to add the Blue Bird Ditch (DSR No. 087-05-054K) and the Artillery Ditch (DSR No. 087-05-058K) and to provide an expiration date of December 19, 2008 for the Agreement.

BE IT RESOLVED, that Jason McCrossen, Executive Director for the Lake Borgne Basin Levee District, Robert Turner, Regional Director for the Southeast Louisiana Flood Protection Authority-East, and/or Tim Doody, President for the Southeast Louisiana Flood Protection Authority-East, are hereby authorized and instructed to execute any documents, including but not necessarily limited to Amendment No. 2 to the Agreement, necessary in order to effect the aforementioned amendment.

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

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

STRATEGIC PLAN AND ORGANIZATIONAL STUDY WORKSHOP

Dr. Christel Slaughter, SSA Consultants, provided a brief presentation looking first at an overview of the two project parts; i.e., the Strategic Plan and the Organizational Assessment.

Strategic planning begins with a needs assessment and looking both inside and outside of the organization. Seven Commissioners have been interviewed and approximately two days were spent interviewing individuals from the LBBLD, EJLD and O.L.D. Lists of additional key political leaders and non-profit organizations were provided. Several workshops are anticipated with different work teams consisting of the Authority and staff. A draft will then be provided to the Authority.

The same early methods that are a part of the Strategic Plan will feed into the Organizational Assessment. SSA is beginning to collect data for the research and analysis and hopes to have findings and preliminary recommendations before too long.

The following four questions should be answered in strategic planning: Where are we now? Where do we want to be in five years and beyond? How are we going to get there? How do we measure our progress?

To answer the first question (Where are we now?) a situational inventory is needed looking at strengths and weaknesses. In looking at the environment, opportunities and threats should be identified. The strategic planning exercise should result in an idea of the organization's identity and uniqueness, along with a vision, guiding principals, specific and measurable smart goals, objectives with specific and measurable targets and strategies on how the objectives will be accomplished. Eventually staff would need to help craft objectives on down and how these things will be accomplished with strategies and action plans containing detailed descriptions. Accountability must be woven into the Strategic Plan, along with performance indicators and the results sought.

Dr. Slaughter stressed two points. The first point was that the Board sets the direction and from a governance perspective sets the tone; however, the staff must be involved in helping to figure out how particular parts of the Strategic Plan will be accomplishment. The second point was that what gets measured gets managed.

Dr. Slaughter briefly discussed mission and vision and the various comments and perceptions gleaned from interviews. She asked the Board to think about how the different stakeholders and public would define the Authority's purpose.

Strategic issues over the next five years that were brought up were funding issues, dealing with O.L.D. non-flood assets, monetary obligations, legislation and legislative strategies, access to specialized legal and engineering assistance, operations and maintenance issues, guiding principals about public trust, governance issues, the roll of the State, and how to better access parish entities and the USACE.

Organizational issues noted included the enormous differences between the levee districts, lack of staff and professional expertise in critical areas, and lack of roll clarity.

SSA recommended that public workshops be conducted early enough in the strategic planning process in order to obtain public input. Dr. Slaughter was requested to work with Wilma Heaton on scheduling the public meetings in the various districts. Strategic sub-group meetings are anticipated.

Mr. McKee recommended that the consultant contract be revisited and modified to provide for a bi-annual review or audit of the Strategic Plan in order to assure continuity.

The Board concurred that an item for a Strategic Plan and Organizational Study Workshop be placed on the agenda for the next regular Board meeting on September 18, 2008, in St. Bernard Parish, after the Public Hearing portion of the meeting.

There was no further business, therefore, the meeting was adjourned at 4:58 p.m.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

REGIONAL DIRECTOR'S REPORT

August 21, 2008

100 Year Level of Protection

Inner Harbor Navigation Canal Hurricane Storm Surge Barrier:

Shaw is progressing with the planning and design of the various components of the project. Many components have been submitted for 30% design review and comment. The main focus for the last couple of weeks has been on the gated structures proposed for Bayou Bienvenue and the GIWW. Our emphasis continues to be Operation & Maintenance considerations and the necessity to "design in" reasonable O&M features early in the process.

Members of the External Peer Review Panel along with representatives of Batelle came to New Orleans this month to meet with USACE, Shaw, the State and SLFPAE.

The State is continuing with plans to secure the right-of-way required for the project without the use of Commandeering. We have been working closely with the State to try to expedite the acquisition process. Expenditures by DNR for appraisal work, however, are nearing contract maximums. Consequently, CPRA has requested that we contract with the appraiser to complete the remaining work. (See agenda)

The NEPA process is nearing completion for this project. Final confirmation of the project alignment is dependent on the results of this process.

Bayou Dupre Control Structure:

The USACE has awarded a contract for the preparation of Plans and Specification for the new Bayou Dupre Control Structure. The new structure is proposed to be built nearly 15' higher than the existing structure. The exact location of the new structure has not yet been finalized.

Reach 5 – East Jefferson Levee District:

The USACE has announced that the proposed upcoming work for Reach 5 will bring that stretch of levee up to 100 year level of protection design requirements. The work will be done at 100% Federal Cost (no local matching funds required).

LPV 149 Caernarvon Floodwall – Lake Borgne Basin Levee District:

USACE has taken public comment and is currently evaluating the various alternatives for this project. Reconstruction of a new wall along the existing alignment is problematic because of right-of-way issues and interference with existing residences and major industry. The Parish Government and the general public (particularly residences and businesses near the existing floodwall alignment) favor shifting the alignment to a location east of the Caernarvon Canal (in Plaquemines Parish). This would require a new Control Structure in the Caernarvon Canal. The work is currently expected to be 100% Federally funded.

Elevation Map:

The USACE has published a map showing the 100 year level of protection elevations for the hurricane protection levee system in the metro New Orleans area. The elevations depicted are current as of February 7, 2008. The map can be found at the following web address:

<http://www.mvn.usace.army.mil/hps/>

Submittals

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

- IHNC Storm Surge Barrier (new reviews daily)
- OLD Draft EAR for LPV105 – LPV 111.
- 95% Review P&S on LPV 109.01 (to authorized grade)
- 95% Review P&S on LPV 108 (to authorized grade)
- 95% Review P&S on LPV 103, Phase 1A1

Flood Fight

The Mississippi River has fallen below 5' at the Carrollton Gage. It is forecast to fall below 4' on Sunday, August 24, 2008. Levee District personnel are continuing to monitor the batture areas for possible signs of bank sloughing.

Internal Affairs

The Independent Auditors have begun the audit process for each District and the Authority.

We have met with Bob Bachus and Ray Martin, the Consultants selected for the review of the 17th Street Canal Seepage issue at the breach site. At the meeting we reviewed the various documents, established points of contact between the Consultants and the USACE, and visited the site. We have received sample contracts from both Engineers and we are working to get signed agreements as soon as possible.

The Strategic Plan/Organizational Study is now underway. Representative of SSA have interviewed all Executive Directors, a majority of the Commissioners, and key staff members. Additional interviews with staff have been scheduled.

We have been meeting with the State and the USACE to develop language which can be used for the Project Partnering Agreement for the LPV Project, portions of which will require cost share.

The USACE has begun the work to reinforce a stretch of I-wall on the West side of the IHNC. At the present time Hesco baskets are being placed on the floodside of the wall east of the existing roadway to prevent a potential storm surge from reaching this section of wall. This part of the work should take about three weeks. The USACE will soon start the process of driving sheet piles on the protected side of the existing wall. They are continuing with efforts to evaluate the existing conditions along the IHNC to insure the flood control works meet the new post-Katrina design criteria.

As a result of the recent oil spill in the Mississippi River, the U.S. Coast Guard is continuing with clean-up operations along the Mississippi River batture in Lake Borgne Basin Levee District. Most of the work is going on from Meraux to Caernarvon. The work will continue for at least another 2 to 3 weeks.

On August 19, 2008 we went to Springfield, Illinois to meet with the Illinois Emergency Management Agency for a round table discussion of the Midwest Floodfight '08 – Lessons Learned. We shared “war stories” of our flood fight efforts and exchanged ideas on how to improve for the future. It was interesting to note that both GOHSEP and IEMA share very similar challenges in managing emergency response. IEMA seem to be very well funded, probably due to the fact that 11 nuclear power plants are located within the state.

Governor Bobby Jindal announced this month that the president has agreed to grant Louisiana the flexibility to pay the required match for levee construction over a 30 year period. However, we still need to continue to push for Congress to appropriate the funds needed to accomplish this.

We also need to continue to work with our legislative delegation to revise some of the language in existing Authorizations. We need language to make the Federal Government responsible to Operate and Maintain the proposed gated (navigation) structures that are a part of the IHNC Storm Surge Barrier. We also need changes to allow the USACE to properly complete the Permanent Pump Station Projects in the Outfall Canals (including decommissioning of internal pump stations and reconstructing the drainage canals to provide for gravity drainage to the proposed new Permanent Pump Stations).

The Senate is asking for items for inclusion in the next WRDA bill. Requests must be in before August 27, 2008.

Upcoming Events

- Aug 25-26 Sustainability Management of Deltaic Ecosystems: Integration of Theory and Practice
School of the Coast and Environment at LSU
- Aug 27 EJLD Millage Meeting/Public Hearing
10:00 am to Noon
Kenner Pavillion
- Aug 28 ECM Progress Meeting (Permanent Protection – Outfall Canals)
10:30 – 11:30 am
Room 186 Corps Offices
- Aug 29 St. Bernard Parish Memorial/Anniversary Services – Hurricane Katrina
7:30 am Mass at OLPS Church
8:30 am Breakfast at Chalmette High School
- Sept 2 Partnering Session – 90 Day Congressional Report (Permanent Pump Station Alternatives)
1:00 – 5:00 pm
DARM A Corps Offices
- Sept 4 Orleans Levee District Annual MR&T Levee Inspection

Association of Louisiana Levee Boards Meeting
10:00 am
Drusilla Seafood Restaurant in Baton Rouge
- Sept 5 Hurricane and Flood Protection Forum
Sponsored by Senator Vitter
10:30 am to Noon
Ba Mien Reception Hall
13235 Chef Menteur Hwy. in New Orleans East
- Nov 21 Lake Borgne Basin Levee District Annual MR&T Levee Inspection