

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST  
BOARD MEETING  
THURSDAY, FEBRUARY 18, 2010**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, February 18, 2010, in the Second Floor Hall of the Lake Vista Community Center, 6500 Spanish Fort Boulevard, 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.

**PRESENT:**

Timothy P. Doody, President  
Stradford A. Goins, Vice President  
George Losonsky, PhD, Secretary  
Stephen Estopinal, Treasurer  
David P. Barnes, Jr.  
John M. Barry  
Thomas L. Jackson  
Ricardo S. Pineda  
Louis E. Wittie

**OPENING COMMENTS:**

Mr. Doody advised that the Annual Spring Meeting of the Mississippi Valley Flood Control Association will be held in Washington, D.C., from March 20-24, 2010. Issues that will be presented to Congressional staffers include the transfer of the operations and maintenance of the IHNC Surge Barrier to the U.S. Army Corps of Engineers (USACE), pump station storm proofing and coastal restoration efforts. He added that Mr. Jackson had commented that Board members should make providing a safe place for levee district personnel remaining on duty during a hurricane one of the Board's short term goals.

Mr. Doody reported that the Coastal Advisory Committee (CAC) had conducted an organizational meeting and that the CAC would provide a report later in the meeting.

Mr. Doody commented on the efforts being taken in order to apply for forgiveness of the Community Disaster Loan granted in the wake of Hurricane Katrina.

Mr. Doody reported on the on-going meetings of the Non-Flood Assets Commission. The creation of the Commission was a result of legislation that was proposed in the last legislative session. He advised that he and Mr. Barry serve on the Commission which was formed by Garrett Graves, as well as a number of its committees. The culmination of the Commission's work will be a report to the Division of Administration on the recommendations for ultimate disposition of the non-flood assets.

Mr. Doody advised that a resolution has not yet been reached on the outfall canal issues. The outstanding issues are the language in the amendment which details an option neutral feature and a study of the three options. There is a disagreement between the State and the USACE; therefore, these issues have been elevated to the Office of the Assistant Secretary of the Army in Washington, D.C.

Mr. Pineda stated that he viewed the DVD of the Flood Protection Summit held on November 23, 2009, and complimented the SLFPA-E staff and speakers. He commented on the need to hold an event such as this on a regular basis.

Mr. Losonsky presented a proclamation by the Southeast Louisiana Flood Protection Authority-West which expressed thanks to the SLFPA-E Board for its collaboration and participation in the Annual Geological Facts of Life for Flood Protection Symposium. Mr. Doody thanked Mr. Losonsky for co-hosting the Symposium. Mr. Losonsky added that the Symposium has had good local participation and has become noticed in the local geologic community. Mr. Pineda commented on importance of geologic history of the foundations upon which levees are built. He stated that the Symposium is a symbol of how important it is to know the geology, geomorphology and the geotechnical characteristics of the levee systems and the history of their foundations.

Mr. Jackson explained that Robert Turner, SLFPA-E Regional Director, has been serving on the National Levee Safety Committee since its inception. Mr. Turner has been able to share the levee districts' experiences on the failure of a hurricane protection system with the Committee and has brought back information shared by Committee members to the Board and the levee districts. The Committee is now looking into levee system dangers and setting nationwide standards. He thanked Mr. Turner for his efforts. Mr. Turner commented on the learning experience he has attained though serving on the Committee.

### **APPROVAL OF AGENDA:**

The agenda was amended to change the order of business and move Item XIII.A.2 after Presentations. A motion was offered by Mr. Estopinal, seconded by Mr. Losonsky and unanimously adopted by a roll call vote to approve the agenda as amended.

### **RESOLUTION #02-18-10-01 - APPROVAL OF MINUTES**

On the motion of Mr. Barnes,  
Seconded by Mr. Losonsky, 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 January 21, 2010.

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

ABSENT: None

**PUBLIC COMMENTS:**

Glenn Diaz stated that he is a lifelong resident of St. Bernard Parish and an attorney presently employed by the St. Bernard Parish District Attorney's Office. Mr. Diaz advised that he owns 1,200 acres of property in St. Bernard Parish. Mr. Diaz commented on his ancestry and the historical and environmental aspects of St. Bernard Parish. He stated that after four years the USACE has said that because the soil system was substandard, soft or weak so that the levee right-of-way (ROW) would need to be expanded to 1,600 feet and that a great deal of soil, money and maintenance would be required for the earthen levee. The USACE then came up with the idea of a T-wall. He stated that the premise for the T-wall is false and that there is enough soil in St. Bernard for an earthen levee. He stated that he and some friends came up with an idea to build the levee out of earthen clay with geo-textile fabric within the ROW in lieu of building a T-wall. Mr. Diaz stated that the levee could be built stronger, faster, \$50 million cheaper in one segment and would save wildlife. He stated that a copy of a peer review study was provided to Mr. Turner and asked that the Board consider this study. He commented on the levee scouring that took place during Hurricane Katrina. He stated that the new T-wall would have no scour protection. He commented on the proposed use of non-coated sheetpiles in the construction of the T-wall. He asked that the SLFPA-E request the USACE to consider the system that he was proposing. He stated that this system which uses geo-textile fabric could be used in the segment of levee in St. Bernard Parish to preserve the current way of life, save wildlife and would be a better system that could be improved. He commented on the condition of the soil placed on the levee after Hurricane Katrina upon which the T-wall would be built.

Mr. Doody advised that a meeting has been scheduled for next week during which this issue could be discussed. Mr. Diaz stated that he had spoken to St. Bernard President Craig Taffaro and some of the members of the Parish Council and that they are in favor of this system.

Mr. Barry asked Mr. Diaz if he had brought this matter to the Coastal Protection and Restoration Authority (CPRA). Mr. Diaz replied, no, and that he planned to go to the CPRA. He stated that he has a peer reviewed engineering study that was given to Colonel Sinkler and his staff. Mr. Barry recommended that the CPRA staff be involved.

**PRESENTATIONS:**

**1. Presentation on Emergency Management Procedures—U.S. Army Corps of Engineers.**

Mike Stack, Jr., Chief of Emergency Management for the USACE New Orleans District, advised that the presentation would cover how the USACE works with FEMA through the National Response Framework, Public Law 84-99, flood fight operations and breach closures.

Mr. Stack explained that the National Response Framework is the federal framework managed by FEMA for a federal response to a natural disaster. The National Response Framework is broken into 15 Emergency Support Functions (ESF), which are the key tasks during an emergency. Each ESF is assigned a lead agency. ESF #3 – Public Works and Engineering is how the USACE interacts with FEMA to respond to an event. Due to the technical backgrounds possessed by USACE personnel, the USACE provides technical assistance to all of the other federal agencies and support functions. He commented on some of the support functions covered in ESF #3, which includes debris removal, temporary housing, temporary roofing and emergency power.

Mr. Stack explained that the USACE is provided authority under Public Law (PL) 84-99 to respond to a flood control emergency. He commented on the six categories, which basically line up with funding streams, under PL 84-99:

- Disaster preparation – includes development of flood fight and contingency plans, stockpiling supplies and team readiness
- Emergency operations – reaction mode
- Rehabilitation
- Water assistance – deals with drought conditions or contaminated water supplies
- Advance measures – The USACE can put a package together for an advance measures program to implement a fix if it sees that an on-coming event could potentially threaten a flood control work. The problem and fix must be identified and implementable before an event happens.
- Hazard mitigation

Mr. Stack explained that having a flood flight plan and procedures to deal with high river levels are a part of the Operations and Maintenance for the Mississippi River. He provided an overview of flood fight plan:

- Phase 1 begins when the Carrollton Gage reaches 11.0 feet. The USACE sets up inspections at least twice a week in conjunction with the levee districts to look at the river system and monitor conditions.
- Phase II begins when the Carrollton Gage reaches 15.0 feet. Daily inspections are conducted in conjunction with the levee districts. All subsurface work within 1,500 feet of the levee is shut down.

Mr. Stack advised that the USACE is currently in phase I of the flood fight plan. The Mississippi River reached 14.2 feet at the Carrollton Gage on Monday. The river has crested and is falling.

Mr. Stack provided an overview of the conditions that the USACE looks for during flood fight inspections:

- Seepage
- Sand boils
- Potential problems, such as barges pushing up on the batture or against slope pavement.
- Erosion

Mr. Stack discussed breach closure options. Breaches can be closed by a combination of sand bags dropped by a helicopter and the use of earthen material based on access to the site. The USACE has become more prepared in having necessary materials and helicopter contracts on hand and ready to move at a moment's notice. The USACE is also working with the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), which has a similar set up. There is a joint effort between the USACE, GOHSEP and the Louisiana Air National Guard. The USACE is working on a more efficient delivery system using helicopters. The USACE is bringing in 24 barges of large sized rip-rap for this high water season. The rip-rap will be used for an initial response during the first 48 hours of the emergency and will be stored in several locations for quick accessibility. In addition, USACE sector commanders are sent out to assess other capabilities, such as equipment and materials of nearby contractors and private industry that could be tapped.

Mr. Stack explained that the PLUG (Portable Lightweight Ubiquitous Gasket) was tested last last year on a small six foot breach. The PLUG performed well on the small breach in a controlled environment. The USACE Engineering Research and Development Center (ERDC) is continuing the research this technology. ERDC will be setting up a much larger scale test this summer for a 50 foot to possibly 100 foot hole. The goal of the program is to strategically locate the PLUGs and to be able get a PLUG in place within four hours. The USACE is considering having some small PLUGs on hand in the event that they could be used.

Mr. Stack advised that the USACE places liaisons with the parishes during a hurricane event so that it can be informed about problems as soon as possible and be able to react accordingly. The USACE's response is dependent upon the conditions.

Mr. Doody offered the use of the facilities under the SLFPA-E's jurisdiction for staging equipment and materials. He thanked Mr. Stack for his presentation and asked that he continue to engage with the SLFPA-E Regional Director and the Executive Directors of the levee districts.

Mr. Pineda pointed out the importance of enrolling non-federal levees in the PL 84-99 program so that the USACE is able to respond more quickly to problems.

Mr. Barnes commented that after the passage of a hurricane it may be some time before staff can be made aware that a breach has occurred. Mr. Doody stated that this underscores the importance of having safe housing for personnel that need to remain during a hurricane for monitoring and inspecting the system.

## **2. Presentation of mission statement of Coastal Advisory Committee.**

Carlton Dufrechou thanked the Board on behalf of Mr. Schexnayder, Dr. Lopez, Colonel Sinkler and Dr. Mathies for the opportunity to work with the Authority. He stated that it is hoped that the Coastal Advisory Committee (CAC) will focus on coastal restoration outside of the levee system and will be results driven. He explained that the Board at its last meeting gave the CAC two tasks: (1) develop a straw man for the mission and process and (2) develop an inventory of Pontchartrain Basin coastal projects and

identify priority projects. The vision statement developed by the CAC is “to produce results by driving implementation of coastal projects which secure the future of the Pontchartrain Basin”. The mission statement developed by the CAC is “to identify and champion implementation of Pontchartrain Basin coastal projects that reestablish self sustaining habitats/ecosystems and enhance storm protection as soon as possible”.

The CAC developed the following process:

Working in partnership with federal, state, parish, and local agencies, coastal and regional organizations, and the private sector, the CAC will host and facilitate Pontchartrain Basin coastal project review/implementation meetings quarterly to:

- 1) Review status of coastal projects (projects currently under construction or currently funded and pending implementation/construction).
- 2) Identify priority coastal projects (projects currently under construction/funded or authorized that have a significant potential to enhance storm protection).
- 3) Champion accelerated implementation of priority coastal projects.
- 4) Hold entities accountable for timely implementation of priority coastal projects.

Mr. Dufrechou explained that the bottom line is while mission and process are important, the CAC is going to keep it simple. The CAC’s goal is to produce results and champion implementation of coastal projects that enhance storm protection in the Pontchartrain Basin as soon as possible. The CAC will coordinate quarterly review/implementation meetings beginning March 30. Slips on priority projects will not be acceptable. Mr. Dufrechou stated that the CAC understands that it has no authority; however, it hopes that it will be able to push projects to rapid implementation by focusing the attention of the Authority, the public and the media on those projects. He stated that Mr. Schexnayder is working on a format for a fact sheet for projects for the first submission in March. The CAC is initially trying to identify projects that are funded; however, it will also identify projects that could potentially be done locally. Colonel Sinkler and his staff and Dr. Lopez are working on an inventory of projects.

Mr. Doody advised that he requested Steve Mathies, Executive Director of the Office of Coastal Protection and Restoration, and Colonel Robert Sinkler, Commander of the USACE Hurricane Protection Office, to serve on this advisory committee and thanked the CAC members for their service.

Mr. Dufrechou explained that the funding to date has gone into structural storm protection. The funding for coastal projects has been miniscule. He pointed out that until recently the U.S. Geological Service was indicating that the Chandeleur Islands would be around for at least another century and potentially three centuries. A new report that addresses recurrence of hurricanes suggests that if there is a recurrence of the type of storms that have been experienced in the past five years, the Chandeleur Islands could be completely gone as early as 2013. If there is a recurrence of storms in the frequencies experienced in the late 60’s, 70’s and 80’s, then the Chandeleur Islands may last as long as 2030 of 2040.

Mr. Losonsky commented that CAC's process did not spell out in detail the basis for setting priorities. He suggested that the vision statement describe the future that is envisioned, which is partially addressed in the mission statement. A vision statement that describes a future that could be visualized by the public would make the basis for setting priorities clearer. Mr. Doody explained that there would probably be some refinement of the vision and mission statements. He stressed the need for results and stated that success will breed more success.

The Commissioners discussed how the CAC would report to the Board, receive public input in the process and public participation in CAC meetings. Mr. Goins pointed out the need to educate governmental entities and the public on the need for multiple lines of defense.

Mr. Dufrechou explained that the first goal of the CAC is to actually get projects moving, which would most probably be those projects that are funded. He added that a significant amount of funding is available for hurricane mitigation work.

Mr. Barry commented that the rate of erosion has slowed significantly going from a loss equal to one football field every twenty minutes to a loss equal to one football field every 45 to 50 minutes. He asked whether this slowed rate is the result of anything that has been done or whether those areas that are more easily eroded have already been lost. Mr. Dufrechou responded that the coastline is closer to developed areas today and that the erosion is now into higher ground. Twenty-three hundred square miles of coastal Louisiana has been lost.

Mr. Doody advised that the Board's legal counsel would be consulted about whether the public meeting laws must be followed for CAC meetings.

The consensus was that the CAC would provide a report to the Board at least quarterly.

### **COMMITTEE REPORTS:**

**Finance Committee:** Mr. Estopinal reported that the Finance Committee met on February 4th. In addition to several items that have been placed on the Board's agenda for action, the Committee discussed Fiscal Year (FY) 2011 budget issues and the implementation of a higher asset capitalization threshold.

**Operations Committee:** Mr. Witte reported that the Operations Committee met on February 4<sup>th</sup> and discussed the following items:

- Seepage in the Mississippi River levee on River Road at Powerline Boulevard – Mr. Wittie stated that this problem appears to be a drainage problem rather than a seepage problem. Mr. Turner explained that Orleans Levee District personnel took 17 cross sections in the area. Water is being trapped by ruts. The area can be re-graded and sodded so that the water would run across the roadway.
- Switchgrass – The LSU AgCenter will provide an opinion on the use of switchgrass.

- Technical support provided by the State – OCPR has provided one inspector and will be providing a second inspector next week. Mr. Jackson commented that the SLFPA-E needs to evaluate and make known its needs for inspectors for the 100 year protection projects. Mr. Turner advised that the inspectors will report to himself, Stevan Spencer, SLFPA-E Regional Chief Engineer, and the levee district executive directors. The inspectors will file daily reports and weekly summary reports. He explained that the first inspector provided by OCPR is well versed in running inspection crews and is assisting with putting together a program and determining how many inspectors will ultimately be needed when all of the projects are under construction. He added that there is a good cooperative effort between the SLFPA-E, the USACE and its contractors. The inspectors have access to all of the documents that the USACE and the contractors have at the site trailers, as well as testing data. Mr. Doody recommended that the SLFPA-E obtain a copy of the quality control procedures. Mr. Wittie recommended the testing of random soil samples.

**Legal Committee:** Mr. Goins reported that the Legal Committee met prior to the Board meeting and approved legal invoices.

**Special Issues Committee:** The Special Issues Committee did not meet in February.

**CPRA/Governmental Affairs:** Mr. Barry advised that the CPRA did not hold a meeting in February. He explained that about \$30 million was included in the President’s budget for coastal restoration for Louisiana, which is a start. In comparison, \$250 million is included in the budget for the Great Lakes and over \$300 million for Chesapeake Bay for restoration programs that have been well underway. There is some optimism that Louisiana is getting more attention.

### **REGIONAL DIRECTOR’S REPORT:**

Robert Turner, SLFPA-E Regional Director, reviewed the Regional Director’s Report, a copy of which is appended to the minutes.

At 11:55 a.m. a motion was offered by Mr. Losonsky, seconded by Mr. Wittie and unanimously adopted, for the Board to convene in Executive Session to discuss the item listed on the agenda.

### **EXECUTIVE SESSION:**

1. Legal issues re: real estate acquisitions.

At 1:22 p.m. a motion was offered by Mr. Goins, seconded by Mr. Estopinal and unanimously adopted, for the Board to reconvene in regular session.

### **RESOLUTION #02-18-10-02 – RENEWAL OF PUBLIC OFFICIALS LIABILITY INSURANCE COVERAGE**

Hardie Edgcombe with Arthur J. Gallagher Risk Management Services explained that the premium last year was \$48,405. After shopping the market he recommended that the coverage be renewed with A.I.G. The premium for this year has increased to \$52,389.75 because of increased exposure.

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East's (SLFPAE) Public Officials Liability and Employment Practices Liability Insurance Coverage is due to expire in March, 2010; and

**WHEREAS**, a quotation for renewal of said coverage has been received from A.I.G. through Arthur Gallagher Risk Management Services at an annual estimated premium of \$52,389.75.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of Public Officials Liability and Employment Practices Liability Insurance Coverage with A.I.G. at an annual estimated premium of \$52,389.75 for a period of one year through Arthur Gallagher Risk Management Services.

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

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

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

NAYS: None

ABSENT: None

### **RESOLUTION #02-18-10-03 - ID-IQ CONTRACT FOR STRATEGIC PUBLIC OUTREACH PROGRAM DEVELOPMENT AND IMPLEMENTATION**

Mr. Pineda explained that the Board adopted a motion that authorized the advertisement of a Request for Qualifications (RFQ) for firms to assist the Authority and levee districts with strategic communications. Five responses were received. A selection team was established that consisted of Mr. Pineda, Robert Turner, SLFPA-E Regional Director, Timothy Jarquin, LBBLD Executive Director, Fran Campbell, EJLD Executive Director, and Wilma Heaton, SLFPA-E Executive Assistant. The selection team reviewed the Statements of Qualifications and interviewed the firms on February 20<sup>th</sup> by asking a standardized set of questions. A score sheet was developed that cut across the eight questions asked in the interviews. The selection team members independently scored the firms. The selection team conducted a conference call to review the scores and the selection.

Mr. Pineda explained that each firm brought something different to the table and offered unique qualifications. He stated that he and the selection committee recommended the

selection of the following top three firms for Indefinite Delivery-Indefinite quantity contracts:

The Estopinal Group  
GCR & Associates and Buisson Creative Strategies  
Schulkens Communications and Kim Floyd Communications

Mr. Pineda advised that it would be left to the SLFPA-E Regional Director and the Executive Directors of the levee district on how best to use the three firms with their different types of expertise. He added that GCR /Buisson have done a lot of work in Jefferson Parish, Schulken/Floyd have a tremendous amount of flood background, and the Estopinal Group has done a lot of work in Orleans and St. Bernard Parishes.

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) and the levee districts under its jurisdiction have a need for the development and implementation of a Strategic Public Outreach Program on an indefinite delivery-indefinite quantity basis; and

**WHEREAS**, the Board at its regular meeting held on October 15, 2009 approved the advertisement of a Request for Qualifications (RFQ) for professional services to assist the SLFPA-E and levee districts with strategic communications; and

**WHEREAS**, five Statements of Qualifications (SOQ) were received and reviewed by the selection team; and

**WHEREAS**, the five responding firms or team of firms were interviewed and competitively rated by the selection team; and

**WHEREAS**, the selection team has recommended the following consultant(s) for the purpose of entering into an ID-IQ Contract for Professional Services for the Development and Implementation of a Strategic Public Outreach Program with said consultant(s):

The Estopinal Group  
GCR & Associates and Buisson Creative Strategies  
Schulkens Communications and Kim Floyd Communications

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) approves the selection of the following firm(s) for the purpose of entering into an ID-IQ Contract with said consultant(s):

The Estopinal Group  
GCR & Associates and Buisson Creative Strategies  
Schulkens Communications and Kim Floyd Communications

**BE IT FURTHER RESOLVED**, that the SLFPA-E Regional Director is authorized to negotiate the final ID-IQ Contract with the approved consultant(s), and that the SLFPA-E President is hereby authorized to execute said ID-IQ Contract with the approved consultant(s).

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

**RESOLUTION #02-18-10-04 - GRIEVANCE PROCEDURE BY  
THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST**

Mr. Doody explained that a Grievance Procedure must be adopted in order to participate in the State of Louisiana Community Development Block Grant Program.

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East has been afforded the opportunity to participate in the State of Louisiana Community Development Block Grant (CDBG) administered by the Division of Administration; and

**WHEREAS**, the CDBG Program requires that all grant recipients adopt by resolution an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the regulation of the U. S. Department of Housing and Urban Development, 24 CFR Part 8, implementing Section 504 of the Rehabilitation Act of 1973, as amended (Public Law 93-112); and

**WHEREAS**, Section 504 states, in part: "No otherwise qualified handicapped individual shall, solely by reason of his handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

**BE IT HEREBY RESOLVED**, that the \*attached "Grievance Procedure" dated February 18, 2010 is hereby adopted.

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

\*Copy appended to minutes

**RESOLUTION #02-18-10-05 –  
ADOPTION OF A POLICY STATEMENT FOR COMMUNICATING  
INFORMATION TO PERSONS WITH SENSORY IMPAIRMENTS BY SLFPA-E**

Mr. Pineda commented on the importance of reaching out to the local citizenry and to providing assistance to citizens with disabilities.

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East has been afforded the opportunity to participate in the State of Louisiana Community Development Block Grant (CDBG) Disaster Recovery Program administered by the Division of Administration; and

**WHEREAS**, the CDBG Program requires that all grant recipients adopt by resolution a policy for communicating information to persons with hearing impairments.

**BE IT HEREBY RESOLVED**, that the \*attached "Policy Statement for Communicating Information to Persons with Sensory Impairments" for the Southeast Louisiana Flood Protection Authority-East dated February 18, 2010 is hereby adopted.

**BE IT FURTHER RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East hereby adopts a policy to utilize the Louisiana Hearing Impaired Relay System for communicating with hearing impaired persons. The relay numbers are: Information 1-800-333-0605, TDD Users 1-800-846-5277 and Voice Users 1-800-947-5277.

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

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

NAYS: None

ABSENT: Mr. Barnes

\*Copy appended to minutes

### **RESOLUTION #02-18-10-06 - USACE CORE SAMPLES**

Mr. Losonsky advised that this is a request to use the cores collected by the USACE after the USACE has finished using them. He explained that two of the 30 by 60 minute quadrangles that are being mapped by the Louisiana Geological Survey are relevant to the Authority. The Louisiana Geological Survey has received Federal money to do the mapping and would greatly benefit from use of the USACE cores.

The Commissioners concurred that a request for the USACE to provide the data obtained from its tests should be included in the resolution. Mr. Turner explained that the information on many of the cores and the test data are in the G.I.S. system of the levee information management program; however, the data is not currently in a user friendly mode because a third party program is needed.

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

**WHEREAS**, soil cores are taken from certain Lake Pontchartrain and Vicinity Project levees under the jurisdiction of the Southeast Louisiana Flood Protection

Authority-East for testing purposes by the U.S. Army Corps of Engineers (USACE); and

**WHEREAS**, the soil cores no longer needed for the aforementioned testing are currently being stored until no longer needed by the USACE; and

**WHEREAS**, the Louisiana Geological Survey is compiling the first 30 by 60 minute quadrangle geologic map of the New Orleans area.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) hereby requests the U.S. Army Corps of Engineers to provide the soil cores taken from the levees under the jurisdiction of the SLFPA-E to the Louisiana Geological Survey when the cores are no longer needed by the USACE, and provide the results of tests performed on those soil cores.

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

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

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #02-18-10-07 - EAST JEFFERSON LEVEE DISTRICT  
RESERVE OFFICERS ACCIDENT AND HEALTH INSURANCE COVERAGE**

Mr. Edgecombe advised that last year's premium for this coverage was \$1,200. The renewal premium is \$1,000 because of the shortened policy period. The coverage will expire on January 1<sup>st</sup> to coincide with the expiration of other EJLD insurance coverages.

Mr. Edgecombe announced that dividend checks will be received from the Louisiana Workers Compensation Corporation (LWCC), as follows: EJLD - \$14,007, LBBLD - \$11,963 and the SLFPA-E - \$61. Mr. Gillen advised that the O.L.D. will receive a dividend check in the amount of \$135,000.

On the motion of Mr. Estopinal,

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

**WHEREAS**, the blanket accident insurance coverage for East Jefferson Levee District (EJLD) Reserve Officers is due to expire on March 5, 2010; and

**WHEREAS**, a quotation for renewal of said coverage has been received from Ace Insurance Company through Arthur Gallagher Risk Management Services at an estimated premium of \$1,000 for a policy period commencing on March 6, 2010 and ending on January 1, 2011; and

**WHEREAS**, the aforementioned policy provides coverage for Accidental Death and Disability with a limit of \$10,000 and Medical Expense with a limit of \$25,000, with an annual aggregate limit of \$250,000.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of blanket accident insurance coverage for EJLD Reserve Officers as stated above from Ace Insurance Company for a

period commencing on March 6, 2010 and ending on January 1, 2011 through Arthur Gallagher Risk Management Services.

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

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

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

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #02-18-10-08 - HASPEL & DAVIS MILLING AND PLANTING COMPANY, LTD., ET AL. V. BOARD OF LEVEE COMMISSIONERS OF THE ORLEANS LEVEE DISTRICT, DOCKET NO. 31-357 IN THE 25<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF PLAQUEMINES**

Mr. Doody explained that there is an outstanding judgment against the Orleans Levee District (O.L.D.). A hard look must be taken at the ability of the O.L.D. to operate while paying off this judgment. Jim Bollinger, O.L.D. Comptroller, advised that the O.L.D. cannot meet the outstanding judgment in its entirety. The O.L.D. has made a payment of \$100,000 each year for several years towards the outstanding judgment. Mr. Doody added that the O.L.D. is trying to continue providing the services that are required and meet the obligations of the Court.

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

**WHEREAS**, the Orleans Levee District ("District") entered into a Settlement Agreement dated December 11, 2000 in the matter entitled *Haspel & Davis Milling and Planting Company, Ltd., et al. v. Board of Levee Commissioners of the Orleans Levee District*, Docket No. 31-357, 25<sup>th</sup> Judicial District Court for the Parish of Plaquemines, State of Louisiana, which court, in accordance with the terms of the Settlement Agreement, entered a Consent Judgment dated December 11, 2000 in favor of the plaintiff class and against the Levee Board in the sum of \$21,085,408.98, less \$2,318,263.72 paid contemporaneously with that court's approval of the Consent Judgment, plus interest from July 31, 2000; and

**WHEREAS**, the Settlement Agreement further provided that the remainder of the Consent Judgment "will be paid as and if funds are appropriated therefor"; and

**WHEREAS**, pursuant to the Settlement Agreement and Consent Judgment, the District paid to the plaintiffs to date a total of \$5,545,818.89 in partial satisfaction of the Settlement Agreement and Consent Judgment (with \$2,318,263.72 paid on or about December 11, 2000, another \$371,532.00 paid on or about August 15, 2001, another \$1,906,023.17 paid on or about February 7, 2003, another \$600,000.00 paid on or about February 27, 2004, and another \$350,000.00 paid on or about January 4, 2005); and

**WHEREAS**, in June 2005, the parties entered into, and the court approved, a second Settlement Agreement, the terms of which provided that the plaintiffs would settle and compromise all outstanding obligations that the District owed under the Consent Judgment and original Settlement Agreement in exchange for a lump sum payment not exceeding \$10,076,559.41 (the exact amount of which would depend upon the total class members who approved and accepted the second Settlement Agreement); and

**WHEREAS**, the District approved, subject to further approval by the Louisiana State Bond Commission, a bond issue to fund the lump sum payment provided for under the second Settlement Agreement, which payment was to be made on before January 21, 2006, failing which the plaintiffs had the right to rescind the second Settlement Agreement; and

**WHEREAS**, on August 29, 2005, Hurricane Katrina devastated the New Orleans area. In its aftermath, the bond issue approved by the District to satisfy its obligations under the second Settlement Agreement was determined to be unfeasible and was never approved by the Louisiana State Bond Commission or thus never effected. Subsequently, the plaintiffs exercised their right to rescind the second Settlement Agreement and by Order dated May 31, 2006, the court declared the second Settlement Agreement “to be of no further force or effect allowing the plaintiffs to seek other remedies of collection against the Levee Board”; and

**WHEREAS**, there remains a substantial unpaid balance owed under the Consent Judgment and original Settlement Agreement; and

**WHEREAS**, after careful and deliberate consideration, the Southeast Louisiana Flood Protection Authority-East (the “Authority”) previously appropriated the sum of \$100,000.00 in 2008 and further desires to appropriate from the general funds of the District the sum of \$100,000.00 to be paid to reduce the balance owed by the District under the original Settlement Agreement and Consent Judgment, believing in good faith and in the Authority’s discretion that the Authority on behalf of the District cannot at this time afford to appropriate, and the District cannot at this time reasonably afford to pay, any greater sum at this time for this purpose in view of the District’s current and future obligations to provide flood protection for the citizens of Orleans Parish and southeast Louisiana, as well as its current financial condition and limited resources.

**BE IT HEREBY RESOLVED**, that the Authority hereby appropriates the sum of \$100,000.00 from the general fund of the District to be paid to reduce the total amount owed by the District under the original Settlement Agreement and Consent Judgment rendered and approved in *Haspel & Davis Milling and Planting Company, Ltd., et al. v. Board of Levee Commissioners of the Orleans Levee District*, Docket No. 31-357, 25<sup>th</sup> Judicial District Court for the Parish of Plaquemines, State of Louisiana.

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

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

NAYS: None  
ABSENT: Mr. Barnes

**RESOLUTION #02-18-10-09 –  
FY 2010 ORLEANS LEVEE DISTRICT BUDGET REVISIONS**

Mr. Bollinger explained that the Board approved expenditures in the Fiscal Year (FY) 2009 Budget of approximately \$232,000 for equipment which was ordered, but not received until after July 1<sup>st</sup> (end of the fiscal year). Board approval is required to carry forward the equipment expenditure to the FY 2010 Budget. In addition, the Board approved an expenditure in the FY 2009 Budget to implement new Financial Management Software. Due to a slip in the contract schedule, only half of the money was spent in FY 2009. The Board must reauthorize the expenditure of approximately \$46,000 for FY 2010 to complete the software implementation contract.

Mr. Bollinger pointed out that the General Fund and SLIP Fund Budgets have been revised to reflect the early retirement of debt and the corresponding reduction in the annual debt service and interest income. He explained that an item was added and noted as Algiers Tax Revenue in order to reflect the financial transaction between the O.L.D. and the Algiers Levee District (ALD). Tax collections from Algiers are submitted to the O.L.D. The O.L.D. deducts Algiers' share of the debt service and then remits the difference to the ALD. Since the O.L.D. has paid off the majority of the debt, little will be retained from the Algiers collections. He commented that the legislation that created the ALD cost the O.L.D. about \$2.3 million in revenues.

Mr. Bollinger pointed out that \$1,320,000 of Bohemia revenues was placed back into the budget. Much of this revenue is being paid to the Court and is needed to sustain the O.L.D.'s mission.

Mr. Jackson commented that the claim by the ALD to a share of the non-flood assets remains an open issue. Mr. Barry pointed out that the ALD may then end up with a share of the costs associated with the non-flood assets.

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

**WHEREAS**, by Resolution No. 3-19-09-05, the Authority approved the General Operating Budget and Special Levee Improvement Projects (SLIP) Fund Budget for Fiscal Year 2010 to provide for required expenditures for personnel services, contractual services, operating supplies, equipment, annual debt service and capital projects; and

**WHEREAS**, when actual results or expectations for income or expenditures change materially, adjustments to the previously approved budget are proposed as amendments for the Board's approval; and

**WHEREAS**, almost \$300,000 in needed equipment purchases and software improvements previously approved for fiscal 2009 were not spent in that year because of delayed deliveries and scheduling, and must be re-authorized in 2010

under District policy that unexpended budget funds do not automatically carry over to the following year; and

**WHEREAS**, the following summarized adjustments are determined to reflect the currently projected operating results of the General Fund based on the latest revenue and expenditure information:

**General Fund**

Decrease in State Revenue Sharing	\$ (650,000)
Increase in Bohemia income	1,320,000
Decrease in Interest Earnings	(400,000)
Increase in Expenses for Equipment (prior year)	232,200
Increase in Expenses for Software (prior year)	46,600
Increase Other Income, Algiers Tax Revenue	1,150,000
Increase in Other Costs, Transfer Tax to Algiers	<u>(1,142,000)</u>
 Subtotal income before Debt Service	 (800)
 Early Retirement of Bonds 86 PIB LIB	 (16,795,000)
Reduction in Debt Service (May Interest)	<u>464,250</u>
 Total Change in Budgeted Fund Surplus	 \$ (16,331,550)

**WHEREAS**, the following summarized adjustments are determined to reflect the currently projected operating results of the SLIP Fund based on the latest revenue and expenditure information:

**Special Levee Improvement Fund**

Decrease in Interest Earnings	\$ (500,000)
Increase Other Income, Algiers Tax Revenue	1,220,460
Increase in Other Costs, Transfer Tax to Algiers	<u>(1,182,700)</u>
Subtotal income before Debt Service	(462,240)
 Early Retirement of Bonds 86 LIB LIB	 (25,560,000)
Reduction in Debt Service (May Interest)	<u>684,400</u>
 Total Change in Budgeted Fund Surplus	 \$ (25,337,840)

**BE IT HEREBY RESOLVED**, That the revisions to the Fiscal Year 2010 General Fund and to the 2010 Special Levee Improvement Budgets are approved.

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

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

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #02-18-10-10 – APPROPRIATION OVER PARCEL 1-3**

Mr. Estopinal explained that he would have to recuse himself from the discussion and vote on this item because he has a short term contractual relationship with the surveyor involved in the survey of this parcel.

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

**RESOLUTION #02-18-10-10**

A resolution providing for the appropriation under the Constitution and Laws of the State of Louisiana of a three-year temporary work area servitude over Parcel No. 1-3 from Elevating Boats, LLC and/or its successors in title for the benefit of the Lake Borgne Basin Levee District for the building of levees and other water control structures including the repairing of hurricane protection levees on the alignment approved by the U. S. Army Corps of Engineers.

**WHEREAS**, the U. S. Army Corps of Engineers has determined that certain lands, easements, servitudes and rights-of-way situated in the Parish of St. Bernard owned by Elevating Boats, LLC and/or its successors in title are required for the construction of the Lake Pontchartrain and Vicinity, Hurricane Protection Project, Reach 148.02, St. Bernard Parish, as shown on Corps of Engineers Map File No. H-4-46996, dated August 2009, Sheet Identification No. R-014; and

**WHEREAS**, the Louisiana Coastal Protection and Restoration Authority as the non-federal sponsor has the responsibility for providing all lands, easements, servitudes and rights-of-way determined by the U. S. Army Corps of Engineers to be required for the construction of the Lake Pontchartrain and Vicinity, Hurricane Protection Project; and

**WHEREAS**, the Lake Borgne Basin Levee District, pursuant to legislation and a delegation and grant of authority by the Louisiana Coastal Protection and Restoration Authority, has the responsibility of acquiring of such lands, easements, servitudes and rights-of-way with funds furnished by the Louisiana Coastal Protection and Restoration Authority;

**Section 1. Be It Resolved**, by the Board of Commissioners for the Southeast Louisiana Flood Protection Authority-East, that a three-year temporary work area servitude over the following described property on the alignment approved by the U. S. Army Corps of Engineers is hereby appropriated for the benefit of the Lake Borgne Basin Levee District in accordance with the provisions of the Constitution and Laws of the State of Louisiana for the building of levees and other water control structure including the repairing of hurricane protection levees:

**Parcel No. 1-3**

One certain parcel of land situated in Section 7, Township 14 South, Range 13 East, Poydras Plantation, St. Bernard Parish, Louisiana, being more fully shown as Parcel 1-3 on a right of way map prepared by John E. Bonneau, John E. Bonneau & Associates, Inc., Registered Land Surveyor, dated September 14, 2009, Hurricane Protection Project LPV 148.02, Proposed Staging Area, Sheet no. 3, attached hereto, and being more fully described as follows:

Commencing at the Chalmette baseline Station 1540+16.26 situated within Hurricane Protection Project LPV 148.02 and run along said baseline north 22 degrees 40 minutes 10 seconds west for a distance of 444.94 feet to a point; thence leaving said baseline run north 68 degrees 19 minutes 46 seconds east for a distance of 237.76 feet to the point of beginning;

From the point of beginning continue north 68 degrees 19 minutes 46 seconds east for a distance of 144.77 feet to a point; thence run north 02 degrees 13 minutes 53 seconds west for a distance of 3111.12 feet to a point; thence run north 10 degrees 05 minutes 53 seconds west for a distance of 11.52 feet to a point on the southerly right-of-way of Louisiana Southern Railroad; thence run along said right-of-way north 81 degrees 37 minutes 15 seconds east for a distance of 81.27 feet to a point; thence leaving said right of way run north 86 degrees 05 minutes 39 seconds east for a distance of 31.73 feet to a point; thence run south 02 degrees 03 minutes 22 seconds east for a distance of 3284.37 feet to a point; thence run north 88 degrees 38 minutes 21 seconds west for a distance of 101.11 feet to a point; thence run south 68 degrees 19 minutes 13 seconds west for a distance of 94.53 feet to a point on the easterly right-of-way of the Hurricane Protection Project LPV 148.02; thence run along said right-of-way north 22 degrees 22 minutes 48 seconds west for a distance of 137.57 feet back to the point of beginning.

The coordinate values, bearings, and distances used herein are referenced to the North American Datum of 1983 (NAD83), Louisiana State Plane Coordinate System, South Zone, U.S. Survey Feet. Said parcel of land contains 8.35 acres (363,632.72 sq. feet) more or less.

**Section 2. Be It Further Resolved,** that (A) this resolution shall be published in the official journal of the Lake Borgne Basin Levee District and in the official journal of the parish where the property is located; (B) a certified copy of this resolution be sent to the public records and assessment records owner by certified mail return receipt within five (5) days of adoption; and (C) a certified copy of this resolution be registered in the conveyance records of the parishes where the property is located and the domicile of this Board.

**Section 3. Be It Further Resolved,** that a copy of Corps of Engineers Map File No. H-4-46996, dated August 2009, Sheet Identification No. R-014 referenced above shall be kept on file in the offices of the Lake Borgne Basin Levee District for the review and copying by any affected property owner or any other interested person.

**Section 4. Be It Further Resolved,** that the compensation due the affected owner as determined in accordance with applicable law shall be paid within one year of the date of this resolution.

**Section 5. Be It Further Resolved,** that the employees and contractors of the Lake Borgne Basin Levee District take all necessary or appropriate action, including obtaining appraisals of the property, to carry out the above resolutions.

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

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

NAYS: None

RECUSED: Mr. Estopinal

ABSENT: Mr. Barnes

Mr. Doody announced that the next regular Board meeting will be held on March 18, 2010.

The preliminary FY 2011 budgets for the SLFPA-E, EJLD, O.L.D. and LBBLD were distributed to the Commissioners for review. The FY 2011 budgets must be approved by the Board at its March meeting. Mr. Doody advised that the SLFPA-E and the levee districts are beginning the preliminary work for the next audit.

There was no further business; therefore, the meeting was adjourned at 2:05 p.m.

# SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

## REGIONAL DIRECTOR'S REPORT

February 18, 2010

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

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

Design work on the project continues. The overall design of the entire project is approximately 85% complete. Our emphasis continues to be Operation & Maintenance considerations and the necessity to "design in" reasonable O&M features early in the process.

All of the 66" diameter concrete piles have been driven as of Oct 21, 2009. 95% of the closure piles (2434) and 70% of the batter piles (454) have been driven with no major difficulties. 53% of the precast caps (179) have been set and 1974 l.f. of the parapet wall has been erected. (120) Cast in place "gaps" have also been completed. All parts of the wall (except guard rails) are now underway.

The support piles for the by-pass Barge Gate foundation have been driven and the cofferdam has been completed and dewatered. Rebar for the sill is being placed (2<sup>nd</sup> section). The 1<sup>st</sup> section of the sill is in place. The barge gate sill is scheduled for completion before the end of 2009.

The Contractor has begun mobilizing for the T-Wall work and fabrication of the required piles has begun.

Bayou Bienvenue lift gate location is now closed to all navigation at the Project site due to lift gate construction.

#### **East Jefferson Levee District:**

##### Reach 1:

The Work is approximately 10% complete. Borrow operations have been impacted by recent high river levels and heavy rains. This Reach is scheduled for completion in June 2010.

##### Reach 2:

The Work is approximately 21% complete. Unsuitable material east of Williams Blvd. is being removed. The USACE has instructed the Contractor to remove the large pieces of unsuitable material (concrete, steel etc.) from the area east of Williams. New material will be brought in and blended with the remaining existing material to insure

compliance with specifications. Borrow operations have been impacted by recent high river levels and heavy rains. This Reach is scheduled for completion in August 2010.

Reach 3:

The project is approximately 23% complete. Borrow operations have been impacted by recent high river levels and heavy rains. The contractor is working the second lift. This Reach is scheduled for completion in May 2010.

Reach 4:

The project is approximately 34% complete. The work is scheduled to be complete in May 2010.

Reach 5:

The Project is more than 69% complete. Contract modifications are required for Coast Guard utility relocations, the Ridgelake ramp, and embankment work. Scheduled completion is set for July 2010.

Bonnabel Breakwater Project:

Work is progressing and is approximately 71% complete. Pile driving is ongoing. The scheduled completion is April 2010.

Duncan Breakwater Project:

The Project is approximately 36% complete. The bridge is nearing completion. Scheduled Project completion is May 2010.

Williams Blvd. Floodwall and Gate:

The Project is approximately 26% complete. The contractor is driving sheet piles. A contract modification is required due to a change in alignment. The work should be complete by April 2010.

Bonnabel Floodwall and Gate:

The Construction Contract has been awarded. Anticipated completion is July 2010.

Pump Station Fronting Protection:

Pile load testing has been completed at all four Pump Stations. The Construction Contract that was awarded was protested and the USACE solicited new proposals, which are due later this month.

LPV 017.2 (Causeway Crossing):

The OCPR and USACE are reviewing compensability issues for utility and facility relocations. Pile load testing will complete in mid March 2010. Construction is scheduled to begin in late May 2010. A CEA or MOU will be required at some point to define OMRR&R responsibilities for the various parts of the project.

West Return Levee/Floodwall:

Pile Load Tests are complete. We are awaiting revised Right-of-entry request from the USACE.

West Return Levee (Airport Runway):

The Corps is meeting with the FAA to develop a schedule.

**Orleans Levee District:**

LPV 101.02 (17<sup>th</sup> St. Canal to Topaz Street):

Work includes demolition of the existing floodwall and replacement with a new concrete T-Wall with a top elevation of +16.0 (NAVD88.2004.65). OLD has forwarded a check for \$162,424.85 to the USACE to cover the anticipated cost to relocate utilities owned by the levee district. Construction is approximately 18% complete and the Project is scheduled for completion before June 2011.

LPV 102.01, 103.01, and 104.01 Projects are 100% complete.

LPV 103.01 A1 (Bayou St. John):

Construction is now about 23% complete. A contract modification is being negotiated with the Contractor for de-watering the sector gate for USACE inspection and OLD maintenance.

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

The 95% plans and specs are scheduled for completion in March 2010.

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

The Construction Contract for this Project was awarded on October 2, 2009 and the Pre-construction meeting took place on November 2, 2009. The Contractor is working all sites and is currently removing paving at the Franklin Ave, Leon C. Simon, Elysian Fields (East and West) and Canal Blvd. roadway crossings.

LPV 104.02 (Seabrook West Side IHNC):

This project includes the construction of a new T-Wall. The Construction Contract was awarded in January 2010.

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

Proposals for the Design Contract were due at the end of January 2010.

LPV 105.01 (Lakefront Airport T-Wall West):

Plans and specs were completed on December 11, 2009. Construction Contract Award is scheduled for the end of February 2010.

LPV 105.02 (Lakefront Airport T-Wall East):

Plans and specs were completed on December 11, 2009. Construction Contract Award is scheduled for March 2010. A contract modification will be negotiated with the selected Contractor for OLD utility relocations (approx. \$57,000 cost to OLD).

LPV 106 (Citrus Lakefront Levee):

A design modification has been issued to move the I-Wall to the edge of the levee crown. Plans and specs were completed on December 4, 2009. Construction Contract Award is scheduled for early March 2010.

LPV 107 (Lincoln Beach Floodgate):

Plans and specs were completed in January 2010. A contract modification will be negotiated with the selected Contractor for OLD utility relocations. Construction Contract Award is scheduled for mid March 2010.

LPV 108 (New Orleans East Lakefront Levee):

The required construction (earthen embankment) is complete. A design modification was required for the Collins Pipeline crossing. Construction is approximately 90% complete. The Project will bring the elevation of the levee to pre-Katrina authorized elevation, which is higher than the new 100 year elevation.

LPV 109.2a (South Point to CSX Railroad – Levee Embankment):

The Permanent Servitude Agreement with USFWS has been finalized. Plans and specs have been completed. Construction Contract Award is scheduled for late February 2010. Construction of the Project will be combined with LPV 109.02c.

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

Construction is 100% complete. URS and USACE will monitor settlement and test to determine increases in shear strengths.

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

The Construction Contract has been awarded and work is approximately 8% complete.

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

Plans and specs were completed on December 15, 2009. Construction Contract Award is scheduled for late March 2010.

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

Plans and specs are complete. Construction will be done under LPV 109.02a.

LPV 110 (CSX Railroad Crossing):

Plans and specs were completed on December 15, 2009. The project permit with CSX Railroad is nearly complete and should be issued soon. Construction Contract Award is scheduled for February 2010.

LPV 111.01 (North Side GIWW):

The USACE awarded a \$3.1 million pre-construction services contract (ECI Contract) in July 2009. The contract includes three options for construction of levee sections, and a T-wall from the end of the earthen levee to the Inner Harbor Navigation Canal tie-in.

LPV 111.02 Pump Station 15 Fronting Wall:

Plans and specs are about 95% complete and are scheduled for completion in February 2010.

LPV 111.03 Tie-in to IHNC:

The Project consists of about 1000' of new T-Wall. Plans and specs are 60% complete.

LPV 113 (NASA):

Construction has begun and is approximately 16% complete. The Project is scheduled for completion in May 2010.

Seabrook Structure:

USACE awarded the Design/Build Contract to Arcadis. Protest of Contract Award has delayed the Project. A decision on award is expected by the end of February 2010. ROE for the test pile program has been issued by OLD.

**Lake Borgne Basin Levee District:**

LPV 144 (Bayou Dupre Control Structure):

This project will replace the existing Bayou Dupre Control Structure (sector gate) with a new sector gate. The Plans and specs are complete. The Construction Contract was awarded on January 25, 2010.

LPV 145 (Bayou Bienvenue to Bayou Dupre):

The project includes approximately 6 miles of new T-Wall atop the existing earthen levee. An ECI Contract has been awarded for this reach. Driving of the piles for the pile load test is now complete. A temporary bridge across Bayou Bienvenue and an aggregate surfaced access roadway the length of the project will be constructed in the next few months. Plans and specs are complete. Pile Load Tests conducted at Site #1 generated allowable pile loads much less than expected and pile lengths are being evaluated.

LPV 146 (Bayou Dupre to Verret):

The project includes approximately 8 miles of new T-Wall atop the existing earthen levee. An ECI Contract has been awarded for this reach. The NTP for the pile load tests has been issued and results are expected in late February 2010. 95% Plans and specs are complete.

LPV 147 (LA Hwy 46 and LA Hwy 300 Flood Gates):

The project includes a new set of floodgates at LA Hwy 46 and the replacement of the existing floodgate at LA Hwy 300. An emergency by-pass ramp will be constructed at the LA Hwy 46 location. We are awaiting authorization and guidance on issuance of the ROE. The LA Hwy 300 Flood Gate will be constructed under the LPV 148 Project.

LPV 148.02 (Verret to Caernarvon):

The Project includes approximately 9 miles of new T-Wall atop the existing earthen levee. An ECI Contract was awarded for this Project last month. A protest was filed by one of the proposers. The USACE has decided to re-issue the solicitation, which will delay this project for several months. 50% P&S are under review.

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

The project design requires a realignment of the Caernarvon levee/floodwall to a location east of the Caernarvon Canal. The new alignment necessitates the construction of a new Control Structure (sector gate) in the Caernarvon Canal.

Final plans include a sector gate at the Caernarvon Canal. 100% Plans and specs are out for review.

The new alignment requires construction of a section of the project outside of the jurisdiction of Lake Borgne Basin Levee District. Plaquemines Parish Council approved a Cooperative Endeavor that will allow for that portion of the project located in Plaquemines Parish. The agreement will allow for construction of the project on the proposed alignment and would place the responsibility for operation and maintenance of the project with LBBLD.

### **Permanent Pump Stations and Outfall Canals:**

According to the USACE, they are authorized and funded to design/construct perimeter protection only (Option 1). They are authorized but not funded to do an engineering study, which would include modifying the outfall canals to allow for gravity flow to the new pump stations at the lake and removing the existing upstream pump stations (Option 2/2a). This study would include a risk assessment of Option 1. Funding for the study would probably have to be included in the Corps' Federal Works Appropriations Budget.

According to USACE, design and construction Option 2/2a is neither authorized nor funded. All agree, however, that Option 2/2a is technically superior to Option 1 alone. In any case, it is imperative that the new pump stations be designed and constructed with the features necessary to accommodate construction of Option 2/2a. Failure to do at least this would make conversion of the outfall canals to gravity flow low level interior drainage channels impracticable.

The Amendment to the LPV PPA for the permanent pump stations is being negotiated. The NOSWB, OCPR/CPRA and SLFPAE are working to ensure that the language in the Amendment fully describes the features required for Option 1 conditions with easy conversion to Option 2/2a future conditions. HPO has elevated the negotiations to USACE Headquarters.

Development of the RFP for design/build of the Permanent Pump Stations is continuing with input from stakeholders.

### Elevation Map:

The USACE has published a map showing the 100 year level of protection elevations for the hurricane protection levee system in the metro New Orleans area. The

elevations depicted are current as of June 2009. The map can be found at the following web address:

[http://www.mvn.usace.army.mil/hps2/pdf/100-Year%20Status%20Map\\_051209\\_Final.pdf](http://www.mvn.usace.army.mil/hps2/pdf/100-Year%20Status%20Map_051209_Final.pdf)

## **Coastal Protection and Restoration**

### Lake Borgne Basin Levee District:

The Violet Freshwater Diversion siphon is operating.

Additional Coastal Restoration projects in the MRGO area scheduled to begin during the next 12 months. The projects will be designed and constructed through the USACE and will be funded with the \$75 million dollars in federal appropriations provided after Hurricane's Katrina and Rita.

## **Flood Fight**

The Mississippi River has risen to 14' at the Carrollton Gage. River levees are under surveillance by levee district personnel and the USACE.

## **Design and Construction**

### East Jefferson Levee District:

Work is continuing on the EJLD Safe House. The Architect has submitted a draft of the "Existing Conditions Assessment". EJLD and SLFPAE met with the Architect to discuss parameters that will be used in the planning and design of the facility.

The USACE has inspected a wet area along River Road near Hickory St. and has indicated that they believe that the seepage is due rain water from recent heavy rains.

### Orleans Levee District:

Work is complete on the LPV 101.01 Advance Measures sheet pile contract. The USACE is awaiting the revised set of As-Builts from the contractor before turning this project over to Orleans Levee District for O&M.

Construction on LPV 117 Project (Phase I East Side IHNC – Relief Wells) is complete. Overall the project looks good but grass has not yet begun to grow. The project involved the installation of approximately 20 relief wells. (Phase 2 East Side IHNC – Sheet Pile Installation) work has begun to install about 1400 linear feet of steel sheet pile at a location that is about 4000' south of the Seabrook Bridge.

Construction has begun on the OLD Safe House Project (NTP issued on January 11, 2010). The Project is scheduled for completion in August 2010.

The Floodgate Seal Repairs Project has been awarded.

Notice to Proceed for the Franklin Ave Warehouse South Section Roof Replacement Project was issued effective January 1, 2010 and work is under way.

Dr. Lorenzo started field investigations on the 17<sup>th</sup> St. Canal failure location on January 14, 2010.

#### Lake Borgne Basin Levee District:

The Contractor for the Trash Screen Repairs/Rehabilitation Project has installed the screens at all three pump stations. The Project is 100% complete.

The Contract for the Bluebird and Artillery Canal Cleaning Project has been awarded to the lowest bidder, Regency Construction. Survey discrepancies have been resolved and the Contractor started work at the end of January 2010.

Work is nearly complete on the Taintor Gate Repairs at P.S. Nos. 1 & 4. A punch list has been developed and a change order has been issued to address problems with the existing air piping system. Project completion is scheduled for mid February 2010.

The Notice of Award was issued to Fleming Construction for the Transition Improvements and Scour Protection at various locations along the 40 Arpent Canal. The pre-construction meeting was held on February 10, 2010.

LBBLD has received proposals from A/E firms to prepare plans and specs for a remote control system to operate the pumps at Pump Station 2 from Pump Station 6. The proposals have been reviewed and negotiations with the selected consultant will begin this month.

#### **Internal Affairs**

The USACE will issue new reports on computed Safe Water Elevations for the three outfall canals in Orleans Parish. The London Ave SWE report is undergoing peer review. Review comments will be addressed before any of the reports are completed and released.

The H&H Workshop was held on January 26, 2010.

We now have an inspector (Jim McAlister) working with us provided by OCPR. Additional technical support is forthcoming (before the end of February 2010).

Data has been collected for the Levee Information Management System Demonstration Project and forwarded to the Dutch Group. SLFPAE and representatives of EJLD met with the Dutch here in New Orleans on October 20, 21, and 22 to exchange ideas and finalize the scope of work for the project. A Workshop will be conducted on February 23, 2010.

The OCPR Levee Inspector class will be held on March 10, 2010 at the LDOTD Regional Traffic Management Center on Veterans Blvd.

The Mississippi Valley Flood Control Association Spring Meeting will be held in Washington DC March 20-24, 2010.

The ALBL Workshop in Baton Rouge is scheduled for May 6<sup>th</sup> and 7<sup>th</sup>, 2010.

## **SECTION 504 GRIEVANCE PROCEDURE**

The Southeast Louisiana Flood Protection Authority-East has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the regulation of the U.S. Department of Housing and Urban Development, 24 CFR Part 8, implementing Section 504 of the Rehabilitation Act of 1973, as amended (Public Law 93-112). Section 504 states, in part: "No otherwise qualified handicapped individual ... shall, solely by reason of his handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." To further assist those who may have a grievance concerning Section 504 compliance Wilma Heaton, Executive Assistant has been designated to coordinate the efforts of the Southeast Louisiana Flood Protection Authority-East to comply with requirements of Sec. 504 and its implementing regulation, 24 CFR Part 8.

1. A complaint should be in writing, contain the name and address of the person filing it, and briefly describe the action alleged to be prohibited by the regulation.
2. A complaint should be filed in the office of the Section 504 Coordinator within a reasonable time after the person filing the complaint became aware of the action alleged to be prohibited by the regulation.
3. The Compliance Coordinator shall meet with the complainant within 15 days after receipt of the complaint to discuss the complaint and any possible resolution(s).
4. The Compliance Coordinator or his/her designee shall conduct such investigation of the complaint as may be appropriate to determine its validity. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
5. The Compliance Coordinator shall issue a written decision determining the validity of the complaint no later than thirty (30) days after its filing. The response will offer options for resolution of the complaint. The Southeast Louisiana Flood Protection Authority-East shall be advised of any decision or resolution regarding the complaint.
6. If the decision of the Compliance Coordinator does not resolve the issue, the complainant may appeal the decision of the Coordinator within fifteen (15) days after receipt of the response to the Southeast Louisiana Flood Protection Authority-East or its designee.

7. The Southeast Louisiana Flood Protection Authority-East or his or her designee shall meet with the complainant within 15 days after receipt of the appeal to discuss the complaint and any possible resolution. Within fifteen (15) days after the meeting the Southeast Louisiana Flood Protection Authority-East or its designee will respond in writing, with a final resolution of the complaint.
8. The Section 504 Coordinator shall maintain the files and records of the Southeast Louisiana Flood Protection Authority-East relating to complaints filed hereunder.
9. The right of a person to prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Department of Housing and Urban Development or other Federal or State Agencies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. Complaints may be forwarded for disposition to the:

Office of Fair Housing and Equal Opportunity Department of Housing and Urban Development Washington, DC 20410

Complaints may also be filed at any Regional or Field Office of the Department such as:

Department of Housing and Urban Development  
Regional Office  
Fair Housing and Equal Opportunity Division  
P.O. Box 2905  
Fort Worth, TX 76113-2905

10. Determinations made under these procedures shall be liberally constructed to protect the substantial rights of interested persons, to meet appropriate due process standards and to assure the compliance of the Southeast Louisiana Flood Protection Authority-East with Section 504 and its implementing regulation.

Dated: February 18, 2010

**POLICY STATEMENT  
FOR COMMUNICATING INFORMATION TO PERSONS WITH  
SENSORY IMPAIRMENTS**

**POLICY ON PROCEDURES FOR COMMUNICATING INFORMATION TO PERSONS WITH SENSORY IMPAIRMENTS**

The Southeast Louisiana Flood Protection Authority - East will take such steps as are necessary to insure that qualified handicapped persons, including those with impaired sensory skills, receive effective notice. All aids needed to provide this notice, e.g., sign-language interpreters, readers, etc., are provided without cost to the person being served.

**FOR PERSONS WITH HEARING IMPAIRMENTS**

1. Qualified sign-language interpreter

For persons who are hearing-impaired and who use sign-language as their primary means of communication, the following procedure has been developed and resources identified for obtaining the services of a qualified sign-language interpreter to communicate both verbal and written information:

The Authority will provide qualified sign language interpreters **on an as needed basis**. Such an interpreter will be used at job interviews, large meetings, explanations of policies and procedures, etc. A minimum advance notice for such use is four days unless circumstances or conditions dictate lesser time. In that case, the minimum time will be that required to notify the organization furnishing the interpreter as well as the time required for that organization to act.

When time permits the request is to be in writing. If request is made orally, written documentation must be prepared and placed in the appropriate file. The following person(s) is authorized to obtain an interpreter: Glenda Boudreaux, Administrator, Southeast Louisiana Flood Protection Authority - East.

The following organization will be contacted when an interpreter is needed:

Louisiana Commission for the Deaf  
Deaf Action Center of Greater New Orleans  
1000 Howard Avenue  
New Orleans, LA 70113  
Phone: (504) 615 4944  
E mail: sabernius@yahoo.com

Information to be furnished when requesting an interpreter:

1. Reason for using interpreter services.
  2. Date and time services are needed.
  3. Place where interpreter is to report and directions, if needed.
  4. Name and title of person requesting services.
  5. Name, address and telephone number of Authority.
  6. How cost for services is to be billed. Understanding of cost (cost per hour, travel cost, etc.).
  7. How interpreter is to be notified in case of cancelation or change in time or place.
  8. How Authority will be notified if services cannot be furnished as agreed to.
2. Written materials

All program information will be provided to hearing impaired persons in writing. Printed materials and writing materials are available

3. The Southeast Louisiana Flood Protection Authority - East utilizes the Louisiana Hearing Impaired Relay System for communicating with hearing impaired persons. The relay numbers are: Information 1-800-333-0605; TDD Users 1-800-846-5277; and Voice Users 1-800-947-5277.
4. Any other auxiliary aids should be discussed.

### **FOR PERSONS WITH VISUAL IMPAIRMENTS**

1. Reader - Staff will communicate the content of written materials by reading them out loud to visually impaired persons.
2. Large print, taped, and Brailled materials
3. Any other available aids should be discussed.

### **FOR PERSONS WITH MANUAL IMPAIRMENTS**

1. Personal assistance with completing forms and other writing.
2. Typewriters
3. Other adaptive self-help devices.

Dated: February 18, 2010