

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

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, December 16, 2010, in the Nunez Community College Auditorium, 3700 Fenelon Street, Chalmette, Louisiana, after due legal notice of the meeting was sent to each Board member and the news media and posted.

Mr. Doody called the meeting to order at 9:35 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 explained that the Coastal Restoration and Protection Authority (CPRA) requested that the SLFPA-E, as the regional representative, seek input from local leaders on the NRDA (Natural Resource Damage Assessment) process. Meetings were held with representatives of St. Tammany, St. Bernard, Orleans and Jefferson Parishes, as well as the SLFPA-E's Coastal Advisory Committee. The projects on the State's list were reviewed, supplemented and prioritized. A presentation was made on the projects recommended for inclusion in the State's emergency response at the CPRA meeting, which was attended by President Taffaro (St. Bernard Parish), President Davis (St. Tammany Parish) and Charles Allen with the Mayor's office.

Mr. Doody commented on his visit to Colorado State University to view the testing on armoring and the favorable results of grasses tested under laboratory conditions. Colorado State University was engaged by the U.S. Army Corps of Engineers (USACE) for this testing. He stated that because of the importance of armoring in system resiliency that additional tests were requested to simulate local potential conditions.

Mr. Doody advised that the Authority was represented at the recent annual meetings of the Mississippi Valley Flood Control Association and Association of Levee Boards of Louisiana.

Mr. Doody reported that he, Mr. Jackson, Bob Turner (SLFPA-E Regional Director, Stevan Spencer (SLFPA-E Regional Chief Engineer) and Gerry Gillen (Orleans Levee District Executive Director) met with Marcia St. Martin and Joe Becker of the Sewerage & Water Board of New Orleans (S&WB) and discussed the potential development of a cooperative endeavor agreement that would clearly identify and define responsibilities upon completion of the permanent pump stations at the outfall canals. The USACE was requested to provide a template for the future maintenance of the outfall canal bottoms.

Mr. Doody announced that at the request of the SLFPA-E the USACE reprioritized approximately \$2 million of Flood Control and Coastal Emergency funds to begin the design of safe houses for two pump stations in St. Bernard.

### **ADOPTION OF AGENDA:**

The agenda was amended, as follows:

- To add Item No. XIII.B.4 – Motion to approve the extension of the ending date for the contract with Burk-Kleinpeter for the foreshore protection program (FEMA PW 13866).
- To defer Item No. XI.3 (Executive Session - EJLD ceding jurisdiction to the O.L.D. to the east side of the 17<sup>th</sup> Street Canal).
- To add Item XIII.D.4 – Motion to select Waldemar S. Nelson and Company to prepare plans and specifications to address seepage issues at pump stations Nos. 2 and 3.

A motion was offered by Mr. Barnes, seconded by Mr. Estopinal and unanimously approved by a roll call vote, to adopt the amended agenda.

### **RESOLUTION #12-16-10-01 - APPROVAL OF NOVEMBER 18, 2010 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 Public Hearing and Board Meeting held on November 18, 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:**

Craig Berthold, a resident on Bellaire Drive, commented that one of the reasons that he continues to appear before the Board relates to the personal losses suffered because of the 2005 levee failures. He explained that he lost over thirty years of personal art work and that hundreds of original paintings and drawings were destroyed. He stated that residents along the 17<sup>th</sup> Street Canal are faced with the continuing loss of ten percent of

their property without compensation and in some cases the loss of permanent structures. He asked that the Board seriously revisit the decision to impose a virgin right-of-way on the property with no compensation.

Mr. Pineda commented on his participation in a nationally broadcast webinar related to the USACE levee safety program. With Hurricane Katrina serving as a catalyst, the USACE will be developing guidance for its districts across the country and policies for the local maintaining agencies to step up their operations and maintenance, inspections and control of encroachments.

Carol Byram commented on the rebuilding efforts of residents living along the 17<sup>th</sup> Street Canal after Hurricane Katrina while having to defend their integrity and right to keep their property. She requested that the Board allow residents to return their fences to the property line. She stated that the residents hired an expert, studied all available materials and had many years of experience on the levee. She commented that since the trees and vegetation were removed that erosion will occur should the height of the floodwall be lowered and overtopped. In addition, since the floodwall in Lakewood South is only three to five feet tall, some of the land that is part of the levee would have to be removed in order to maintain a level height. Therefore, she hoped that the Board would explore another way of relieving pressure on the outfall canal floodwalls.

Mr. Jackson advised that after a review by the Engineering Advisory Committee, the Board adopted a resolution concerning the height of the protection along the three outfall canals and the structural ability of the floodwalls to contain water above the safe water elevation of +8-ft. The USACE is doing remediation work at points along the canals that its consultant determined could not safely contain water to elevation +8-ft. The SLFPA-E retained a consultant to peer review and confirm the calculations of the USACE's consultant. There is a resolution on the Board agenda to approve the SLFPA-E's consultant providing additional information on levee/floodwall stability in non-remediated areas relating to the ability to contain water at elevations above +8-ft. The SLFPA-E is concerned that a sudden breach could occur should the water level through an error or mismanagement of the lakefront and inland pumping stations reach an elevation above +8-ft. The SLFPA-E's consultant will calculate factors of safety. An overflow situation that could be corrected would be preferable to a sudden breach failure that could potentially empty the canal into a neighborhood and shut down the operation of drainage system until the breach is repaired. At this point the concept of lowering the height of the canal floodwalls is just being investigated.

Mr. Estopinal pointed out that an operational procedure is needed for the outfall canals that recognizes the fact that the floodwalls will no longer need to withstand storm surges from the lake. He commented on the potential of lowering the height of the protection along the outfall canals at such time as the canals become interior drainage structures. He noted that this is a part of a study and consideration that is intertwined with other issues and is not a single act. He added that because the canals are internal systems with controls at both ends, a safe freeboard of at least four feet at all times would be desirable.

## **PRESENTATIONS:**

### **1. Status of IHNC locks and the tie-in to hurricane protection – U.S. Army Corps of Engineers.**

Larry Poindexter, USACE Project Manager, provided the status of the Inner Harbor Navigation Canal (IHNC) Lock Replacement Project. The current IHNC lock was completed in 1921 and put into service in 1923. Construction of a new lock and connecting channel was authorized by the River and Harbor Act of 1956 once the project is economically justified. The Water Resources Development Act (WRDA) of 1986 re-authorized the project and established cost share requirements. WRDA 1996 authorized a Community Impact Mitigation Plan. The cost share requirements are 50 percent Federal and 50 percent IWW (Inter Waterway Trust) Fund for the shallow draft portion and 65 percent Federal and 35 percent Non-Federal for the deep draft portion. The Non-Federal Sponsor for the project is the Port of New Orleans. The current lock is 75 feet wide by 640 feet long by 31.5 feet deep. The new deep draft lock will be 110 feet wide by 1,200 feet long by 36 feet deep. The current estimated cost of the project is \$1.3 billion based on price leveling since project authorization through 2010. A chart was shown indicating the project funding history since Fiscal Year (FY) 1999. No funding has been received since FY 2008. The test pile program was completed in 1999. The Galvez Street Wharf and warehouse were demolished and removed in 2003. In 2004 contaminated material was removed from the site in the East Bank Industrial Area Remediation.

Mr. Poindexter reviewed the status of the current issues. In 2005 the Federal Court instructed the USACE to do a sampling and analysis of the canal sediments based on the intent to dredge the channel for construction. The sampling was interrupted by Hurricane Katrina in August, 2005. On October 14, 2007 the Court ordered the USACE to cease construction activities and prepare a Supplemental Environmental Impact Statement (SEIS) to address Hurricane Katrina's impact on the surrounding communities. The USACE proceeded with the development of the schedule of the SEIS as dictated by the Court. The draft SEIS was completed in October, 2008 and published in the Federal Register. The Record of Decision was signed on May 20, 2009. The Tulane Environmental Law Clinic sent notice to the USACE on January 19, 2010 of its intent to file suit on behalf of a number of organizations alleging the USACE's failure to comply with Section 404 of the Clean Water Act.

Mr. Poindexter explained that the St. Claude, Bywater, Lower Ninth Ward and Holy Cross communities will be impacted by the project construction. Congress directed the USACE through WRDA 1996 to implement a Community Mitigation Plan because of community concerns and impacts. The \$45 million estimated cost of the plan has been price leveled to 2010. The USACE started working with the surrounding communities prior to the first injunction to provide additional fire and police services and playground improvements. The mitigation plan can be implemented in conjunction with the project construction. Phase I of the Lock Design was awarded and commenced in February, 2003. After the first injunction was lifted, Phase II Design of the Gate Bays was awarded and commenced in September, 2009. Phase III Design of the Lock Chambers could not be awarded due to funding constraints and because of the latest litigation filed

the awarding of this phase will be determined in the future. The real estate purchase was completed by the Port of New Orleans in December of 2002.

Mr. Jackson inquired about impact of the closure of the MRGO on this project and suggested that the need for the lock replacement project be re-evaluated.

Mr. Doody commented on the potential impact of bridge closures to the adjacent communities since the new lock will be located north of the Claiborne Bridge. Mr. Poindexter responded that the Claiborne Bridge would be retrofitted to accommodate the deep draft; however, the actual design has not been completed due to the lack of funding. The deep draft will continue past the lock to the GIWW.

Mr. Poindexter explained that the modules will be built off-site and floated down the GIWW to the actual site. The construction facility will be excavated and dewatered, the necessary piling and grade beams constructed and the module built. The construction facility site will then be flooded and the first module will be allowed to move into the GIWW, floated to the new location in the IHNC and set on its foundation. The existing lock will remain operational during construction of the replacement lock and a bypass channel will allow ships and barges to proceed around the construction site. Each side of the lock will be closed after it is in place. Once the gates are in place for the new lock and protection is tied in from the existing levees to the lock, the demolition of the existing lock will commence. The stability and height of the adjacent T-walls will be looked at during the design of the lock. Mr. Doody requested that the project be closely coordinated with the SLFPA-E so that it can be assured that no damage is caused to the Industrial Canal floodwalls. Renderings of the sequence of construction, completed project and new St. Claude Bridge were exhibited.

### **COMMITTEE REPORTS:**

**Finance Committee:** Mr. Estopinal reported that the Finance Committee met on December 7<sup>th</sup> and discussed the financing of the East Jefferson Levee District administration, police and maintenance complex and a potential agreement with OCPR and NOAA for the Lake Borgne Basin Levee District to operate and maintain the Hopedale Hydrological Restoration Project, in addition to the items placed on the agenda for the Board's approval.

**Operation Committee:** Mr. Wittie advised that the Operations Committee did not meet in December.

**Legal Committee:** Mr. Barry advised that the Legal Committee did not meet in December. The approval of legal invoices has been placed on the Board's agenda.

**Engineering Advisory Committee:** Mr. Jackson reported that the Engineering Advisory Committee met on December 7<sup>th</sup> and discussed several on-going issues:

- Corrosion protection of the St. Bernard T-walls – The Committee reviewed the letter from the Office of Coastal Protection and Restoration (OCPR) on this issue and the draft response from the USACE.

- Remediation work along the outfall canals – The Committee discussed factors of safety and the ability of the canals to contain water to the top of the walls in the remediated and non-remediated sections. A resolution has been placed on the Board’s agenda to authorize the SLFPA-E’s consultant to spot check the non-remediated sections.
- Request for the USACE to provide a maintenance template for the outfall canals – Initial informal discussions indicated that the USACE would provide a template; however, the USACE may reconsider its initial response due to liability issues.
- The Orleans Levee District reported on the issue concerning the 8-inch gravity line serving the Lakefront Airport and on the status of the statements of qualifications received for the refurbishment of the Franklin Avenue Complex.

**CPRA/Governmental Affairs:** Mr. Barry commented that the presence at the CPRA meeting of Parish Presidents Taffaro and Davis and Charles Allen representing the Mayor demonstrated the strong support that is being received from regional governments. The CPRA discussed the distribution of British Petroleum (BP) monies among the Gulf coast states. At issue is whether the BP monies will be distributed equally between the states or based on damage and a scientific assessment of the damage. He pointed out that Louisiana bore the overwhelming brunt of the damage from the oil spill, and that in this economic climate, the only funding forthcoming in the foreseeable future for coastal restoration will probably be from BP. Louisiana is in desperate need to rebuild its coasts; therefore, the receipt of the appropriate compensation for the State of Louisiana from the BP fund is a top priority. Meetings will be scheduled with members of the Congressional delegation concerning this issue.

**REGIONAL DIRECTOR’S REPORT: (copy appended to minutes)**

Mr. Turner discussed some of the impacts to vehicular traffic and navigation due to the construction of a number of flood protection projects, including:

- The closure of the IHNC channel to vessel traffic at Seabrook.
- The re-routing of GIWW vessel traffic from the main channel into the temporary bypass channel and barge gate.
- The closure of Bayou Dupre and the Caernarvon Canal to navigation.
- The Rail Street closure to vehicular traffic for the construction of a floodgate and ramp.
- The closure of Downman Road at the railroad underpass.
- The detouring of three lanes of west bound I-10 traffic onto the median via a temporary bridge constructed across the canal at Irish Bayou.
- Traffic phasing was tested at Causeway and the Phase I traffic plan is now in place.

Mr. Turner reported that LPV 102.01 and LPV 103.01 (Lakefront earthen embankment levees) have been completed and turned over to the Orleans Levee District. Notice was received last month on the completion of the Bonnabel Breakwater and will be received soon on the Duncan Breakwater. CPRA is the non-federal sponsor on the breakwater projects.

Mr. Turner advised that in order to bring the PRO (Protection and Restoration Office) projects to the 100 year level by June 1, 2011, the pace of construction will be

accelerated and responses to Requests for Information and turnaround on submittals will be expedited. The potential difficulty in keeping up with the flow of paperwork and ensuring that comments are submitted on issues of importance to the Authority has been discussed with Colonel Fleming. PBS&J and Vali Cooper have been providing assistance to the SLFPA-E and the State is not opposed to potentially adding another person to assist in this effort. Mr. Turner also advised that he and Fran Campbell met with PRO representatives relative to the issue of turning projects over to the levee districts before the proper grass growth has been established. This issue appears to be moving towards a resolution whereby the USACE would not turn over a project to a levee district until proper grass growth is established; however, the levee district would agree to cut the grass during the winter months.

Mr. Turner reported that at the request of Mr. Jackson he participated on the American Society of Civil Engineers' (ASCE) Inter-institute Levee Committee, which met in Sacramento, California, on December 12th. The Committee discussed various issues relating to levees, as well as the Independent External Peer Review (IEPR) process. Mr. Turner brought the Authority's concerns about the IEPR process to the ASCE Committee.

A motion was offered by Mr. Barnes, seconded by Mr. Barry and unanimously adopted by roll call vote, to consider the items listed under XIII.A (New Business - SLFPA-E) before the Item XI (Executive Session).

#### **RESOLUTION #12-16-10-02 – RECOGNITION OF KAREN DURHAM-AGUILERA**

Mr. Barry expressed the Authority's appreciation for the effort, energy, dedication and commitment that Ms. Durham-Aguilera put into the construction of the Hurricane and Storm Damage Risk Reduction System. Mr. Doody advised that Ms. Durham-Aguilera was unable to return from Washington in time to attend the Board meeting. He expressed his appreciation for the service provided by Ms. Durham-Aguilera to this region. Mr. Pineda stated that he met with Ms. Durham-Aguilera on several occasions and echoed the statements of appreciation. He added that many people at the USACE are dedicated to trying to make things right. Mr. Barnes stated that he always found Ms. Durham-Aguilera to be very professional, knowledgeable and dedicated.

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

**“A resolution recognizing the commitment and contributions of Karen Durham-Aguilera, P.E., Director of Task Force Hope, to the Southeast Louisiana Flood Protection Authority-East and to the citizens of Southeast Louisiana.”**

**WHEREAS**, Karen Durham-Aguilera, a member of the Army Senior Executive Service, has served the United States Army and the citizens of the United States throughout her long distinguished career as a registered professional engineer in a number of positions in the United States and abroad; and

**WHEREAS**, Ms. Durham Aguilera is the recipient of numerous recognitions and awards, including the Bronze Order of the DeFleury Medal, Joint Civilian Service, Meritorious Service, Superior Civilian Service Awards, Commander's Awards, Secretary of Defense Medal for the Global War on Terrorism, and the Presidential Rank Award for Meritorious Service, as well as being the Corps of Engineers' 1990 Southwestern Division Engineer of the Year and 1993 Federal Engineer of the Year; and

**WHEREAS**, Ms. Durham-Aguilera was appointed Director of Task Force Hope in February, 2007 and is responsible for overseeing the construction of the Corps' \$14.6 billion hurricane protection system in the Greater New Orleans Metropolitan Area and Southeast Louisiana, as well as the long-term planning of coastal restoration and hurricane damage reduction; and

**WHEREAS**, due to the size, complexity and the importance of the Hurricane and Storm Damage Risk Reduction System to the citizens of Southeast Louisiana, Ms. Durham-Aguilera relocated to New Orleans to oversee the program and has labored untiringly in the achievement of this historic mission; and

**WHEREAS**, Ms. Durham-Aguilera has worked with leaders at all levels of local, state and federal government to accomplish the unprecedented task of constructing the massive risk reduction program, and her leadership and management have been instrumental in setting the conditions for success.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East hereby expresses its gratitude and appreciation to Karen Durham-Aguilera for her dedication and contribution to the protection of the citizens of Southeast Louisiana, and it warmest regards and best wishes for her continued success.

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 #12-16-10-03 - APPROVAL OF LEGAL INVOICES**

Mr. Barry assured the Board that the legal invoices were reviewed by the appropriate levee district Executive Director, the Regional Director and the Board's General Counsel. The review of the invoices by these individuals has been attested to by signature. Mr. Barry advised that he also reviewed the invoices.

On the motion of Mr. Barry,

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

**WHEREAS**, the legal invoices submitted to the Southeast Louisiana Flood Protection Authority-East (SLFPA-E), East Jefferson Levee District, Lake Borgne Basin Levee District and Orleans Levee District listed on the spreadsheet entitled "Legal Invoices Approved on December 16, 2010", have

been reviewed and approved by the appropriate levee district Executive Director, the SLFPA-E Regional Director and the SLFPA-E General Counsel, Robert Lacour; and

**WHEREAS**, the aforementioned invoices were submitted to the members of the Legal Committee for review.

**BE IT HEREBY RESOLVED**, that the legal invoices listed on the spreadsheet entitled "Legal Invoices Approved on December 16, 2010" are hereby approved.

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 #12-16-10-04 - BEN C. GERWICK, INC. TASK ORDER FOR NEW ORLEANS EAST LAND BRIDGE STUDY**

Mr. Turner explained that last month the Board authorized the negotiation of the task order for the New Orleans East Land Bridge Study. The draft task order was reviewed by the Coastal Advisory Committee and revised to include the committee's comments. Mr. Doody added that the study will help to move the project up in priority in the potential coastal restoration projects for construction.

On the motion of Mr. Wittie,

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) is the recipient of a Grant under the State of Louisiana Community Development Block Grant (CDBG) Disaster Recovery Program in the amount of \$900,000 as a part of a Local Governmental Infrastructure Program; and

**WHEREAS**, the application for CDBG funding included professional services to conduct a study for the Fortification of the New Orleans East Land Bridge (Chef to Rigolets) at a cost of \$229,000; and

**WHEREAS**, the Board by Resolution No. 11-18-10-06 approved the selection of Ben C. Gerwick, Inc. for the Fortification of the New Orleans East Land Bridge (Chef to Rigolets) Study and authorized the SLFPA-E Regional Director to negotiate a Task Order and scope of work for the study at a cost not to exceed \$229,000 under its Indefinite Delivery-Indefinite Quantity (ID-IQ) Contract the firm; and

**WHEREAS**, the SLFPA-E Coastal Advisory Committee has reviewed and provided input on said Task Order; and

**WHEREAS**, the Task Order for the Fortification of the New Orleans East Land Bridge (Chef to Rigolets) Study has been finalized and presented to the Board for review.

**BE IT HEREBY RESOLVED**, that Southeast Louisiana Flood Protection Authority-East approves the Task Order with Ben C. Gerwick, Inc. for the Fortification of the

New Orleans East Land Bridge (Chef to Rigolets) Study and authorizes the SLFPA-E Regional Director to execute said Task Order.

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 #12-16-10-05 – HALCROW, INC. TASK ORDER NO. 4**

Mr. Jackson advised that the Engineering Advisory Committee recommended the initiation of a task order to check the stability of the existing conditions along the outfall canals as surface water elevations rise above +8-ft. Mr. Turner explained that the current analysis is for a specific safe water elevation of +8-ft. The safety factors are being developed for the in situ conditions for a water elevation of +8-ft. Black and Veatch has performed work to provide safety factors for water levels higher than +8-ft. when it was found that factors of safety could be achieved that were reasonable up to about the +10 to 12-ft. range. However, there are significant portions of the outfall canal levees/floodwalls where the safety factors are unknown as the water level rises above the safe water elevation of +8-ft. It would be beneficial to develop this information in the event that the Authority attempts to pursue the modification of the floodwalls in order to provide a failsafe system. Two proposals were provided by Halcrow, Inc. to accomplish this task. The cost of the more comprehensive proposal (Alternate 1) is \$76,210.

Mr. Barry offered a motion, which was seconded by Mr. Wittie and unanimously adopted by roll call vote, to amend the agenda to include the approval of a resolution authorizing the issuance of a task order to Halcrow, Inc. to check the stability of the existing conditions along the outfall canals for water levels above elevation +8-ft.

On the motion of Mr. Jackson,

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

**WHEREAS**, the U.S. Army Corps of Engineers (USACE) is designing remediation for the levees and floodwalls along the Orleans Avenue, London Avenue and 17<sup>th</sup> Street Outfall Canals for a safe water elevation of +8-ft.; and

**WHEREAS**, by Resolution No. 08-19-10-03 the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) approved the issuance of Task Order No. 3 to Halcrow, Inc. under a current Indefinite Delivery-Indefinite Quantity Contract for a full peer review of aforementioned design work, with five-sixths of the costs of the peer review to be allocated to the Orleans Levee District and one-sixth of the cost to be allocated to the East Jefferson Levee District; and

**WHEREAS**, the stability of the levee/floodwall reaches along the Orleans Avenue, London Avenue and 17<sup>th</sup> Street Canals should be investigated and safety factors determined for both the remediated and non-remediated portions of the levees/floodwalls for water surface elevations of +8-ft. and above.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves the issuance of a task order to Halcrow, Inc., for checking the stability for both the remediated and non-remediated levee/floodwall reaches along the Orleans Avenue, London Avenue and 17<sup>th</sup> Street Canals for water levels above elevation +8-ft. (Alternate 1) at a cost not to exceed \$76,210, with five-sixths of said cost to be allocated to the Orleans Levee District and one-sixth of said cost to be allocated to the East Jefferson Levee District, and authorizes the SLFPA-E Regional Director to execute said task order.

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

**Discussion of Task Order with Taylor Engineering, Inc. for the review of the U.S. Army Corps of Engineers Hurricane Surge Frequency Analysis.**

Mr. Turner explained that this issue was previously discussed by the Board and the Engineering Advisory Committee. He advised that he met with Bob Jacobsen of Taylor Engineering, Inc., and that a draft scope of work was developed. The first task includes pulling together the body of work that was done thus far and communicating this information effectively to the Authority in order to achieve an understanding of what has been done and the reasons it was done in that way. Maps can be developed using this information to communicate risks to the public. A meeting will be held to more fully review the scope of work to ensure that the Authority's intent is achieved. He pointed out that it would be far beyond the Authority's resources to go into the weeds of the hydrological and hydrology work that was done. The intent of the task order is to ensure that the Authority is comfortable with the concepts that were used and to find ways to communicate the protection afforded by the system and the residual risks possibly by using historical storms in the modeling. He noted that there is an on-going IEPR for the storm surge modeling through Battel, which is separate and apart from the review provided by the National Academy of Sciences. The SLFPA-E participated in the first meeting on the IEPR and will attempt to remain engaged while this process moves forward.

Mr. Barry expressed concern about the use of a 90 percent confidence level. Mr. Turner explained that the 90 percent confidence interval was chosen in the 2006-2007 time frame when procedures were being set up on the design of the system. The Congressional language that authorized the project states that the USACE is to design and build the project so that it will meet the requirements of the National Flood Insurance Program (NFIP) for certification and accreditation. He pointed out that meeting the NFIP requirements or a one percent chance of occurrence (100-year level of protection) is not sufficient safety criteria or appropriate in the opinion of most engineers for a large or medium size metropolitan area and probably borderline on mixed rural/urban areas. The USACE is designing the system, as directed by Congress, to meet NFIP requirements, which allows the 90 percent confidence level with the methods being used to design the system.

Mr. Jackson commented that this issue was brought up several meetings ago when Mr. Goins expressed concern about the USACE's selection of storms used for the analysis. The proposed task order would provide a general review of what was done by the USACE and inform the Board about whether or not the USACE did a reasonable job based on its orders from Congress.

Mr. Pineda stated that he would like to receive the best estimate possible of the 500-year water surface from Taylor Engineering. This could potentially assist in the process of determining what physical or operational things could be done to the levee system in order to make the 100-year project operate like a 500-year project. Therefore, a big part of the task order will be the 500-year water surface estimate. A separate analysis, possibly by a team of consultants, would be needed relative to modifying the system.

### **RESOLUTION #12-16-10-06 - SLFPA-E EXPENSE ALLOCATION**

Mr. Jackson stated that he basically did not disagree with the fact that work done for the districts through the SLFPA-E and its staff needs to be paid for by the districts, since the SLFPA-E has a limited source of annual income of \$500,000 from the State. He stated that there are a number of ways to allocate the costs to the districts and that the allocations need to reflect the users of the services, which does not necessarily relate to the districts' revenues. The Constitution mandates that monies cannot be allocated from one levee district to benefit another levee district. He recommended that the Regional Chief Engineer and the potential GIS employee keep time sheets to charge their work back to the levee districts. He noted that the clerical staff is clearly overhead.

Mr. Doody explained that the resolution reflected the recommendation of the Finance Committee. He pointed out that only one-half of the overhead costs would be allocated to the levee districts. He requested that Bob Turner, as an administrative task, assign Stevan Spencer and the GIS employee the additional responsibility of keeping time sheets for future information. He pointed out that the Authority cannot progress in its regional representation with its current limited funding. He added that the decision made today could be adjusted in the future when better data is available.

Mr. Estopinal pointed out that a failure in the flood protection system within any one of the levee districts affects the adjoining levee districts. The Authority will either be a regional flood protection authority or a collection of three individual authorities.

Mr. Jackson stated that in his opinion the proposal on the table violated the prohibition of moving assets of one levee district to another and reiterated his recommendation that time sheets be kept by employees who provide direct services to the levee districts in order to charge back those costs. He requested a legal opinion on this issue. Mr. Lacour responded that the allocation must be reasonable.

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

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

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

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

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

**WHEREAS**, the SLFPA-E receives \$500,000 each year from the State of Louisiana to accomplish its mission of achieving the highest level of flood protection possible for the region and to carry out all of its managerial and operational responsibilities; and

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

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

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

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

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

NAYS: Mr. Jackson

ABSENT: Mr. Goins and Mr. Losonsky

**Motion to accept, undertake and assume from the East Jefferson Levee District the full exercise of all functions, jurisdictions and responsibilities which otherwise devolve upon the East Jefferson Levee District by law in that limited portion of the Parish of Jefferson which comprises the eastern side of the Seventeenth Street Canal and is contiguous to the canal.**

This item was deferred.

**Motion to transfer to the Orleans Levee District the full exercise of all functions, jurisdictions and responsibilities which otherwise devolve upon the East Jefferson Levee District by law in that limited portion of the Parish of Jefferson which comprises the eastern side of the Seventeenth Street Canal and is contiguous to the canal.**

This item was deferred.

## **EXECUTIVE SESSION:**

1. Proposed amendment to Design Engineering, Inc.'s contract.
2. Theodore Lange vs. Orleans Levee District, Supreme Court of LA No. 2010-C-0140.
3. Kathy Picard Smith, Individually and as Natural Tutrix of the Decedent Victory E. Montano, and Victor R. Montano, Individually and as Natural Tutor of the Decedent Victor E. Montano vs. East Jefferson Levee District, et al, 24<sup>th</sup> JDC No. 657-492.

At 12:05 p.m. a motion was offered by Mr. Barry, seconded by Mr. Barnes and unanimously adopted, for the Board to convene in Executive Session to discuss the items listed on the agenda as amended.

The Board reconvened in Regular Session at 12:45 p.m.

## **RESOLUTION #12-16-10-07 – LEGAL ACTION**

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

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves an amendment to the contract with Design Engineering, Inc., as discussed in Executive Session, subject to the approval of the Executive Director of the Orleans Levee District and Counsel to the Board.

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 #12-16-10-08 - RENEWAL OR PROCURMENT OF INSURANCE COVERAGES FOR THE EJLD**

Hardie Edgecombe with Arthur J. Gallagher Risk Management Services, Inc. advised that the premium rate for Property Insurance decreased, however, the renewal premium remains the same because additional limits were included. The premium rate is the same as last year for Inland Marine Insurance; however, the renewal premium is less because of the movement of some items to the Property Insurance Policy. He recommended that Law Enforcement Insurance be moved to the Darwin Group at a \$10,000 savings over last year for the same coverages. The EJLD received a 15 percent rate decrease in the governing class code last year and a 17 percent rate decrease this year for renewal of Worker's Compensation Insurance with LWCC; however, the renewal premium increased because of the increase in payroll. The premium rate remains the same for the Accident Policy which covers the reserve police officers. The Accident Policy provides a \$10,000 benefit in the event of a death and \$25,000 for medical recovery in the event of an accident for a reserve officer while on the job. He recommended that Pollution Insurance be obtained for a one year policy period to cover the underground storage tanks and site pollution at the districts' two

locations. Mr. Doody noted that the Finance Committee reviewed and recommended the procurement or renewal of the aforementioned coverages as stated.

Fran Campbell, EJLD Executive Director, advised that the EJLD has 25 full time police officers on payroll and about 30 reserve certified police officers. The reserve police officers volunteer their services and must work at least 16 hours per month in order to keep their reserve status and are allowed to work police details.

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

**WHEREAS**, the East Jefferson Levee District's (EJLD) Worker's Comp, Law Enforcement Liability, Property and Inland Marine Insurance coverages and Accident Policy will expire on January 1, 2011, and the EJLD wishes to procure Pollution insurance coverage; and

**WHEREAS**, Arthur J. Gallagher Risk Management Services, Inc. obtained quotes for the above insurance coverages, which were presented to the Finance Committee meeting at its meeting on December 7, 2010; and

**WHEREAS**, the following recommendations were offered for the renewal or procurement of the insurance coverages for a one year policy period:

- Property Insurance from Allianz at an annual premium of \$13,005.
- Inland Marine Insurance from Allianz at an annual premium of \$12,376.
- Law Enforcement Liability Insurance from the Darwin Group at an annual premium of \$35,223.30.
- Worker's Comp Insurance from LWCC at an annual premium of \$86,749.
- Accident Policy from ACE at an annual premium of \$1,200.
- Pollution Insurance from Ironshore at an annual premium of \$10,500.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of the Property, Inland Marine, Law Enforcement Liability and Worker's Comp insurance coverages and the Accident Policy for a one year period commencing January 1, 2011, and the procurement of Pollution Insurance coverage for a one year period commencing December 31, 2010, through Arthur J. Gallagher Risk Management Services, Inc. as recommended and stated above.

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

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

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

NAYS: None

ABSENT: Mr. Goins and Mr. Losonsky

**Discussion of notice to proceed for EJLD FEMA PW 13866 (Lakeshore Linear Park Erosion Protection Project).**

Ms. Campbell advised that the lowest bid received for the Lakeshore Linear Park Erosion Protection Project and the initial work performed immediately after Hurricane Katrina total \$13.1 million; however, \$11.3 million was approved by FEMA in Project Worksheet 13866. FEMA approval is required from the Washington, D.C. level for the additional amount since the new total is over one million dollars above the initial FEMA estimate. She stated that she would like to proceed with awarding the contract to the low bidder. The Board offered no objection to the award of the contract.

**Discussion of the Servitude Agreement between East Jefferson Levee District and Greater New Orleans Expressway Commission.**

Robert Lacour, SLFPA-E General Counsel, advised that the EJLD Executive Director has the authority under a resolution adopted by the Board to execute servitude agreements. He informed the Board that the subject servitude will be granted to the Greater New Orleans Expressway Commission (Causeway Commission) for the placement of a vault containing communications equipment on a levee right-of-way. He pointed out that the agreement will be subject to the Causeway Commission's acceptance of the condition that it will remove the vault at its expense should future levee work be required. Ms. Campbell added that engineers for the EJLD and DOTD have reviewed this proposal.

**RESOLUTION #12-16-10-09 –BURK-KLEINPETER, INC. CONTRACT FOR EJLD LAKEFRONT LINEAR PARK SHORELINE PROTECTION**

Ms. Campbell requested that the contract with Burk-Kleinpeter be extended to March 31, 2012 due a delay in the project resulting from changes to the FEMA Project Worksheet.

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

**WHEREAS**, the Board by Resolution No. 07-17-08-03 authorized the execution of a contract with Burk-Kleinpeter, Inc. to provide the Consulting Engineering Services to design and manage the restoration of the East Jefferson Levee District (EJLD) lakefront linear park shoreline; and

**WHEREAS**, an extension of the contract period is needed due to delays that have been experienced.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) approves the extension of the expiration date of the aforementioned contract with Burk-Kleinpeter, Inc. to March 31, 2012.

**BE IT FURTHER RESOLVED**, that the EJLD Executive Director, the SLFPA-E Regional Director or the SLFPAE President, as appropriate, is authorized to sign any and all documents necessary to accomplish the above.

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

**RESOLUTION #12-16-10-10 - RENEWAL OF O.L.D. HEALTH CARE, DENTAL  
AND VISION PLAN COVERAGES**

Gerry Gillen, Orleans Levee District (O.L.D.) Executive Director, recommended the renewal of Health Insurance coverage with United HealthCare at the same premium cost, Dental Insurance coverage with Crescent Dental at a 14 percent premium rate increase and the Vision Plan with United HealthCare at a decrease in cost. Mr. Doody pointed out that the Finance Committee requested at its November meeting that additional quotes be obtained for the health insurance coverage; however, the companies that were approached declined to quote.

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

**WHEREAS**, the Orleans Levee District's (O.L.D.) Health, Vision and Dental Care Plans will expire on December 31, 2010; and

**WHEREAS**, renewal quotes were submitted by United Healthcare for the Health Care Plan and the Vision Care Plan and by Crescent Dental for the Dental Care Plan for a one year term commencing on January 1, 2011, through the Besselman Little Agency, as follows:

- United Healthcare Plan "M6O-P" is offered at no increase in premium by United Healthcare at an estimated annual cost of \$1,689,823.00 to the O.L.D. Flood Protection Division less an estimated portion of \$391,164.00 of the aforesaid premium to be paid by employees/retirees.
- The United Health Care Vision Plan is offered at an estimated annual cost of \$7,119.48 to the O.L.D. Flood Protection Division.
- The Crescent Dental Care Plan is offered at an estimated annual cost of \$37,107.60 to the O.L.D. Flood Protection Division.

**WHEREAS**, the renewal of the Health, Vision and Dental Care Plans was reviewed and recommended by the Finance Committee at its meeting held on December 7, 2010.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of United Healthcare Plan "M6-O", the United Healthcare Vision Plan and the Crescent Dental Care Plan, as stated above, through the Besselman Little Agency, for a period of one year commencing on January 1, 2011 and ending on December 31, 2011.

**BE IT FURTHER RESOLVED**, that the O.L.D. Director of the Flood Protection Division 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 #12-16-10-11 - RENEWAL OR PROCURMENT OF INSURANCE COVERAGES FOR THE LBBLD**

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Mr. Edgecombe advised that the LBBLD received a 15 percent rate decrease in the governing class code last year and a 17 percent rate decrease this year for renewal of Workers' Comp coverage with LWCC. He recommended the procurement of Pollution Insurance coverage for a one year policy period to cover the above ground tanks at the pumping stations and the tanks at the office site.

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

- WHEREAS**, the Lake Borgne Basin Levee District's (LBBLD) Workers Compensation insurance coverage will expire on December 31, 2010; and
- WHEREAS**, the LBBLD wishes to procure Pollution Insurance coverage for a one year policy period effective December 31, 2010; and
- WHEREAS**, Arthur J. Gallagher Risk Management Service, Inc. obtained quotes for the renewal or procurement of the aforementioned coverages, which were reviewed by the Finance Committee at its meeting held on December 7, 2010; and
- WHEREAS**, the following recommendations were offered for the renewal or procurement of the insurance coverages for a one year period:
- Workers Compensation Insurance from LWCC at an annual premium of \$79,371.
  - Pollution Insurance from Ironshore at an annual premium of \$18,375.
- BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of Workers Compensation Insurance from the Louisiana Worker's Compensation Corporation and the procurement of Pollution Insurance from Ironshore for a one year period commencing December 31, 2010, through Arthur J. Gallagher Risk Management Service, Inc.
- BE IT FURTHER RESOLVED**, that the LBBLD 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 #12-16-10-12 – LBBLD CAFETERIA PLAN 2010 HEALTH CARE REFORM PROVISIONS AMENDMENT**

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Peggy Sembera with the LBBLD explained that the new Federal health care law redefines dependent coverage; therefore, the cafeteria plan must be amended to reflect this change which takes effect on July 1, 2012.

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

**WHEREAS**, on December 16, 2003 the Board of Commissioners of the Lake Borgne Basin Levee District did approve and adopt the form of Cafeteria Plan, LAKE BORGNE BASIN LEVEE DISTRICT SECTION 125 PREMIUM ONLY PLAN (“Plan”) effective January 1, 2004; and

**WHEREAS**, on January 1, 2007, the Board of Commissioners of Lake Borgne Basin Levee District was dissolved and the Lake Borgne Basin Levee District (LBBLD) was placed under the governance of the Board of Commissioners of the Southeast Louisiana Flood Protection Authority – East (SLFPA-E); and

**WHEREAS**, an Amendment to the Plan is necessary to reflect certain provisions of the Affordable Care Act of 2010 (the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act); and

**WHEREAS**, the Amendment shall supersede the provisions of the Plan to the extent those provisions are inconsistent with the provisions of the Amendment; and

**WHEREAS**, except as otherwise provided in the Amendment, any reference to "Section" in the amendment refers only to sections within the Amendment, and is not a reference to the Plan. The Article and Section numbering in the Amendment is solely for purposes of the Amendment, and does not relate to any Plan article, section or other numbering designations; and

**WHEREAS**, the provisions of Article III of the Amendment, unless otherwise indicated, are effective as of July 1, 2011; and

**WHEREAS**, per Article III of the Amendment, the Plan’s definition of “Dependent” is amended by the addition of the following: **"Dependent"** shall include any child of a Participant who is covered under an Insurance Contract, as defined in the Contract, as allowed by reason of the Affordable Care Act. A Participant's “Child” includes his natural child, stepchild, foster child, adopted child, or a child placed with the Participant for adoption. An Employee’s Child will be an eligible Dependent until reaching the limiting age of 26, without regard to student status, marital status, financial dependency or residency status with the Participant or any other person. When the child reaches the applicable limiting age, coverage will end at the end of the calendar year. The phrase "placed for adoption" refers to a child whom the Participant intends to adopt, whether or not the adoption has become final, who has not attained the age of 18 as of the date of such placement for adoption. The term "placed" means the assumption and retention by such Participant of a legal obligation for total or partial support of the child in anticipation of adoption of the child. The child must be available for adoption and the legal process must have commenced. The Plan's Change in Status provisions are amended by the addition

of the following: Notwithstanding anything in this Section to the contrary, the gain of eligibility or change in eligibility of a child up to the end of the year in which a child attains age 26, as allowed under Code Sections 105(b) and 106 and IRS Notice 2010-38, shall qualify as a change in status.

**BE IT HEREBY RESOLVED**, that SLFPA-E on behalf of LBBLD (the Employer) adopts the Amendment to the Plan to reflect certain provisions of the Affordable Care Act of 2010 (the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act. The sponsor intends the Amendment as good faith compliance with the requirements of these provisions. The Amendment shall be effective July 1, 2011.

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

**BE IT STILL FURTHER RESOLVED**, that Administrator of the Plan is hereby instructed to take such actions that are deemed necessary and proper in order to implement the amendment to the Plan, and set up adequate accounting and administrative procedures to provide benefits under the Plan.

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 #12-16-10-13 - AUTHORIZATION TO UTILIZE OCPR'S  
CONTRACTOR FOR PROFESSIONAL SERVICES REQUIRED IN CONNECTION  
WITH REPAIR OF THREE PUMPS AT PUMP STATION NO. 6**

Stuart Williamson, LBBLD Executive Director, advised that this item was reviewed by the Finance Committee. The Office of Coastal Protection and Restoration (OCPR) conducted a competitive selection process, selected the firm of PBS&J and entered into a consulting contract with the firm. The intent is for the LBBLD to use the services of PBS&J through the issuance of a task order by OCPR to the firm under its contract. This effort has been coordinated with GOHSEP (Governor's Office of Homeland Security and Emergency Preparedness) and FEMA. Final approval has not been received from FEMA; however, the work must start soon so that it can be completed before the next hurricane season.

Mr. Turner explained that the pumps had to be run during the period between Hurricanes Katrina and Rita under conditions for which they were not designed. He further described the conditions under which the pumps operated, which resulted in vibrations that could eventually cause a failure. These pumps are being addressed in order to avoid any possibility for a failure in the future.

On the motion of Mr. Wittie,

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

**WHEREAS**, as a result of damages incurred relative to Hurricane Katrina, FEMA has obligated funding to Lake Borgne Basin Levee District (LBBLD) for Project

Worksheets (PW's) Nos. 19196F, 19199F and 19200F for repair of three pumps at Pump Station No. 6; and

**WHEREAS**, it is LBBLD's desire to commence and complete said repair work before the next hurricane season; and

**WHEREAS**, under a professional engineering and construction management support contract with LBBLD, PBS&J has been involved with the referenced projects and the PW process to-date; and

**WHEREAS**, as part of that process, PBS&J has provided to LBBLD and FEMA a scope of work and associated cost estimate in the amount of \$62,000 to provide contract and contractor support services needed in connection with the repair work at Pump Station No. 6; and

**WHEREAS**, after a competitive selection process, the Governor's Office of Coastal Activities, Office of Coastal Protection and Restoration (OCPR) of the State of Louisiana, and PBS&J entered into a contract on the 15<sup>th</sup> day of September, 2009; and

**WHEREAS**, OCPR has agreed to issue an RFP, negotiate and execute a task order on said contract with PBS&J so that PBS&J can perform the services for LBBLD as outlined in the referenced estimate provided to LBBLD; and

**WHEREAS**, upon receipt of concurrence from LBBLD, OCPR will pay PBS&J for the work, LBBLD will reimburse OCPR; and LBBLD will then request reimbursement from FEMA;

**BE IT HEREBY RESOLVED**, that the LBBLD is authorized to utilize OCPR's Professional Services Contractor for services required in connection with repair of three pumps at Pump Station No. 6 and reimburse OCPR for an amount up to \$62,000 with the expectation of reimbursement by FEMA.

**BE IT FURTHER RESOLVED**, that the LBBLD Executive Director and/or SLFPA-E President 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 #12-16-10-14 LBBLD- SELECTION OF WALDEMAR S. NELSON AND COMPANY, INC. FOR THE PREPARATION OF PLANS AND SPECIFICATIONS TO ADDRESS SEEPAGE ISSUES AT PUMP STATIONS #2 AND #3**

Mr. Williamson advised that the LBBLD advertised a Request for Qualifications and received eleven Statements of Qualifications (SOQ). The SOQ's were reviewed and a short list of four firms was developed. After further review the selection committee recommended the selection of the firm of Waldemar S. Nelson and Company, Inc..

On the motion of Mr. Barry,

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

**WHEREAS**, the Lake Borgne Basin Levee District (LBBLD) issued a Request for Qualifications (RFQ) for engineering consulting services for the preparation of plans and specifications to address seepage issues at Pump Stations #2 and #3; and

**WHEREAS**, Statements of Qualifications were received from eleven firms for the preparations of plans and specifications to address seepage issues at Pump Stations #2 and #3 and were reviewed by the selection committee; and

**WHEREAS**, four of the eleven firms were interviewed by the four panel selection committee, consisting of the SLFPA-E Chief Engineer, O.L.D. Executive Director, LBBLD Executive Director, and LBBLD Pump Station Foreman; and

**WHEREAS**, the selection committee recommended the firm Waldemar S. Nelson and Company, Inc. to provide the aforementioned engineering consulting services.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East selects Waldemar S. Nelson and Company, Inc. to provide engineering consulting services to prepare plans and specifications to address seepage issues at Pump Stations #2 and #3 as stated above.

**BE IT FURTHER RESOLVED**, that the LBBLD Executive Director is authorized to develop a scope of work and negotiate a contract with Waldemar S. Nelson and Company, Inc. for consulting engineering services for the preparation of plans and specifications to address seepage issues at Pump Stations #2 and #3.

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 regular monthly Board meeting will be held on January 20, 2011 and hosted by the EJLD. He thanked Nunez Community College for the use of its auditorium for today's meeting.

There was no further business; therefore, the meeting was adjourned at 1:15 p.m.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

REGIONAL DIRECTOR'S REPORT

December 16, 2010

**100 Year Level of Protection**

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

The Contractor continues to make good progress. Overall design is approximately 100% complete. Major construction activities are about 80% complete. Our emphasis continues to be Operation & Maintenance considerations and the necessity to "design in" reasonable O&M features.

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

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

The Barge Gate area has been flooded and all navigation traffic is being routed through the Barge Gate Structure (as of August 16, 2010).

Forming of the first of twelve castings (within the dewatered cofferdam) for the GIWW Sector Gate has begun and the steel gate leaf fabrication is ongoing.

Four of eleven wall castings for the Bayou Bienvenue Lift Gate Structure have been completed.

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 substantially complete. Turf establishment issues still remain.

Reach 2:

The Work is substantially complete. The pre-final inspection was held on December 6, 2010. Turf establishment issues still remain.

Reach 3:

The Work is substantially complete. Turf establishment issues still remain.

Reach 4:

The Work is substantially complete. The pre-final inspection has been completed. Turf establishment issues still remain.

Reach 5:

The Work is substantially complete. Utility relocations at the Coast Guard Station will be completed by the USACE hired labor crews before the end of January 2011.

Bonnabel Breakwater Project:

The Notice of Construction Complete Letter for this Project has been transmitted by the USACE to CPRA, copied to EJLD.

Duncan Breakwater Project:

Work is substantially complete. Final inspection was conducted on October 27, 2010. USACE is scheduled to transmit Notice of Construction Complete soon.

Williams Blvd. Floodwall and Gate:

Work is substantially complete. The final inspection will be scheduled for sometime in December 2010.

Bonnabel Floodwall and Gate:

Work is substantially complete and awaiting final inspection.

Pump Station Fronting Protection:

The Work is approximately 20% complete. Work is ongoing at Elmwood and Suburban Pump Stations and Breakwaters.

LPV 017.2 (Causeway Crossing):

The Contractor is mobilizing on site and installing security fencing. A test was conducted to preview potential traffic problems during construction. The results of the test were positive. The Phase I Traffic Plan for southbound traffic has been implemented.

West Return Levee/Floodwall - North:

Work is approximately 7% complete. The Contractor is clearing and grubbing along the levee/wall alignment and has started driving H-Piles.

West Return Levee/Floodwall - South:

This Contract was under protest. The protest has been reviewed and rejected. Work should begin soon.

Foreshore Protection Reaches 1 and 2:

The NTP was issued on November 8, 2010. A pre-construction meeting is scheduled for January 11, 2011.

Foreshore Protection Reaches 3 and 4:

Work is approximately 5% complete. The Contractor has dredged the western access channel.

West Return Levee (Airport Runway):

The first progress meeting was held on November 18, 2010 on the project site. The Contractor is clearing and grubbing and should begin embankment construction before the end of December 2010.

**Orleans Levee District:**

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

Construction is approximately 66% 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. Construction has been hindered by lake water seepage under the parking lot area. A "design fix" for the seepage problem has been finalized by the USACE.

LPV 102.01, 103.01, and 104.01

Projects are 100% complete. The Notice of Construction Complete has been transmitted to Orleans Levee District on LPV 102.01 and 103.01.

LPV 103.01 A1 (Bayou St. John):

Construction is now about 99% complete. The pre-final inspection was held on December 9, 2010.

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

Construction is approximately 37% complete. Lakeshore drive is closed at Rail St. Work will begin at Lake Terrace soon.

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

Construction is approximately 85% complete. All ramps are open to vehicular traffic. Turf establishment is still required.

LPV 104.02 (Seabrook West Side IHNC):

This project includes the construction of a new T-Wall. Construction is approximately 59% complete. The UNO Ramp will undergo consolidation for approximately 2 more months before it is paved.

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

100% Plans and Specs were completed in mid June 2010. This Project will be completed as part of IHNC-01 (Seabrook). The ROE for the NS Railroad right-of-way is still pending.

LPV 105.01 (Lakefront Airport T-Wall West):

Construction is approximately 15% complete. The cofferdam at Downman Rd. has been removed.

LPV 105.02 (Lakefront Airport T-Wall East):

Construction is approximately 33% complete.

LPV 106 (Citrus Lakefront Levee):

Construction is approximately 29% complete.

LPV 107 (Lincoln Beach Floodgate):

Construction is approximately 35% complete.

LPV 108 (New Orleans East Lakefront Levee):

The Project is substantially complete. USACE hired labor crews are now working this Project. Final punch list items have not yet been addressed.

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

Construction of the Project has been combined with LPV 109.02c (HWY 90 and HWY 11 floodgates). Construction is about 40% complete.

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

Construction is 100% complete.

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

Construction is 100% complete.

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

Construction is approximately 54% complete. I-10 west bound traffic has been rerouted onto the newly constructed temporary bridge and raised ramp. Bridge inspection will be done every Saturday morning at 5:00 am.

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

Construction will be done under LPV 109.02a. Deep Soil Mixing operations are underway. Pile driving activities have begun.

LPV 110 (CSX Railroad Crossing):

The Contractor has mobilized on site. Demolition of concrete slope paving is underway. Sheet pile driving will begin after December 1, 2010. Construction is about 6% complete.

LPV 111.01 (North Side GIWW):

The contract includes construction of levee sections using deep soil mixing techniques. Work is progressing on schedule and is approximately 52% complete.

LPV 111.02 Pump Station 15 Fronting Wall:

Work is progressing on schedule and is about 20% complete.

LPV 111.03 Tie-in to IHNC:

The Project consists of about 1000' of new T-Wall. 87% of H-piles have been driven. 95% of sheet piles have been driven. 66% of the monoliths have been completed.

LPV 113 (NASA):

Construction is approximately 99% complete. Pre-final inspection was conducted in the first week of October 2010 and the Contractor is working on the punch list. Cracks in levee section are being investigated by the USACE.

Seabrook Structure:

95% P&S are complete. Final (100%) P&S is scheduled for completion in December 2010.

Piles for the west side T-Wall are being driven. Clearing and grubbing work is underway on the east side. The Contractor has completed filling the scour hole in the IHNC on the protected side of the proposed Seabrook Structure. A rock dam has been constructed completely across the Canal. Two cylindrical cofferdams have been constructed (one on either side of the canal). The IHNC is now completely closed to navigation at the construction site.

Outfall Canal Remediation to Raise SWE to +8.0:

Contracts have been awarded for construction of remedial work on all three Outfall Canals. Work is scheduled for completion on or before June 1, 2011. At least two more packages remain to be awarded.

IHNC Remediation:

A public hearing was held by the USACE on November 8, 2010 to discuss and accept comment on the IER for this Work. OLD is working on Right of Entries.

**Lake Borgne Basin Levee District:**

LPV 144 (Bayou Dupre Control Structure):

Overall, the Work is approximately 38% complete. Construction is about 6% behind schedule. Bayou Dupre will be closed to navigation at the existing Control Structure until April 2011.

LPV 145 (Bayou Bienvenue to Bayou Dupre):

The USACE has instructed the Contractor to use uncoated steel sheet piles and H-piles on this project in order to meet schedule demands. Construction is approximately 82% complete. The Work is approximately 6% ahead of schedule.

A swing bridge will be constructed at Bayou Bienvenue for O&M access.

LPV 146 (Bayou Dupre to Verret):

The USACE has instructed the Contractor to use uncoated steel sheet piles and H-piles on this project in order to meet schedule demands. The Work is approximately 67% complete and 2% ahead of schedule. The stem section of one of the T-Wall monoliths (#633) will have to be broken out and replaced due to bad concrete.

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

LPV 147 (LA Hwy 46 Flood Gate):

The Work is approximately 60% complete. One of the lifting lugs on one of the trolley beams sheared off during lifting operations. The beam design is being reviewed and modified by the A/E and USACE Tech Support.

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

LPV 148.02 (Verret to Caernarvon):

The USACE has instructed the Contractor to use uncoated steel sheet piles and H-piles on this project in order to meet schedule demands. Construction is approximately 24% complete.

Contrary to St. Bernard Parish's objection, the USACE has determined that the Creedmore Drainage Structure is no longer needed and will be removed from the Project without replacing the Structure's drainage capacity.

LBBLD and SLFPAE have expressed concerns to the USACE regarding the construction methods used at the Creedmore Structure. Sheet piles have been driven thru the two 72" CMP. As a result, the levee section has settled significantly and voids have opened up all the way to the surface. The USACE's current plan is to drive H-Piles thru the culverts within a few weeks and attempt to fill the culverts with flowable fill after pile driving operations. Our concerns are that large sections of the levee could wash into the culverts during a heavy rain event before the flowable fill is in place, and that voids that have developed within the levee section will weaken the levee and become a maintenance problem in the future.

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

The Work is approximately 44% complete and about 3% ahead of schedule.

**Permanent Pump Stations and Outfall Canals:**

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

The Phase II RFP has been issued and the short-listed firms have turned in preliminary design submittals. Award of the Design-Build Contract is scheduled for late April 2011.

All three Pump Stations will undergo Independent External Peer Review.

### Elevation Map:

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

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

## **Coastal Protection and Restoration**

### Lake Borgne Basin Levee District:

The Violet Freshwater Diversion siphon was restarted on December 8, 2010 and continues to flow.

## **Flood Fight**

The Mississippi River is below 5' at the Carrollton Gage and is predicted to remain below 5' for the next 28 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 meets with the A/E about twice a month.

### Orleans Levee District:

Construction of the OLD Safe House Project began in January 11, 2010. The Project is approximately 70% complete. The Contractor has fallen behind schedule, but lately progress continues to show improvement.

The Bayou St. John Water Management Study is approximately 51% complete. This Project is being funded through State Capital Outlay.

The Orleans Levee District Benchmark and Organization Study is 100% complete. The final report is pending.

The Tier 2 Environmental Inventory is approximately 95% complete.

### Lake Borgne Basin Levee District:

Work is continuing on the Violet Canal Closure Structure Improvement Project. All required sheet pile has been driven and the contractor is grading in

preparation for casting slope pavement. Work should complete before the end of December 2010.

FEMA has written a PW and has obligated funds for pump repairs at Pump Station #6 (\$360,000). LBBLD will bid the work after hurricane season.

The Emergency Work required to address the seepage issue at Pump Station #3 has been completed. Sheet piles were driven to construct a temporary cofferdam to isolate 2 of the three discharge tubes. Seepage stopped after the cofferdam was dewatered. An RFQ for the design of the permanent fix to seepage at Pump Stations 2 and 3 was advertised and all Statements of Qualifications submitted were evaluated. A short list of Consultants has been prepared and interviews have been conducted.

LBBLD has selected W.R. Nelson for the preparation of plans and specs for a remote control system to operate the pumps at Pump Station 2 from Pump Station 6, and Pump Station 3 from Pump Station 7.

LBBLD has executed a Contract with Burk-Kleinpeter for the Engine Replacement Project at Pump Station 1 or 4.

The USACE has issued a Contract to repair the right angle gear drives at Pump Station 8. The drives were improperly repaired by the USACE's Contractor post Katrina.

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

The Fortification Canal Bank Repair Project is complete.

OCPR has requested LBBLD to perform routine O&M on the Hopedale Gravity Drainage Structure. All O&M expenses would be reimbursed by OCPR. Major Maintenance would remain the responsibility of the OCPR.

## **Internal Affairs**

The USACE intends to make modifications to the existing canal floodwalls to achieve a minimum safe water elevation of 8' in all three canals. Our ID/IQ Consultant, Halcrow Inc. continues to review the Safe Water elevation Reports and the designs for the remediation work proposed by the USACE.

We now have four inspectors working with us provided by OCPR. We have been getting additional technical assistance from OCPR staff, LDOTD staff, and PBS&J (through an ID/IQ contract with OCPR).

The Emergency Module for Floodgate Management is complete. A training session was conducted with personnel from all three levee districts.

We have submitted a revised Construction Coordination Plan to HPO and met with HPO staff to begin implementation of the Plan. Another meeting will be scheduled after HPO has reviewed the plan to resolve any issues. The Plan seeks to outline responsibilities of all parties and provide a means to maintain clear and open communication. Particular attention was placed on the “Red Zone” or Project Closeout Process.

OCPR sent a letter to the USACE on November 10, 2010 stating their support of SLFPA-E’s Board Resolution #09-16-10-02 regarding corrosion protection.

Royal Haskoning has submitted a potential SLFPA-E Project for funding through Flood Control 2015. The Project is called “Hurricane Risk & Safety Module for New Orleans Levee System”. If approved, the Dutch will provide 50% of the cost associated with the work.

**New Contracts:**

None

**Hurricane Preparedness**

The 2010 Hurricane Season officially ended on November 30, 2010.