

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, JULY 15, 2010**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, July 15, 2010, at the East Bank Regional Library Meeting Room, 4747 West Esplanade Avenue, Metairie, 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 9:35 a.m. and led in the pledge of allegiance.

PRESENT:

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

ABSENT:

Stradford A. Goins
George Losonsky, PhD

OPENING COMMENTS:

Mr. Doody reminded everyone that the Geological Symposium being held jointly by the East and West Authorities is at 1:00 p.m. today.

Mr. Doody advised that Act 850 (House Bill 1307) relative to public comment before action is taken at a Board meeting will go into effect soon and that Robert Lacour, SLFPA-E Counsel, is working out reasonable rules as allowed by the legislation.

Mr. Doody announced the creation of the Engineering Advisory Committee. Mr. Jackson will chair the committee and the vice chair will be Mr. Estopinal. Mr. Doody explained that the Engineering Advisory Committee will be able to tap resources with the particular expertise needed for issues that arise.

Mr. Doody reported that the New Orleans City Council and the St. Bernard Parish Council adopted resolutions in support of the SLFPA-E's request to the U.S. Coast Guard to approve the two projects identified by the Coastal Advisory Committee (CAC) that would provide protection against encroaching oil in the Lake Borgne area.

Mr. Doody commented that the SLFPA-E is working on a review and update of its strategic plan. Mr. Pineda explained that the Board adopted a strategic plan in March, 2009. The plan is available on the SLFPA-E web site. Some components of the

strategic plan may need to be updated due to the overall communications strategy that is being developed. He requested that the commissioners review the strategic plan in order to discuss its update at the next meeting. He stated that the SLFPA-E is working with the Estopinal Group on Katrina 5-year anniversary communications, which include messages about the Authority, its accomplishments and work with the U.S. Army Corps of Engineers (USACE), and the 24/7 levee districts. A one-half hour cable program is being produced on the Authority and the levee districts.

Mr. Doody stated that the most discussed topic at the Association of Levee Boards' meeting yesterday was the 2010 Legislative Session and laws that did or did not pass. He commented on the potential damage to levee districts and utility companies statewide had House Bill 1324 passed with the Senate floor amendment dealing with payment for servitudes. The version of HB 1324 that was finally passed repealed a portion of the current State law that had allowed levee districts to acquire land for projects without having money appropriated and paid into the registry of the court.

Mr. Doody reported that SLFPA-E, U.S. Coast Guard and USACE representatives met on June 7th. There was a detailed discussion at the meeting on the operation of the IHNC Surge Barrier, which included the maritime industry. The SLFPA-E requested an extension of time to the comment period on the regulated navigation area. An update will be provided on this issue at a future meeting.

Mr. Doody reported that there are very few land issues yet to be resolved. The Board will take action today to ratify the execution of rights-of-way authorizations, which will resolve three of the issues.

Mr. Doody advised that he discussed the USACE peer review plan with Mr. Jackson, Mr. Wittie, Mr. Pineda and Robert Turner, SLFPA-E Regional Director. The SLFPA-E requested an extension of time to the comment period on the peer review plan, which covers all of the projects currently under construction. Certain projects have been identified for peer review and a briefing was provided by the USACE. SLFPA-E representatives will continue to discuss feedback to be given the USACE. Mr. Pineda asked where the role of peer review fit on projects currently under construction. Colonel Robert Sinkler, Commander of the Hurricane Protection Office (HPO), commented on the challenges being faced with the various delivery methods and innovations being used to complete the Hurricane and Storm Damage Risk Reduction System in a short period of time, such as design-build, design-bid-build and early contractor involvement contracts. He stated that there are several different ways to have outside organizations review what the USACE is doing. Col. Sinkler offered to provide a summary of the mechanisms available for scrutinizing the USACE and welcomed the augmentation of the process by the SLFPA-E. He explained that monthly meetings will be held with Mr. Turner to ensure that issues are worked through to resolution. He commented that a definition is probably needed for the term "resolution", and that the definition may be "a reasonably acceptable solution to solve an engineering problem". Mr. Doody added that if peer review is done after a project is completed and a weakness is identified, then there would have to be an engineering solution to address the weakness. Col. Sinkler suggested that he provide the Board with information concerning the scrutiny and oversight that the USACE is currently receiving from organizations outside of the HPO

and from the federal government, the quality control and quality assurance which is being supported by the SLFPAE and the State, and USACE requirements. Some peer review efforts will be completed after projects are built. He offered to meet with SLFPAE representatives to determine what could be done to assure that everyone is comfortable.

APPROVAL OF AGENDA:

The agenda was amended as follows:

- Items IX.1-4 under Committee Reports were removed.
- Items XIII.C.3 and 4 were deferred.
- Item XIII.A.2 to approve legal invoices was added.
- Item XIII.D.1 to authorize a contract with the lowest responsive and responsible bidder pursuant to Louisiana law, for State Project No. 579-44-001 Violet Canal Closure Structure Improvements (Phase 7) was added.
- Item XIII.D.2 to declare a public emergency in connection with water infiltrating the 40 Arpent Levee through openings in Pumping Station No. 3's discharge pipe was added.
- Item IX.5 (CPRA/Governmental Affairs Report) was moved after public comments.

A motion was offered by Mr. Estopinal, seconded by Mr. Wittie and unanimously adopted by roll call vote, to approve the amended agenda.

RESOLUTION #07-15-10-01 - APPROVAL OF MINUTES

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the minutes of the Board Meeting held on May 20, 2010 and the Board Meeting held on June 17, 2010.

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

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

NAYS: None

ABSENT: Mr. Goins and Mr. Losonsky

PUBLIC COMMENTS:

David Johnson stated that he is part-owner and vice president/manager of a local cathodic protection company and commented on the cathodic protection acceptance criteria for USACE projects—specifically, the Placid Canal and the Morganza to the Gulf-Bush Canal Steel Gate Structure Projects. He explained that his company is unable to provide service to contractors because of the acceptance criteria. The acceptance criteria require the demonstration of a certain level of protection during testing on an installed lock gate. If that level is not met, any additional work by the

contractor to bring it to the acceptable level must be done by the contractor at his cost. He explained that the system cannot be expected to stay protected when the lock gate is taken from a controlled surface area that can be engineered for cathodic protection and bonded into a tremendous amount of unprotected steel. Since the lock gate is shorted into a lot of extraneous steel, if additional cathodic protection is needed, it should be paid for properly as it is added.

USACE representatives present at the meeting indicated that they would look into the issue.

REPORTS:

CPRA/Governmental Affairs:

Mr. Barry stated that a more complete report would be provided on this year's legislative session at the next meeting. He mentioned two important bills that were acted upon by the legislature. The first is House Bill 1324 filed by Representative Richmond, which was previously mentioned by Mr. Doody. He commented that Mr. Doody stated more than a year ago that his biggest worry was complacency and that this bill is representative of that attitude. The bill as originally filed for the benefit of a few wealthy land owners would have placed a huge financial burden on every levee district and parish in the state. This objective was defeated; however, Representative Richmond indicated that he would be back next year in the Legislature if he is not in Congress. Mr. Barry stressed his concern that Representative Richmond is not taking flood protection as seriously as he should and about the level at which flood protection is being taken for granted.

The second bill is HB 804 which creates a non-flood asset authority. Mr. Barry stated that he asked the Governor to veto the bill because of an amendment that was added in a House committee that provides that the proceeds from the sale of any of the assets would be used to pay off outstanding debt. This amendment was added by a lobbyist and goes back to the Bohemia Spillway issue. It is unlikely that any of the assets will be sold in the immediate future. Nonetheless, the fact that this amendment got out of a House committee and that lakefront residents did not seem concerned enough to fight against it is another indication of complacency. Preparations are being made for the fifth anniversary of Hurricane Katrina; however, there is an erosion of concern in the community.

Mr. Barry advised that Ray Mabus, Secretary of the Navy and former governor of Mississippi, was asked by President Obama to come up with some proposals to address restoration of the coasts beyond the British Petroleum (BP) oil spill. The Coastal Protection and Restoration Authority (CPRA) held an emergency meeting last week during which Secretary Mabus offered comments and viewed formal presentations. Mr. Barry and Mr. Doody were also able to meet with Secretary Mabus' top staff member. Mr. Barry stated that he did not think that Secretary Mabus would have taken this responsibility if he did not have a commitment from the White House to go forward and do something once his recommendations are made. He commented that he is more optimistic than he has been at any time since Katrina about obtaining

the funding needed and that there are potential sources for funding that could be used to fix the coasts. He pointed out that BP can be fined up to \$4,300 per barrel for oil that is released into the Gulf. Mr. Barry added that Mr. Doody presented the two projects [Biloxi Marsh – Lake Borgne Shoreline Protection and Orleans Land Bridge Project (Alligator Bend)] that the SLFPA-E has been attempting to advance to Secretary Mabus' staff and that they will be following up on these projects.

PRESENTATIONS:

1. Corrosion Protection for 100 Year Protection Projects – U.S. Army Corps of Engineers

Colonel Robert Sinkler, Commander of the USACE Hurricane Protection Office (HPO), reviewed the organizational structure used for resolving issues at the lowest possible level. A captain is assigned for each major work area to work with Executive Directors to help resolve issues at the levee district level. Major Hall has been assigned to work with Robert Turner, SLFPA-E Regional Director, to resolve issues that cannot be resolved at the levee district level. Issues that cannot be resolved at the lower levels are elevated to a higher level that would include Colonel Sinkler, Mr. Doody and Steve Mathis, Executive Director of the Office of Coastal Protection Restoration (OCPR).

Col. Sinkler reviewed the accepted measures to inhibit corrosion, all of which are being used in the Hurricane and Storm Damage Risk Reduction System (HSDRRS):

- Over-sized cross sections of piles (addition of a corrosion allowance).
- Coal tar epoxy or other coating.
- Application of a polyethylene sleeve (on steel pipe piles).
- Zinc Coating.
- Electro-chemical (cathodic) protection.
- Casting in cement, mortar or concrete.

Col. Sinkler explained that the USACE does not generally double or multiple protect steel. As a general rule, the USACE comes up with one method to protect steel from corrosion and insures that the method being used is sufficient. Use of oversized steel to address corrosion potential is an accepted practice by the USACE. He commented that there are other State agencies that use this alternative. He pointed out that the current HSDRRS design guidelines do not specifically address corrosion. The guidelines include a chapter on painting using only coal tar epoxy; however, it does not say that other measures cannot be used to inhibit corrosion. Col. Sinkler stated that a lot of concern has been associated with the H-pile dimensions being used in St. Bernard. A slide was shown indicating H-pile dimensions. He explained that most of the corrosion potential is in the top five to seven feet of the pile. He commented that using oversized steel provides extra structural strength and pointed out that every method used to address potential corrosion has its strengths and weaknesses.

Col. Sinkler explained that when the SLFPA-E's concern was first brought out, the issue was brought to headquarters in order to ensure that the USACE was not doing anything that it should not be doing. The Operations and Maintenance (O&M) manual will require joint inspection for corrosion on the H-piles throughout the life span of the project.

Maintenance will be the responsibility of the owner, operator and maintainer of the system, which is the local sponsor. John Greishaber explained that inspection piles will be driven and capped with a concrete cap. The inspection piles will be inspected in ten years. Maximum subsidence will have taken place within the first ten years. The USACE does not believe that there will be any significant corrosion. The location of the inspection piles was briefly discussed. Col. Sinkler stated that if the SLFPA-E wishes, the USACE would entertain reconfiguration of the inspection piles. He explained that the USACE has held a series of meetings almost monthly since September of 2009 to work through this issue. The USACE has made adjustments to the configuration of the stability slab to provide additional protection to the H-piles immediately under the base slab. The next meeting will be held at 2:00 p.m. today and will include SLFPA-E and OCRP representatives and a USACE Engineer Research and Development Center (ERDC) expert on corrosion. The USACE will entertain good ideas on how to reduce the potential for corrosion if there is a significant risk associated with the corrosion potential.

Col. Sinkler stated that it is being recommended that the next version of the HSDRRS Design Guidelines specifically include chapters addressing two issues—"corrosion" and "bending moment". Substantive HSDRRS Design Guidelines changes typically go through an Independent External Peer Review (IEPR) process. Mr. Greishaber indicated that the latest iteration of the Design Guidelines is in the process of being written. The completed revised Design Guidelines will go to the Division Office for concurrence and will receive peer review about September or October of this year.

Col. Sinkler advised that the O&M manual will include some guidance on subsidence based on application and experience in southeast Louisiana.

Col. Sinkler addressed the IHNC storage capacity. For a 100-year storm surge event, once the Seabrook Gate and Surge Barrier are completed, the water elevation would be less than 8-feet with maximum pumping into the IHNC. For a 500-year storm surge event, the IHNC basin will rise to an elevation of less than 10-feet. The current IHNC floodwalls have been improved since Hurricane Katrina.

Mr. Jackson requested that any issues assigned to the Engineering Advisory Committee (EAC) be assigned instead to the Special Issues Committee, until such time as the Board's bylaws are amended to make the EAC a Board level committee. Mr. Doody assigned the corrosion issue to the Special Issues Committee. Mr. Jackson also requested that the completion of the comments on the USACE's IEPR plan be assigned to the Special Issues Committee. Mr. Doody asked that the individuals that participated in the initial discussion be included in future discussions.

2 LACPR Study – U.S. Army Corps of Engineers

Mr. Barry asked the status in the LACPR study of the proposal to move the mouth of the Mississippi River. Tim Axtman, USACE New Orleans District Senior Planner, explained that the USACE is currently working on a study plan and cost share agreement with the OCPD to begin a massive study of the hydrodynamic management of the Mississippi River and the lower delta below New Orleans, which would include this type of an

option. The realignment of navigation is one of a number of options for managing the river. The LACPR looks at managing risks, which includes managing landscape; however, a massive change in managing the river goes beyond risk management. It was, however, identified in the LCA report.

Mr. Axtman advised that the presentation addresses the Pontchartrain Basin and Planning Unit 1. He explained that the multiple lines of defense approach is the key to risk management for the system. There are multiple options and tradeoffs for reducing risks. Sustaining the coastal landscape, particularly in the Pontchartrain and Barataria Basins, is a fundamental key to long term risk management. The State and organizations like the SLFPA-E play key leadership roles in prioritization.

Mr. Axtman explained that multiple lines of defense consist of landscape, structural measures and non-structural features. He reviewed components identified as viable approaches for reducing risks and increasing safety:

- Coastal restoration (includes building land and marsh restoration).
- Non-structural plans (includes raising structures and relocations).
- Structural components (includes structures in the Chef Menteur and Rigolets Passes).

Mr. Axtman reviewed examples of tradeoffs. He explained that stand alone coastal restoration is a moderate cost and fairly effective; however, the effectiveness is in bringing down future risks. One hundred year nonstructural measures are fairly efficient and effective, but highly sensitive to participation. Four hundred year and one thousand year non-structural measures are less sensitive to participation, but the cost and number of structures impacted increase. The Lake Pontchartrain Barrier-weir is very effective in some areas; however, there are potential environmental impacts. Slides with the comparison of the economic cost/benefit and environmental and social impacts were reviewed.

Mr. Axtman reviewed current and future actions, which include:

- The USACE embedding employees with OCPR, which is starting its review of the State's Master Plan.
- The LACPR Final Technical report was transmitted to Congress on June 29, 2010.
- Execution of a partnership agreement with OCPR with regards to the revision of the State's Master Plan.
- The USACE and State have begun actively collaborating on the Master Plan revision. The expected outcome of this collaboration is not for the USACE to drive the State Master Plan, but to allow the State to make decisions on where it needs to go in terms of risk management and providing safety. The elements that fall within the Federal interest and the cost effective solutions can be identified in the State's Master Plan. The State's target for an integrated plan is July, 2012.

Mr. Axtman advised that the LACPR report can be found on the USACE website at lacpr.usace.army.mil.

REGIONAL DIRECTOR'S REPORT:

A copy of the Regional Director's Report was distributed and is appended to the minutes.

RESOLUTION #07-15-10-02 - SERVITUDES, DEEDS, RIGHTS-OF-ENTRY, AUTHORIZATIONS FOR AND RIGHTS OF ENTRY, AND RELATED DOCUMENTS FOR LPV PROJECTS

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

WHEREAS, the U.S. Army Corps of Engineers (Corps) requires Authorization for and Right of Entry (AFRE) to certain properties on a timely basis for construction of the Lake Pontchartrain and Vicinity Hurricane Protection Project (the LPV project); and

WHEREAS, servitudes, other deeds, and rights-of-entry, and related documents, will be necessary to acquire the property rights required for construction of the LPV project; and

WHEREAS, in order to obtain the necessary servitudes, deeds, and rights-of-entry and to provide the necessary AFREs to the Corps in a timely manner, the Board of Commissioners of Southeast Louisiana Flood Protection Authority-East (SLFPA-E) wishes to provide authority to its President, the Regional Director of SLFPA-E, and the Executive Directors of Orleans Levee District (O.L.D.), East Jefferson Levee District (EJLD), and Lake Borgne Basin Levee District (LBBLD) with respect to properties within the jurisdictions of their respective levee districts, to negotiate and execute the necessary servitudes, deeds, rights-of-entry, and AFREs for the LPV projects, and all other documents necessary and appropriate in connection with the foregoing, as required; and

WHEREAS, Counsel to SLFPA-E or the Office of the Attorney General will review the final form of the servitudes, deeds, rights-of-entry, AFREs, and other documents.

BE IT HEREBY RESOLVED, that the Board of Commissioners of SLFPA-E approves and authorizes its President, the Regional Director of SLFPA-E, and/or the Executive Directors of O.L.D., EJLD and LBBLD with respect to properties within the jurisdictions of their respective levee districts, to negotiate and execute on behalf of the Board of Commissioners of SLFPA-E all servitudes, deeds, rights-of-entry, and AFREs for the LPV project, and all other documents necessary and appropriate in connection with the foregoing, as required, upon approval by Counsel to SLFPA-E or the Office of the Attorney General; and such servitudes, deeds, rights-of-entry, AFREs, and other documents shall upon such execution be considered as acts of the Board of Commissioners of SLFPA-E.

BE IT FURTHER RESOLVED, that the Board of Commissioners of SLFPA-E approves and ratifies all servitudes, deeds, rights-of-entry, and AFREs for the LPV project, and all other documents necessary and appropriate in connection with the

foregoing, heretofore executed by its President, the Regional Director of SLFPA-E, and/or the Executive Directors of O.L.D., EJLD and LBBLD with respect to properties within the jurisdictions of their respective levee districts; and adopts such servitudes, deeds, rights-of-entry, AFREs, and other documents as acts of the Board of Commissioners of SLFPA-E.

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

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

NAYS: None

ABSENT: Mr. Goins and Mr. Losonsky

**RESOLUTION #07-15-10-03 - ORLEANS LEVEE DISTRICT
PRIMARY FLOOD INSURANCE RENEWAL**

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

WHEREAS, Flood Insurance coverage for the Franklin Administration and Franklin Warehouse buildings and contents are due to expire on July 21, 2010; and

WHEREAS, the notice to renew the current Flood Insurance policies for the Franklin Administration Building and Franklin Warehouse buildings were submitted by Fidelity National Insurance Company through the Eagan Insurance Agency at a total cost of \$2,251 for a term of one year commencing on July 21, 2010.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of the Flood Insurance coverage for the Franklin Administration and Franklin Warehouse buildings, as offered by Fidelity National Insurance Company through the Eagan Agency, at a total cost of \$2,251 for a term of one year commencing on July 21, 2010.

BE IT FURTHER RESOLVED, that the Orleans Levee District 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. Barnes, Mr. Barry, Mr. Estopinal, Mr. Jackson, Mr. Pineda and
Mr. Wittie

NAYS: None

ABSENT: Mr. Goins and Mr. Losonsky

**RESOLUTION #07-15-10-04 - ORLEANS LEVEE DISTRICT
RENEWAL OF EXCESS FLOOD INSURANCE COVERAGE**

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

WHEREAS, the Excess Flood Insurance coverage for the Franklin Facility Warehouse building and contents is due to expire on July 29, 2010; and

WHEREAS, Lexington Insurance Company has offered to renew the Excess Flood Insurance coverage with limits of coverage of one million dollars for building and one million dollars for contents through the Eagan Insurance Agency at a total annual cost of \$14,519.75.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of Excess Flood Insurance coverage as offered by Lexington Insurance Company through the Eagan Insurance Agency at a total annual cost of \$14,519.75 for a period of one year commencing on July 29, 2010.

BE IT FURTHER RESOLVED, that the Orleans Levee District 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. Barnes, Mr. Barry, Mr. Estopinal, Mr. Jackson, Mr. Pineda and
Mr. Wittie

NAYS: None

ABSENT: Mr. Goins and Mr. Losonsky

**RESOLUTION #07-15-10-05 –
BAYOU ST. JOHN WATER MANAGEMENT STUDY ENGINEERING TASK ORDER**

Gerry Gillen, O.L.D. Executive Director, advised that the task order with Burk-Kleinpeter, Inc. is being reviewed by the Division of Administration Facility Planning and Control and will be executed upon its approval. The work will be done under a Capital Outlay Agreement with the State.

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

WHEREAS, by Resolution No. 10-15-09-08 the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) approved the Cooperative Endeavor Agreement with the State of Louisiana, Division of Administration Facility Planning and Control for Bayou St. John Maintenance and Improvements, Perimeter Elevation, Hydrology Study, Planning and Construction; and

WHEREAS, by Resolution No. 03-19-09-13 the SLFPA-E approved the execution of an Indefinite Delivery-Indefinite Quantity Consulting Engineering Contract for Hydraulic Engineering and Hydraulic Structures with Burk-Kleinpeter, Inc.; and

WHEREAS, Burk-Kleinpeter, Inc. has submitted a proposal in the amount of \$149,445.10 for Bayou St. John Water Management Study (Phase 1) - Ecological Restoration, Flood Protection, Water Quality, and Bathymetry Survey, which is being reviewed by the Division of Administration.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the aforementioned Task Order with Burk-Kleinpeter, Inc. in the amount of \$149,445.10, subject to the approval of the Task Order by the Division of Administration.

BE IT FURTHER RESOLVED, that the Orleans Levee District Executive Director is authorized to execute said Task Order, and any and all other documents necessary to accomplish the above.

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

RESOLUTION #07-15-10-06 - STATE PROJECT NO.579-44-0001
VIOLET CANAL CLOSURE STRUCTURE IMPROVEMENTS (PHASE 7)

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

WHEREAS, Act 203 of the 2007 Regular Session of the Louisiana Legislature appropriated funding for the Hurricane Flood Protection, Construction and Development Program and designated the Louisiana Department of Transportation and Development (LADOTD) as the recipient of said funding; and

WHEREAS, a maximum of \$5,000,000 of this funding was designated for the Forty Arpent Levee Project and a Cooperative Endeavor Agreement setting forth the terms for administering the Project was executed between LADOTD and the Lake Borgne Basin Levee District (LBBLD) for state Project No. 579-44-0001 – Forty Arpent Levee; and

WHEREAS, the LBBLD advertised and received bids for State Project No. 579-44-0001 Violet Canal Closure Structure Improvements (Phase 7); and

WHEREAS, the bids were reviewed and the lowest responsive and responsible bid pursuant to Louisiana law was submitted by Barriere Construction Co., in the amount of \$793,793.00.

BE IT HEREBY RESOLVED, that the LBBLD Executive Director is authorized to award the contract to Barriere Construction Co., the lowest responsive and responsible bidder pursuant to Louisiana law, for State Project No. 579-44-001 Violet Canal Closure Structure Improvements (Phase 7).

BE IT FURTHER RESOLVED, that the President is hereby authorized to execute the aforementioned contract with Barriere Construction Co.

BE IT FURTHER RESOLVED, that SLFPA-E Regional Director and the LBBLD Executive Director are hereby authorized to execute all minor change orders costing under \$20,000 or other documents concerning ancillary matters in connection with the administration of the contract of State Project No. 579-44-0001 Violet Canal Closure Structure Improvements (Phase 7).

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Barnes, Mr. Barry, Mr. Estopinal, Mr. Jackson, Mr. Pineda and
Mr. Wittie

NAYS: None

ABSENT: Mr. Goins and Mr. Losonsky

RESOLUTION #07-15-10-07 - 40 ARPENT CANAL WATER INFILTRATION

Stuart Williamson, LBBLD Executive Director, explained that the staff has seen an increase in the infiltration of water at Pump Station 3 since the recent high water from Hurricane Alex. The LBBLD's consultant examined this problem and presented solutions; however, a public emergency must be declared in order to proceed with a fix as soon as possible. Plans for the work have been prepared. The USACE has had a representative at the site and is aware of this situation. The LBBLD will pursue reimbursement of the funds expended from FEMA.

Mr. Pineda asked about the criteria for declaring an emergency. Mr. Turner replied that the criteria are specified in the Louisiana Revised Statutes, which govern public bids.

On the motion of Mr. Estopinal,

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

A RESOLUTION TO FIND, DETERMINE AND CERTIFY THAT A PUBLIC EMERGENCY EXISTS PURSUANT TO LA. R.S. 38:2212(D) REGARDING THE 40 ARPENT CANAL LEVEE BEHIND PUMPING STATION NO. 3.

WHEREAS, Louisiana is in hurricane season; and

WHEREAS, water is infiltrating through openings in the discharge pipe from Pumping Station No. 3, which runs through the 40 Arpent Canal Levee of the Lake Borgne Basin Levee District's levee system; and

WHEREAS, this infiltration can cause the levee to fail; and

WHEREAS, these conditions during hurricane season constitute a public emergency as defined by La. R.S. 38:2211(A)(6)(a), because they pose an imminent threat of destruction or injury; and

WHEREAS, it is necessary to attend to this public emergency by replacing the discharge pipe and remediate any erosion to the levee by immediate maintenance work; and

WHEREAS, La. R.S. 38:2211 et seq., mandates that all public work contracts exceeding \$150,000.00 must be advertised and let by contract in accordance with the procedures set forth therein; and

WHEREAS, La. R.S. 38:2211 et seq., provides that in the event of a public emergency that has been certified by a public entity and notice of such public emergency has been published in the official journal of the public entity that the advertising and bidding requirements shall not apply.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East that it finds, determines and

certifies that the conditions of the Lake Borgne Basin Levee District's 40 Arpent Levee behind Pumping Station No. 3, in that water is infiltrating the levee through openings in the pumping station's discharge pipe, constitute a public emergency posing an imminent threat of destruction or injury, and that these conditions require rectification through immediate maintenance work.

BE IT FURTHER RESOLVED, that notice of this declaration of public emergency shall within ten (10) days of this meeting be published in the official journals of the Southeast Louisiana Flood Protection Authority-East and the Lake Borgne Basin Levee District.

BE IT FURTHER RESOLVED, that the Executive Director of the Lake Borgne Basin Levee District in order to rectify this public emergency, is authorized to negotiate and execute all contracts, including but not limited to hiring of labor, purchasing materials, and entering into construction contracts, all without advertising and the other usual requirements of La. R.S. 38:2211 et seq., which are necessary and proper to avert this public emergency by rectifying the conditions set out herein in accordance with the provisions of La. R.S. 38:2212(D), and to take any and all other actions necessary to carry out this resolution.

BE IT FURTHER RESOLVED, that the administrative staff of the Lake Borgne Basin Levee District is directed to follow the requirements of La. R.S. 38:2212(D)(2), in entering into contracts pursuant to this certification of public emergency.

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

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

NAYS: None

ABSENT: Mr. Goins and Mr. Losonsky

Peggy Sembera with the LBBLD advised that, in accordance with action authorized by the Board at its last meeting, flood insurance coverage has been procured for the eight LBBLD pump stations at a cost of approximately \$13,000. Mr. Turner expressed his appreciation to the Department of Transportation and Development for preparing the elevation certificates that helped the LBBLD to obtain flood insurance for the pump stations at the quoted rate. Surveys were performed and elevation certificates were provided by DOTD at no cost to the LBBLD.

RESOLUTION #07-15-10-08 – APPROVAL OF LEGAL INVOICES

Mr. Barry explained that the Legal Committee did not meet due to a lack of a quorum. He requested that the Board adopt a resolution to approve the legal invoices. Mr. Barry and Mr. Doody indicated that they reviewed the invoices prior to the meeting.

On the motion of Mr. Wittie,

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

BE IT HEREBY RESOLVED, that the legal invoices submitted for payment and approved by the appropriate levee district Executive Director, the SLFPA-E Regional Director and the General Counsel, are hereby approved for payment by the appropriate entity.

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

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

NAYS: None

ABSENT: Mr. Goins and Mr. Losonsky

Mr. Doody advised that the next Board meeting will be held on August 19, 2010 and hosted by the Orleans Levee District.

There was no further business; therefore, the meeting was adjourned at 11:45 a.m.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

REGIONAL DIRECTOR'S REPORT

July 15, 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 93% 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 and closure piles have been driven. All of the batter piles (645) have been driven with no major difficulties. All precast caps (337) have been set and 97% of the parapet wall has been erected. (308) Cast in place "gaps" have also been completed.

All castings (26) on the north T-wall have been completed and 17 of 24 (71%) castings of the south T-wall are complete.

The pre-inundation inspection of the barge gate abutment has been conducted and no significant deficiencies were found. The barge gate area will be flooded starting next week after all minor deficiencies have been corrected. The concrete barge walls and keel are complete.

The Bayou Bienvenue cofferdam is being dewatered and the contractor has started the installation of the flow pipes.

All 478 piles have been driven at the sector gate location. The sheet piles for the cofferdam are scheduled to arrive on site in the last week of July 2010.

The RTVC meter was hit by a submerged object and suffered significant damage.

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

East Jefferson Levee District:

Reach 1:

The Work is approximately 88% complete. The Contractor is working the all weather access road and seeding and fertilizing continues. Work on this Reach

has been impacted by rain. The Project is scheduled for completion in September 2010.

Reach 2:

The Work is approximately 70% complete. The entire Reach is back up to elevation of 15.5'. Earthwork on the first 4000' east of Williams Blvd is complete. Rain has impacted Work on this Reach. The Project is scheduled for completion in November 2010.

Reach 3:

The project is approximately 84% complete. The final lift has been completed. Seeding and fertilizing has been delayed by the rain. This Reach is scheduled for completion in August 2010.

Reach 4:

The project is approximately 61% complete. Work on this Reach has been impacted by rain. The Project is scheduled to be completed in September 2010.

Reach 5:

The Project is approximately 89% complete. Work continues on the ramps at Ridgelake and at the Coast Guard Station. Utility relocations are scheduled to begin before the end of this month. Scheduled completion is set for August, 2010.

Bonnabel Breakwater Project:

Work is substantially complete. Final Inspection was held on June 24, 2010. USACE is awaiting good grass growth before turnover to the NFS.

Duncan Breakwater Project:

The Project is approximately 88% complete. All concrete work has been completed. Scheduled Project completion is August 2010.

Williams Blvd. Floodwall and Gate:

The Project is approximately 67% complete. All major concrete work is complete. The gate arrived on site on July 8, 2010. The work should be complete by August 2010.

Bonnabel Floodwall and Gate:

The Project is 47% complete. Concrete work for the gate monoliths continues. Anticipated completion is August 2010.

Pump Station Fronting Protection:

The Contractor has begun installing safety fencing and mobilizing trailers at Pump Stations 2 and 3.

LPV 017.2 (Causeway Crossing):

EJLD is awaiting a Letter of No Objection from GNOEC.

West Return Levee/Floodwall:

Right of Entry has been granted for the northern segment only. Right of Entry for the southern segment has been delayed pending resolution of a problem with the concurrence letter.

Foreshore Protection:

95% P&S have been completed. The USACE is working to develop a plan for barge delivery of materials. The ROE requests will be revised.

West Return Levee (Airport Runway):

Right of Entry issues are still pending. USACE and the Airport are working to resolve outstanding issues on landing lights.

Orleans Levee District:

LPV 101.02 (17th 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). Construction is approximately 53% complete and the Project is scheduled for completion before June 2011. The aesthetic quality of the wall finish has been poor and we have requested the USACE to require the Contractor to make the appropriate repairs.

LPV 102.01, 103.01, and 104.01

Projects are 100% complete.

LPV 103.01 A1 (Bayou St. John):

Construction is now about 79% complete.

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

The award of the Construction Contract is still pending.

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

The Contractor is working all sites. Construction is approximately 31% complete.

LPV 104.02 (Seabrook West Side IHNC):

This project includes the construction of a new T-Wall. The Construction Contract was awarded on January 22, 2010. Construction is approximately 1% complete.

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

100% Plans and Specs were due in mid June 2010. Construction Contract award is scheduled for July 2010. There are still some outstanding issues with the railroad.

LPV 105.01 (Lakefront Airport T-Wall West):

The Construction Contract was awarded on April 9, 2010.

LPV 105.02 (Lakefront Airport T-Wall East):

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

LPV 106 (Citrus Lakefront Levee):

The Construction Contract has been awarded

LPV 107 (Lincoln Beach Floodgate):

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

LPV 108 (New Orleans East Lakefront Levee):

The Project is substantially complete. This Project brings the elevation of the levee to pre-Katrina authorized elevation, which is higher than the new required 100 year elevation. Final punch list items have not yet been addressed.

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

Construction of the Project has been combined with LPV 109.02c (HWY 90 and HWY 11 floodgates). The Contractor has begun the installation of wicks. Construction is about 7% complete.

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

Construction is 100% complete. We are awaiting URS Report on the test section.

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

Work is approximately 99% complete.

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

The Construction Contract was awarded on April 8, 2010. Construction is approximately 9% complete.

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

Construction will be done under LPV 109.02a.

LPV 110 (CSX Railroad Crossing):

The Construction Contract has been awarded. No work has been done. A change in construction sequencing is anticipated.

LPV 111.01 (North Side GIWW):

The contract includes construction of levee sections using deep soil mixing, and a T-wall from the end of the earthen levee to the Inner Harbor Navigation Canal tie-in. Deep soil mixing operations are underway. Work is approximately 16% complete.

We are awaiting word from the USACE on any potential impacts to the performance of this section under storm conditions due to sloughing that occurred on the flood side several months ago.

LPV 111.02 Pump Station 15 Fronting Wall:

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

LPV 111.03 Tie-in to IHNC:

The Project consists of about 1000' of new T-Wall. Work is in progress. Modified designs are underway to make adjustments to tie into the IHNC T-Walls. The two projects produced wall sections with different geometry and base slab elevation.

LPV 113 (NASA):

Construction is approximately 85% complete. The Project is scheduled for completion before the end of summer 2010.

Seabrook Structure:

The USACE has requested the State to acquire real estate interests from public agencies (Port of New Orleans). Negotiations are ongoing. 95% P&S are out for review.

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 Contractor has started driving sheet piles for the cofferdam. Some of the sheets hit obstructions during the driving operations. A section of the levee on the east side of the structure has deteriorated from construction traffic. Bayou Dupre will be closed to navigation at the existing Control Structure until April 2011.

LPV 145 (Bayou Bienvenue to Bayou Dupre):

The project includes approximately 6 miles of new T-Wall atop the existing earthen levee. The USACE has instructed the Contractor to use uncoated steel sheet piles and H-piles on this project in order to meet schedule demands. Revised Final Designs are under review.

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

Construction progress continues to be good on this Project.

LPV 146 (Bayou Dupre to Verret):

The project includes approximately 8 miles of new T-Wall atop the existing earthen levee. The Contractor is falling behind schedule due to problems with pile driving operations. Additional equipment has been mobilized on site to address this issue. The USACE has instructed the Contractor to use uncoated steel sheet piles and H-piles on this project in order to meet schedule demands.

The emergency by-pass ramp for LA HWY 46 will now be constructed under the LPV 146 Contract. Wick drains are being installed to accelerate consolidation.

LPV 147 (LA Hwy 46 Flood Gate):

The project includes a new set of floodgates at LA Hwy 46 and the replacement of the existing floodgate at LA Hwy 300. The Construction Contract was awarded and a pre-construction meeting was held on April 6, 2010. The Contractor has begun mobilizing on site.

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

LPV 148.02 (Verret to Caernarvon):

The Project includes approximately 9 miles of new T-Wall atop the existing earthen levee. The Contractor has begun construction on a temporary construction access road. The Contractor has requested a permit from LBBLD to use the bridge at Pump Station No. 8 (St. Mary Pump Station). The USACE has instructed the Contractor to use uncoated steel sheet piles and H-piles on this project in order to meet schedule demands.

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. The Construction Contract has been awarded and a pre-construction conference was held on June 29, 2010. Additional pile load tests are being conducted due to weaker than anticipated soils at the site.

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 has been signed.

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

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

All three Pump Stations will undergo Independent External Peer Review.

Elevation Map:

The USACE has published a map showing the 100 year level of protection elevations for the hurricane protection levee system in the metro New Orleans area. The elevations depicted are current as of June 2010. The map can be found at the following web address:

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

A revised map should be available in the near future.

Coastal Protection and Restoration

Lake Borgne Basin Levee District:

The Violet Freshwater Diversion siphon is operating at full capacity.

Flood Fight

The Mississippi River is below 10' at the Carrollton Gage. The River is predicted to continue to fall for the next 7 days.

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. EJLD meets with the A/E about twice a month

Orleans Levee District:

Construction on LPV 117 Project (Phase 2 East Side IHNC – The Project is 100% complete. Approximately 1400 linear feet of steel sheet pile has been installed at a location that is about 4000' south of the Seabrook Bridge.

Work on the Franklin Ave Warehouse South Section Roof Replacement Project is 100% complete.

Construction of the OLD Safe House Project began in January 11, 2010. The Project is approximately 15% complete and the Contractor has fallen behind schedule.

The Floodgate Seal Repairs Project is 100% complete.

Bayou St. John Sector Gate Maintenance Cycle Contract has been executed and NTP was issued on May 28, 2010. The Work is now approximately 50% complete.

ID/IQ Contract Task Order #1 with AECOM has been authorized in the amount of 39,579 for design and construction management required for the Citrus Airport Levee Sewer Line Replacement.

The Bayou St. John Tide Gage System has been installed. The Final Capital Outlay Agreement for the Bayou St. John Water Management Study has been submitted to State Facility Planning and Control. This Project will be funded thru State Capital Outlay.

Lake Borgne Basin Levee District:

The Transition Improvement and Scour Protection Project is substantially complete.

Burk-Kleinpeter has been selected as the A/E for the Engine Replacement Project at Pump Station 1 or 4. Negotiations are underway.

LBBLD is negotiating with Waldemar Nelson for the preparations of plans and specs for a remote control system to operate the pumps at Pump Station 2 from Pump Station 6, and Pump Station 3 from Pump Station 7. A scoping meeting was held on May 26, 2010. Nelson will submit a proposed Scope of Work with fees for further discussion.

Bids for the Violet Canal Closure Structure Improvement Project have been reviewed and LBBLD has recommended award to Barrier Construction for \$793,793.00.

A meeting was held with FEMA on May 28th, 2010 to develop a new PW to address seepage problems at Pump Stations 2 and 3. The costs included in the PW are based on using a liner inside of the existing discharge pipes.

Internal Affairs

The USACE will issue new reports on computed Safe Water Elevations for the three outfall canals in Orleans Parish. The London Ave and 17th Street Canal SWE reports are undergoing peer review. The Draft SWE Report for the Orleans Ave Canal will be issued on July 30, 2010.

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

We now have four inspectors working with us provided by OCPR. We have developed a management plan to establish procedures for interaction between the USACE, OCPR and SLFPAE during project construction. We are still awaiting USACE concurrence.

Hurricane Preparedness

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

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

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

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

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

Recently signed contracts:

Orleans Levee District and Gulf South Media, LLC	Consulting Agreement for information technology and general consulting services – not to exceed \$7,500.	6/10/10-6/30/11
SLFPA-E and G&D Services	Janitorial Services - \$195 per month	7/1/10-6/30/11
SLFPA-E (on behalf of O.L.D.) and Rebowe & Company	Engagement of Services for determining amount of Community Disaster Loan forgiveness – not to exceed \$15,000.	6/11/10