

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST  
PUBLIC HEARING  
THURSDAY, NOVEMBER 17, 2011**

Pursuant to Article 7, Section 23(C) of the Louisiana Constitution and LA R.S. 47:1705 B., a public hearing was held at 9:30 a.m. on Thursday, November 17, 2011, at the Orleans Levee District Franklin Administrative Complex, 6920 Franklin Avenue, Meeting Room 221, New Orleans, Louisiana, by the Southeast Louisiana Flood Protection Authority-East for the Orleans Levee District to consider levying additional or increased millage rates without further voter approval, increasing the adjusted downward millage rates levied in 2011 in order to take into account the 2011 property reassessment to the rates not exceeding the millage rates levied in 2011 or alternatively adopting and levying the adjusted downward 2011 millage rates resulting from taking into account the 2011 property reassessment.

**PRESENT:**

Timothy P. Doody, President  
John M. Barry, Vice President  
Louis E. Wittie, Secretary  
Stephen Estopinal, Treasurer  
David P. Barnes, Jr.  
Thomas L. Jackson  
G. Paul Kemp, PhD

**ABSENT:**

George Losonsky, PhD  
Ricardo S. Pineda

Mr. Doody read the notice for the public hearing and advised that public comments would be received at this time. Resolutions to adjust and roll forward the millage rates for the Orleans Levee District would be considered at the Board meeting being held immediately after the public hearing.

Mr. Doody asked whether there was any member of the public who wished to comment. There was no comment from the public.

A motion was offered by Mr. Wittie, seconded by Mr. Barnes and unanimously adopted by a roll call vote, to adjourn the public hearing at 9:45 a.m.

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST  
BOARD MEETING  
THURSDAY, NOVEMBER 17, 2011**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, November 17, 2011, at the Orleans Levee District Franklin Administrative Complex, 6920 Franklin Avenue,

Meeting Room 221, New Orleans, Louisiana, after due legal notice of the meeting was sent to each Board member and the news media and posted.

Mr. Doody called the meeting to order at 9:46 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  
G. Paul Kemp, PhD

**ABSENT:**

George Losonsky, PhD  
Ricardo S. Pineda

**ADOPTION OF AGENDA:**

The agenda was amended to add Item No. XIV.B.2 to consider a change order for the East Jefferson Levee District Lakeshore Linear Park Erosion Protection Project Contract. Consideration of this item is required at this meeting because the erosion protection project contract is nearing completion and additional rock is required. A motion to approve the amended agenda was offered by Mr. Barry, seconded by Mr. Kemp, and unanimously adopted by a roll call vote.

**RESOLUTION NO. 11-17-11-01 –  
APPROVAL OF OCTOBER 20, 2011 BOARD MEETING MINUTES**

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

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves the minutes of the Board Meeting held on October 20, 2011.

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

**NEW BUSINESS: ORLEANS LEVEE DISTRICT – MILLAGE RESOLUTIONS:**

**RESOLUTION #11-17-11-02 - DOWNWARD ADJUSTMENT OF  
MILLAGE RATES TO TAKE INTO ACCOUNT 2011 REASSESSMENT**

Mr. Doody advised that the downward adjustment of the millage rates is required by State law.

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

**WHEREAS**, Article 7, Section 23 (B) of the Louisiana Constitution of 1974, as amended (the "Constitution") and La. R. S. 47:1705 B. requires taxing authorities to adjust the millage rates upward or downward so that the taxing authorities receive not more or less ad valorem taxes in the year following reassessment than in the year preceding the last reassessment of property, (for these purposes: year preceding last reassessment is 2011 and year following reassessment is 2012); and

**WHEREAS**, the reassessment of property within the geographic boundaries of the Orleans Levee District (the "District"), the portion of Orleans Parish located on the East Bank of the Mississippi River, made during 2011 as completed for use for tax year 2012 resulted in more assessed valuation than that assessed in 2011 which requires a reduction in millage rates for 2012; and

**WHEREAS**, the Southeast Louisiana Flood Protection Authority–East (the "Authority"), acting as the governing authority of the District levied three ad valorem taxes within the District's geographic limits in 2011 at the following rates:

- 1) for the tax authorized by Article 6 Section 39 (A) of the Constitution (the "General Tax"), at the rate of 5.46 Mills;
- 2) for the Special Levee Improvement Tax authorized by the Special Election of November 19, 1983 (the "SLIP" Tax") at the rate of 5.46 Mills; and
- 3) for the Maintenance Tax authorized by the Special Election of March 5, 1974 and imposed by the District's Resolution No. 1-081899 (the "Maintenance Tax") at the rate of .75 Mills.

(Collectively the "Taxes"); and

**WHEREAS**, the Authority desires to adjust the millage rates levied for each of the Taxes in 2011 as required by the provisions of Article 7, Section 23 (B) of the Constitution and La. R. S. 47:1705 B. to the level required in order that the District would receive in tax year 2012 no more nor no less than the District received from the Taxes in year 2011.

**NOW THEREFORE BE IT HEREBY RESOLVED BY THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST** as the governing authority of the Orleans Levee District that:

**SECTION 1.** Downward Adjustment of 2011 Millages to Take Into Account the 2011 Reassessment. The Authority does hereby adjust downward each of the millage rates for the three (3) ad valorem taxes levied by the District as required by Article 7, Section 23 (B) of the Constitution and La. R. S. 47:1705 B. from the rates levied and collected in 2011, as shown in Column B below to the adjusted rates shown in Column C below:

A	B	C
Name of Tax	Millage Rate Levied in 2011	Reduced Adjusted Millage Rate Established After Taking into Account 2011 Reassessment
General Tax	5.46	5.32
SLIP Tax	5.46	5.32
Maintenance Tax	0.75	0.73

Attached hereto as \*Exhibit “A” are the adjustment schedules calculating the reduced adjusted millage rates established after reassessment as set forth in column C of the above chart.

**SECTION 2. Further Actions.** The President of the Authority or Director of Hurricane and Flood Protection of the District is and they are hereby authorized and empowered to execute any and all documents necessary to accomplish the above purposes.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Doody, Mr. Estopinal, Mr. Jackson,  
Mr. Kemp and Mr. Wittie

NAYS: None

ABSTAINED: None

ABSENT: Mr. Losonsky and Mr. Pineda

\*Appended to minutes

**RESOLUTION #11-17-11-03 - INCREASE OF MILLAGE RATES FOR YEAR 2012 UPWARD FROM THE ADJUSTED DOWNWARD 2011 MILLAGE RATES MADE TO TAKE INTO ACCOUNT THE 2011 PROPERTY REASSESSMENT**

Mr. Estopinal explained that last year’s millage rates for the Orleans Levee District (O.L.D.) are being continued. Revenues will slightly increase consistent with the change in property values. However, the increase in revenues will not be sufficient to meet the levee district’s future obligations. Mr. Doody added that the additional operations and maintenance cost of the newly constructed Hurricane and Storm Damage Risk Reduction System (HSDRRS) by the U.S. Army Corps of Engineers (USACE) for Orleans Parish alone is \$6.5 million per year. In addition, the local cost share for the construction of the HSDRRS is \$10 million per year for thirty years. The O.L.D.’s total burden will be \$16.5 million per year. The SLFPA-E engaged the services of AECOM to study the operations and maintenance costs and bring fidelity to the

estimates received. The results of the study will be brought to the Board for potential future action.

Mr. Doody asked whether anyone in the public wished to comment. There was no comment from the public.

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

**WHEREAS**, the reassessment of property subject to taxation within the geographic boundaries of the Orleans Levee District (the "District"), the portion of Orleans Parish located on the East Bank of the Mississippi River, made during 2011 as completed for use for tax year 2012 resulted in more assessed valuation than that assessed in 2011; and

**WHEREAS**, as required by Article 7, Section 23 (B) of the Louisiana Constitution of 1974, as amended (the "Constitution") and La. R. S. 47:1705 B. the Southeast Louisiana Flood Protection Authority—East (the "Authority") as the governing authority of the District adopted its Resolution No. 11-17-11-02 adjusting downward the millage rates levied by it in 2011 to the adjusted millage rates required so that the District shall receive not more or less ad valorem taxes in the year following reassessment than in the year preceding the last reassessment of property, (for these purposes: year preceding last reassessment is 2011 and year following reassessment is 2012); and

**WHEREAS**, immediately prior to the adoption of this resolution on this date and in accordance with the Louisiana Open Meetings Law, the additional requirements of Article VII, Section 23(C) of the Constitution, and La. R. S. 47:1705 B., the Authority conducted a public hearing for the purpose of considering levying additional or increased millage rates without further voter approval; and

**WHEREAS**, as authorized by the provisions of Article 7, Section 23 (C) of the Constitution and La. R. S. 47: 1705 B. allowing the collection of a larger amount of ad valorem taxes by a taxing entity for years after reassessment by setting millages not to exceed the millage rate assessed in the last year prior to the reassessment (in this case year 2011), notwithstanding the provisions of Article 7, Section 23 (B), upon two-thirds vote of the governing authority of a taxing entity after a public hearing held pursuant to R.S. 47:1705 B. the Authority desires to increase the millage rate for the three taxes levied and collected by the District from the adjusted millage rates established by the Authority in Resolution No. 11-17-11-02 to the higher millage rates levied by the District in year 2011.

**NOW THEREFORE BE IT HEREBY RESOLVED BY THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST** as the governing authority of the Orleans Levee District that:

**SECTION 1. Increase of Downward Adjusted 2011 Millages to the Millage Rates Levied in 2011.** After consideration of the issues discussed in the public hearing held as the first item of business on the agenda for the meeting of the Authority held this date at approximately 9:30 a.m., the Authority does hereby increase each of the as adjusted downward millage rates for each of the Taxes levied by the District (as

required by Article 7 Section 23(B)) as reflected in Column C of the table below to the rates not exceeding the rates levied in 2011 as reflected in Column B of the table below so that such Taxes shall be levied in 2012 (which may not exceed the rate levied in 2011) at the rates shown in Column D below:

A	B	C	D
Name of Tax	Millage Rate Levied in 2011	Reduced Adjusted Millage Rate Established After Taking into Account 2011 Reassessment	Millage Rate to be Levied in 2012 (not to exceed 2011 Millage Rate)
General Tax	5.46	5.32	5.46
SLIP Tax	5.46	5.32	5.46
Maintenance Tax	0.75	0.73	0.75
Total Millage to be Levied in 2012			11.67

**SECTION 2. Statement of Total Millage to be Levied.** A total of 11.67 mills shall be levied in 2012.

**SECTION 3. Certification of Levy.** The Authority acting for the District hereby certifies the annual levy of the General Tax, the Slip Tax and the Maintenance Tax to the Council of the City of New Orleans for the purpose of causing the three taxes to be entered on the tax rolls of said City and collected by its Finance Department in the manner and under the conditions and with interest and penalties prescribed by law for City taxes; and such monies, the ad valorem taxes including interest and penalties connected therewith, thus collected shall be paid to the District as provided by law for the tax year 2012.

**SECTION 4. Further Actions.** The President of the Authority or Director of Hurricane and Flood Protection of the District is and they are hereby authorized and empowered to execute any and all documents necessary to accomplish the above purposes.

The foregoing resolution was read in full, the roll was called on the adoption thereof, and the resolution was adopted by no less than two-thirds of the total membership of the taxing authority voting in favor as required by Article VII, Section 23(C) of the Louisiana Constitution and R.S. 47:1705(B). The votes were:

YEAS: Mr. Barnes, Mr. Barry, Mr. Doody, Mr. Estopinal, Mr. Jackson,  
Mr. Kemp and Mr. Wittie

NAYS: None

ABSTAINED: None

ABSENT: Mr. Losonsky and Mr. Pineda

## **OPENING COMMENTS:**

Mr. Doody explained that the facility in which the Board meeting was being held serves dual purposes; i.e., it will be used for meetings and for safe housing employees who must remain on duty during hurricanes.

Mr. Doody advised that Mr. Pineda has been requested to serve on the Federal Interagency Floodplain Management Task Force Project Advisory Team. In addition, Mr. Barry was requested to advise the White House on the Unified Program Report.

Mr. Doody reported that he and Robert Turner, SLFPA-E Regional Director, participated in an abbreviated tour of the HSDRRS with Senator J. P. Morrell.

Mr. Doody explained that he spoke to Robert Lupo, President of the Non-Flood Protection Asset Management Authority, concerning moving the attenuator located along Lakeshore Drive at Lake Terrace and Pratt Drives east about 30 to 40 feet. Eighty bolts must be removed in order to move the attenuator to close the floodgate and the bolts must be replaced to reposition the attenuator after the floodgate is reopened. Moving the attenuator eastward would alleviate this situation; however, access to the parking lot would be restricted to one lane.

Mr. Doody advised that he, Robert Turner, Sheila Grissett and Shelly Midura met several weeks ago with Pat Santos, Interim Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOSHEP), to discuss the FEMA Pre-Disaster Mitigation Grant application for the Lake Borgne Basin Levee District (LBBBLD) safe room. A strong indication was received that funds could potentially be provided for the construction of the safe room.

Mr. Doody explained that the SLFPA-E requested guidance from the Louisiana Attorney General (A.G.) concerning the construction of projects with a recreational component along the lakefront. A proposed seawall stabilization project includes the construction of a concrete splash pad behind the seawall. The selection of a more aesthetic splash pad could be considered a recreational component. An opinion was received from the A.G. relative to the recreational component. The O.L.D. Executive Director is engaged in discussions for going forward with the proposed project. He commented that Mr. Lupo expressed his appreciation for the Flood Protection Division's clean-up of Lakeshore Drive after Tropical Storm Lee. Construction of the splash pad is anticipated to resolve many of the issues related to the deposit of debris along Lakeshore Drive.

Mr. Doody reported that an access bridge to reach the floodgates between Bayou Bienvenue and Bayou Dupre was discussed in a recent Strategic Partnership meeting. A bridge is needed in order for LBBBLD employees to close the critter floodgates located in this section of floodwall. Initially, the USACE did not want to provide a bridge; however, they are now in the process of working on a bridge design.

Mr. Doody advised that there will be a request by the USACE to reprogram funds from LPV (Lake Pontchartrain and Vicinity) projects to WBV (West Bank and Vicinity) projects. The USACE would be going directly to Congress for the reprogramming of

funds and would no longer seek the SLFPA-E's input on this issue. He suggested that the SLFPA-E could write a letter requesting that it be allowed input.

Mr. Doody reported that at the invitation of Garrett Graves that he met with Jo Ellen Darcy, Assistant Secretary of the Army for Civil Works, and various non-governmental organizations in Washington, D.C., to discuss the MRGO Restoration Project. A number of public meetings were held concerning the MRGO Restoration Plan and the USACE received tens of thousands of comments. Many of the details of the plan still need to be discussed and modified. Mr. Doody stated that the SLFPA-E does not want the USACE to rush towards a final product. The SLFPA-E's position is that the USACE should give additional consideration to the location of the Violet Diversion. Four potential locations for the diversion were included in the plan. The USACE is proposing that a new canal be dug through St. Bernard Parish because of the expense of relocating businesses along the Violet Canal. However, the USACE did not consider deepening the existing canal or shifting the centerline of the Violet Canal eastward so that the impact to the businesses would be nearly negligible.

Mr. Doody advised that the Levee Information Management System (LIMS) was deployed and used during Tropical Storm Lee by the City of New Orleans and other entities. The O.L.D. is continuing its work on the interior of the flood protection system, including ensuring that floodgate seals and sills are well maintained.

## **PRESENTATIONS:**

### **1. Levee Safety Action Classification (U.S. Army Corps of Engineers)**

Richard Varuso, PhD, P.E., Deputy Chief, Geotechnical Branch, Levee Safety Program Manager, USACE New Orleans District, explained that the USACE's Dam Safety Program has been in place for a number of years. A similar program is being developed for levee safety. The primary goal of the Levee Safety Program is public safety. The USACE is working with the State and local sponsors to ensure that Federal levee systems are safe for people living behind the levees and that people are aware of the residual risks. The USACE has had an Operations and Maintenance (O&M) Program for a number of years and periodic inspections are conducted. A Levee Screening Tool (LST) is being developed as part of the Levee Safety Program with the primary goal of determining the relative risks for people living behind a particular levee system. The LST will be used to develop the Levee Safety Action Classification (LSAC). Every levee system nationwide within the Federal portfolio will at some point within the next two years be screened and receive a LSAC.

Mr. Varuso explained that the Levee Risk Management Portfolio Process routinely includes O&M monitoring and both routine and periodic inspections. The non-routine process will be used when an issue is discovered. The LST will assist with the assignment of a LSAC ranging from one (higher risk) to five (lower risk). LST outcomes are anticipated to guide priorities for activities in the Levee Safety Program and provide an opportunity to communicate possible levee deficiencies, lack of performance and potential consequences. Confidence in the LST will increase as more systems are screened and the LSAC's and their meanings can then be communicated to local sponsors and the public. Local sponsors will be urged to focus on the rating description



and possible associated actions rather than the rating number. For example, a LSAC of one (urgent and compelling) may be assigned not only because of a levee performance issue, but also due to issues such as the number of people living behind the levee and evacuation effectiveness.

Mr. Varuso showed a slide with the equation for the Simplified Risk Informed Framework model and discussed three items that will be considered in developing a LSAC for a levee system:

1. Existing elevations and hydraulic history - How likely is it that the levee will be loaded in any given year?
2. Performance - This includes inspections, site visits and evaluating past and future levee performance.
3. Consequences of non-performance - This includes issues such as the number of people living behind the levee as well as infrastructure.

Mr. Varuso explained that the past Performance Inspection Assessment Ratings will be considered:

- A – Acceptable – No items were found that needed to be addressed.
- M – Minimally Acceptable – The levee is expected to perform; however, minor items were found that needed to be addressed.
- U – Unacceptable

The Board discussed the need for better terminology for the ratings used in the USACE's Performance Inspection Assessment in order to better communicate the condition of the system. It was pointed out that one minor issue could cause a levee to be rated Minimally Acceptable and that 90 percent of Federal levees receive Minimally Acceptable ratings.

Mr. Jackson informed the Board that the American Society of Civil Engineers (ASCE) recently evaluated infrastructure in the State of Louisiana. One of the components evaluated was levees for which statewide Louisiana received a rating of C minus. In addition, the New Orleans area also received some C minus ratings. Mr. Jackson stated that he was asked by the ASCE to review the report prior to publication and that he requested that the ASCE provide the data used to set the ratings.

Mr. Varuso explained that two of the issues considered under consequences are life safety and economics. The issue of life safety includes evacuation effectiveness and the population at risk, which is associated with the estimated number of people remaining behind a levee after evacuation.

Mr. Barry pointed out that prior to Hurricane Katrina human life was not part of the equation when the USAC evaluated the kind of investment that would be made.

Mr. Varuso reiterated that the primary focus of the Levee Safety Program is public safety. He explained that the result after considering potential hydraulics, frequency of storms, likelihood of loading, past history and estimated future levee performance and consequences is plotted on a graph with a "y" axis for performance index and an "x" axis for consequences.

Mr. Varuso reviewed the points communicated by the LSAC:

- The relative risk for living behind a particular levee - The relative risk could be a lack of expected levee performance and/or the consequences.
- The priority of the levee for available Federal funding – This assists with the prioritizing of Federal funds nationwide for rehabilitating and raising levees. The reasons that cause a particular LSAC rating, as well as required remediation, will also be considered.
- The LSAC rating does not have a direct impact on:
  - O&M Inspection Ratings
  - Participation in the Rehabilitation and Inspection Program (RIP)
  - FEMA Accreditation

Mr. Varuso advised that there was a recent screening of the levee system on the east bank of the New Orleans area between the Bonnet Carre Spillway and the Industrial Canal. Since hurricane protection and river systems were involved, as well as three different local sponsors, six screenings were performed. He reviewed the screening of the hurricane protection levees in the East Jefferson Levee District. In this case, essentially, 95 to 98 percent of the factors going into the LSAC ratings were a function of consequences (population and infrastructure at risk for flooding) and between two and four percent related to the performance of the levees. There is a high degree of certainty in performance prior to overtopping because of the repairs performed after Hurricane Katrina and the performance during Hurricanes Gustav and Ike. The LST LSAC range was 1 to 3 and the LSOG (Levee Screening Oversight Group) recommendation was 3 or 4 prior to overtopping. However, the overtopping event governed the LSAC rating. There is a greater chance of inundation in an event greater than the 200-year event. The LST LSAC range was still 1 to 3; however, the LSOG LSAC recommendation is 2. He reiterated that the LST is still being developed; therefore, the LSAC rating at this point is not final.

Mr. Jackson applauded the USACE's efforts to incorporate the consequences of failure in its evaluations. He pointed out the importance of the SLFPA-E being informed about the evaluations as they are completed and the priorities on the various levee segments. Mr. Varuso noted that tools such as the ones being discussed in the presentation provide an opportunity to go to Congress and request the funding that is needed. He stated that the USACE wants to keep an open dialog through the process and as the LST is improved over time. There will be a better grasp of the meanings of the LSAC ratings as more levees are screened in the Federal portfolio.

Mr. Turner pointed out that the LST will enable the communication of risks to the general population living behind a levee. He inquired about the USACE's dissemination of information to the general public. Mr. Varuso explained that the USACE will provide briefs to local sponsors as more screenings are completed and will move into the development of communication plans. The USACE wants to work with the State and local sponsors on the dissemination of information to the public.

Mr. Kemp asked about the role of personnel performance in the rating. Mr. Varuso responded that issues such as the frequency of O&M of floodgates by local sponsors,

proper storage of materials and the local sponsor's knowledge of the location of potentially required materials, and the age of O&M Manuals and whether the manuals are up-to-date are included in the performance index.

Mr. Varuso discussed how the system will be assessed. The assessment should shed light to the USACE, the State and local sponsors on any particular issue that would negatively affect the LSAC rating and that could be repaired. Each segment of the system will be screened separately and the LSAC rating for the overall system will be the worse rating within the system. The LSAC ratings are anticipated to become a part of the input into the National Levee Database, which will be open to the public.

## **2. Update on the Natural Resource Damage Assessment Process (NRDA).**

Drue Banta represents Garret Graves, the Governor's Advisor on Coastal Activities and Chairman of the Coastal Restoration and Protection Authority (CPRA), in the Natural Resource Damage Assessment (NRDA) process for the Deepwater Horizon Oil Spill.

Ms. Banta explained that the Deepwater Horizon Oil Spill started on April 20, 2010. Ten days later oil impacted the Plaquemines Parish shoreline. Oil spewed unchecked into the Gulf for 87 days and 4.9 million barrels of oil was discharged into the Gulf. Almost 50,000 responders and 9,700 vessels participated at the peak of the response. The well was permanently sealed in September, 2010. The NRDA Trustees began collecting data soon after the spill started and began meeting in July, 2010, to begin planning the damage assessment work. The response continues, however, the U.S. Coast Guard is making every effort to transition into legacy response. The State considers this transition inappropriate since Louisiana still has 23 miles of heavily and moderately oiled shoreline and because of the nature of the Louisiana coastline. A great amount of submerged oil must still be located. One point eight million gallons of dispersants were used. The oil dispersants were injected at the well head located 5,000 feet below the water's surface. The impact of using dispersants at this depth is not known at this time and is one of the issues being considered in the assessment process. At any given time Louisiana had 61 percent of the maximum shoreline oiling and 649 miles of shoreline oiling at the peak of the oiling. The total maximum shoreline oiling for Louisiana, Alabama, Mississippi and Florida was 1,072 miles. Fifty-three percent of the current sheening is located along the Louisiana coast.

Ms. Banta discussed responsible party liabilities. The Oil Pollution Act (OPA) of 1990 is the Federal law governing oil spill response, clean-up and the NRDA process. The Oil Spill Prevention and Response Act (OSPRA) of 1991 is the State law governing these efforts. The types of claims under OPA include response and removal costs, natural resource assessment, Clean Water Act fines, lost revenues, increased cost of public services, property damage, lost income and subsidence use. The Clean Water Act penalties against the responsible parties in the Deepwater Horizon Oil Spill, which are authorized per day and per barrel of oil discharged, could potentially result in billions of dollars to restore the Gulf coast. Current law directs that the penalties or fines go into the Oil Spill Liability Trust Fund. Several pieces of legislation are circulating around Washington, DC, to direct the fines to restoration of the Gulf coast. In addition, British Petroleum (BP) could buy down its fine liabilities by doing restoration projects.

Ms. Banta explained that the goal of NRDA is to make the environment and public whole for injuries to natural resources and services resulting from an oil spill. The Federal and State Trustees manage the process, represent the public interest and ensure the restoration of injured natural resources. The Trustees work together cooperatively as a council. The responsible parties are invited to participate in the cooperative process and the responsible parties and Trustees work together on the scientific studies. BP is the only responsible party that has come to the table to fund assessments. Trustees can also have studies done non-cooperatively, which are funded through the Oil Spill Liability Trust Fund.

Ms. Banta advised that the NRDA process has three stages: pre-assessment, injury assessment and restoration planning, and restoration implementation. The NRDA process is a legal process and pathway, and exposure and injury must be proven. The Trustees are studying a number of different species through a number of different resource groups. Over 30,000 data records have been collected. The data is sent to labs and is verified, analyzed and interpreted before being made public. Both BP and the Trustees must agree on the labs that are used. There are approximately 250 work plans (studies) being developed and implemented Gulf-wide to identify potential injuries to resources with 100 being Louisiana specific. Several rounds of public meetings concerning the NRDA process have been conducted and meetings are being held with Parish officials and the Governor's Oyster Advisory Committee.

Ms. Banta explained that on April 21, 2011, BP and the Trustees announced a one billion dollar down payment for NRDA. The down payment provides an opportunity to implement restoration projects prior to the completion of the assessment process. The One Billion Dollar Early Restoration Agreement allocates \$100 million to each of the five Gulf States for restoration projects, \$200 million to be split equally among the Federal Trustees and \$300 million to be used for state sponsored restoration projects. Louisiana will receive a minimum of \$100 million and could potentially receive between \$400 and \$600 million due to the impacts of the oil spill. A list of Louisiana Plan Projects was developed and submitted to the Trustee Council for approval after public comments were solicited. The 13 Louisiana Plan Projects (listed on a presentation slide) total approximately \$533.5 million and include projects for coastal restoration, an oyster cultch and hatchery and a salt water hatchery. Discussions are on-going with the Trustee Council and BP on the Louisiana Plan Projects. As soon as an agreement is reached, an Early Restoration Plan will be developed and presented for public comment.

### **3. Update on Coastal Projects in Louisiana.**

John Troutman with the Project Management Division of the CPRA advised that the presentation covers coastal restoration projects constructed between 2008 and 2011 and projects with bids awarded for construction in 2012 in the New Orleans Region. Mr. Troutman presented information and slides on the following projects:

- Goose Point – Pointe Platte Marsh Creation Project (north shore of Lake Pontchartrain) – Project construction was completed in February, 2009, benefitting 566 acres. The total project budget was \$20.8 million funded by the CWPPRA (Coastal Wetlands, Planning, Protection and Restoration Act) Program.

- Central Wetlands Assimilation Project – The goal of the project is the restoration of swamp habitat in the Central Wetlands unit by (1) controlling salinity through the distribution of treated effluent from Sewerage Treatment Plants to supply fresh water and nutrients, (2) increasing elevation with dredged materials and bio-solids from treatment plants, and (3) planting cypress. The larger project is still in design; however, a demonstration project commenced last week in the New Orleans unit. The total project budget for the demo project is \$10 million funded by CIAP (Coastal Impact Assistance Program).
- Lake Borgne Shoreline Protection Project – Project construction was completed in August, 2008. The rock-dike project provides 27,700 linear feet of protection with a total project budget of \$25.5 million funded through CWPPRA.
- Orleans Landbridge Shoreline Protection Project – The project is in construction and provides 50,000 linear feet of protection. The total project budget is \$41.9 million funded by CIAP dollars contributed by the State and Orleans Parish. Concrete debris from the old twin-span bridges is being beneficially used in the project.
- Lake Salvador Shoreline Protection Phase III Project – The project was completed in January, 2009, and provides 7,300 linear feet of protection. The total project budget was \$3.5 million funded by CIAP and contributions from St. Charles Parish (\$1.7 million).
- Jonathan Davis Wetland Restoration Project (Construction Unit 4) on the west side of the Barataria Waterway – The larger project has multiple phases and has been under construction for almost ten years. Construction of the Unit 4 project will be completed in November, 2011. The project provides 17,500 linear feet of shoreline protection with a total project budget of \$28.9 million funded through CWPPRA. The project includes rock structures, concrete walls and closure structures.
- Barataria Basin Landbridge Shoreline Protection Project – The protracted construction of the larger project with numerous phases and construction units is at least 10 years. The last construction units (seven and eight) will go into construction early next year. The total project provides approximately 117,000 linear feet of protection with a total project budget of \$94.8 million funded through CWPPRA.
- Dedicated Dredging on the Barataria Basin Landbridge – The project was completed in March of 2010 benefitting 2,824 acres with total project budget of \$36.6 million. The project originally started as a CWPPRA project (\$15.9 million), but was expanded with funding by CIAP (\$18 million) and surplus State dollars (\$2.4 million).
- South shore of the Pen Shoreline Protection and Marsh Creation Project – The project is in construction and will benefit 211 acres. Some issues are being experienced at this time with the constructability of the containment. The construction budget is \$22.8 million funded through CRPPRA.
- Mississippi River Sediment Delivery System at Bayou Dupont – This is the first CWPPRA project to mine sediment from the Mississippi River specifically for restoration. Construction was completed in March, 2011, benefitting 577 acres. The total project budget was \$31.6 million funded through CPRRA and ARRA (American

Recovery Reinvestment Act). The pipeline conduit was left in place for potential future projects.

- Fringe Marsh Repair (Plaquemines Parish) – The goal of the project is to protect levees exposed to open water. The marsh repairs will take place in eight locations in Plaquemines Parish. The source of sediments is from maintenance dredging of marinas and pump stations to create marsh adjacent to the levee toe. The project will create approximately 100 acres and will nourish 200 acres of additional marsh. Construction is estimated to begin in early 2012. The total project budget is \$8.7 million funded through CIAP (\$6.4 million Plaquemines Parish and \$2.3 million State dollars).
- Pass Chaland to Grand Bayou Pass Barrier Shoreline Restoration Project – Construction was completed in July, 2009, creating dune on the beach front and back barrier marsh. The total project budget was \$37.3 million funded through CWPPRA and benefitted 263 acres. The project included sand fencing and the planting of native vegetation.
- East Grand Terre Island Restoration Project – Construction of the project was completed in November, 2010, benefitting 620 acres. The total project budget was \$31 million funded through CIAP (\$21 million), Plaquemines Parish CIAP (\$6 million) and State surplus dollars (\$4 million).
- Pelican Island (Phase 1) Project – The project to add dune to the beach front and back barrier marsh is currently in construction. The total project budget is \$29.8 million funded through CWPPRA. The project will benefit 578 acres.

### **PUBLIC COMMENTS:**

Craig Berthold, a resident along the 17<sup>th</sup> Street Canal, commented that the Board needs to spend more time on coastal restoration rather than on issues such as the toe plus 6-ft. He stated that the solution is for the Authority to recognize the creation of a new servitude along the 17<sup>th</sup> Street Canal in 2008. In addition, the residents along the 17<sup>th</sup> Street Canal cannot move forward as long as the issue of the 15-ft. zone adjacent to the levee remains open.

Roy Arrigo, a resident along the 17<sup>th</sup> Street Canal, commented that the Commissioners who voted to take the property along the 17<sup>th</sup> Street Canal in 2008 did so upon the advice of their attorneys. He stated that the attorneys want to hide their interpretation of the amendment to R.S. 38:225 in executive session; however, this would be violation of the open meetings law. He commented on the Legislature's amendment of R.S. 38:225, the misinterpretation of this change in the law by the SLFPA-E's attorneys and that the amendment took property rights away from the property owners. He commented on the Board's need to obtain good legal advice.

Warren Nolan, a resident along the 17<sup>th</sup> Street Canal, commented that issues such as permits and zoning were supposed to have been settled; however, the new legislative act places the residents in the same position. He asked that the Board look more thoroughly into the meaning of this change in the law, take a position on its legal obligation under the new law and inform the residents. He pointed out that this law

affects property statewide and that it does not provide parameters on the toe of the levee. This issue leaves property owners open to a tremendous unknown quantity that will affect the value of the property and possibility of obtaining new building permits.

Mr. Doody informed everyone that the Board will be briefed in executive session at its next meeting by a representative from the Attorney General's Office on the change in the law as it relates to outstanding and potential future litigation.

Sellers Meric, a resident along the 17<sup>th</sup> Street Canal, stated that he has the same concerns as Mr. Nolan. He expressed concern about how the change in the law will affect an accessory building located at the rear of his property. He added that the Orleans Levee District advised him in 2008 that there would not be a problem with the building.

Stradford Goins reminded the Board about the question that he asked at a prior meeting concerning a potential conflict between the USACE's placement of gates in the outfall canals and State law. He also inquired about the question he previously brought up at a prior meeting relative to the Bayou Dupre gate. Mr. Turner responded that the SLFPA-E tasked Halcrow, Inc. with Fenstermaker as its subcontractor for the structural review of the Bayou Dupre Control Structure (LPV 144) gate leaf. Halcrow/Fenstermaker reported that they did not find any specific problems, but noted that the three-dimensional frame in the STAAD program did not include the eccentricity for one of the members. The consultants performed some rough calculations and advised that they did not consider it to be a problem; however, they wanted to obtain additional information from the USACE. The USACE went to their designer of record and provided hand calculations, which were sent to Fenstermaker for further review. The USACE advised that if the calculations did not satisfy the SLFPA-E's concern, they would have their consultant re-run the entire 3-D frame analysis at a cost of about \$25,000. He discussed the issue of vibrations that are being experienced when the gate is exercised and advised that the USACE is investigating this issue.

John Koefler, representing the Holy Cross Neighborhood Association, expressed concern about the capacity of the Industrial Canal to hold water in the event of a slow moving storm with heavy rainfall and about whether the USACE has formally analyzed this issue, as well as the impact of climate change on the levees in this area. He commented that before the levee system is accepted by the State and the Authority that the USACE should be required to perform this study.

Mr. Doody explained that he received an e-mail from Mr. Koefler concerning this issue and that he had discussed it with Mr. Turner and Mr. Barnes. This basin will be cut off when the IHNC surge barrier and Seabrook Complex gates are closed when the water elevation reaches +3-ft. and rising. The issue concerns rainfall and water pumped into the basin after the floodgates are closed. Mr. Barnes had advised that the greatest estimated rainfall would only add approximately one foot of water in the basin. At some point the Sewerage and Water Board's pumps become inefficient and cannot fill up the basin beyond an eight-foot level. The system is designed to accommodate overtopping for a 100-year event with the addition of rainfall and pumped water. Mr. Jackson pointed out that the SLFPA-E questioned the USACE about this issue on several occasions. Mr. Turner advised that the USACE provided information on a 500-year

surge event with a ten-year rain event, which would produce a water surface elevation of +10-ft. Mr. Doody requested that Mr. Turner obtain formal calculations that could be produced to the Board.

Mr. Doody called for a recess for lunch at 1:05 p.m.

The Board reconvened at 1:45 p.m. and the meeting was called back to order.

### **COMMITTEE REPORTS:**

**Finance Committee:** Mr. Estopinal reported that the Finance Committee met on November 3<sup>rd</sup> and that the items discussed by the Committee have been placed on the Board agenda for approval.

**Operations Committee:** Mr. Wittie reported that the Operations Committee met on November 3<sup>rd</sup>. The Committee discussed and recommended for approval an Intergovernmental Agreement between the Lake Borgne Basin Levee District and St. Bernard Parish relative to the repair and cleaning of culverts in the Guichard Canal and the advertisement of a Request for Qualifications for professional services for the removal of an abandoned floodgate.

**Legal Committee:** Mr. Barry advised that the Legal Committee did not meet in the month of November. An item to approve legal invoices is included on the Board agenda.

**Engineering Advisory Committee:** Mr. Jackson reported that the Engineering Advisory Committee met on November 3<sup>rd</sup>. The Committee discussed the subject of rights-of-ways in the three levee districts. Mr. Turner is establishing a task force to develop a prioritized inventory of rights-of-ways starting with the East Jefferson Levee District and proceeding next to the Lake Borgne Basin Levee District.

**CRPA/Governmental Affairs:** Mr. Barry advised that he has met with members of Congress and the Administration concerning the IHNC surge barrier O&M issue. Mr. Barry met on Monday with the Associate Director of the Office of Management and Budget (OMB) and has three meetings scheduled with people in the White House. He explained that there is confidence that there is strong support and no opposition in the Congress concerning payment for the O&M for the IHNC surge barrier. However, the earmark problem must be faced, unless the proposal is made by the Administration. Therefore, if OMB approves paying for the surge barrier O&M and the Administration proposes it, there is confidence that this issue will proceed through the Congress. He explained that the gates are not only holes in the flood protection system for navigation purposes, but that the GIWW is an artificial waterway that was built by the Federal government for national security purposes historically to protect the shipping industry.

Mr. Barry reported that the CPRA met yesterday and that two of today's presentations had been provided to the CPRA. The CPRA also received a presentation on the State Master Plan. Mr. Barry showed several slides from the presentation that demonstrated the projected impact of a proposed major diversion at Caernarvon. Water flow through the diversion would vary depending on the stage of the Mississippi River. The diversion



would operate at capacity when the Mississippi River exceeds 90,000 cfs. Projections of the area for the years 2015, 2035 and 2060 were shown with and without the proposed diversion project.

**Coastal Advisory Committee:** Mr. Kemp advised that the Coastal Advisory Committee did not meet in the month of November. A resolution was drafted for the Board's consideration on the Modified Charleston Method that incorporated comments from Committee members. Carlton Dufrechou, who is a member of the Committee, is attending the Framework Development Team meeting on behalf of the SLFPA-E. The Framework Development Team is developing input for the Master Plan process.

### **REGIONAL DIRECTOR'S REPORT:**

A copy of the Regional Director's Report is appended to the minutes. Mr. Turner called the Board's attention to the following items:

- Seabrook Structure – Some of the cast bearings for the sector gate leafs failed inspection and are being recast. Therefore, the project is not expected to be completed until July of 2012. The USACE has discussed having the contractor accelerate completion of the project; however, an additional cost would be incurred.
- IHNC surge barrier gates – Training will begin in March, 2012.
- Armoring – The Project Description Document (PDD) was drafted by Task Force Hope and provided to the non-federal sponsor. The CPRA and the SLFPA-E provided comments to the USACE on the PDD and are awaiting a response. It is not known at this time when the PDD will be submitted to the Mississippi Valley Division. The first armoring project will be done on a section of levee in St Charles Parish between the Bonnet Carre Spillway and the Airport. The 95 percent design plans and specifications for the project are being reviewed by the SLFPA-E. The first contract will include a single contractor that will supply and install the High Performance Turf Reinforcement Mat (HPTRM) and the grass. Language concerning warranties will be included in the contract.
- IHNC floodwalls – The SLFPA-E has concerns about the U.S. Coast Guard's Regulated Navigation Area (RNA) and the fact that the USACE removed the barge impact load requirements for the design of the structures, which places this area in a higher than acceptable risk. This issue has been discussed with the USACE. The SLFPA-E and USACE will bring this issue up at the Coast Guard meeting scheduled for December 6<sup>th</sup>. The SLFPA-E suggested to the USACE that they formulate a plan with the U.S. Coast Guard that includes contingencies for dealing with navigation interests that do not follow the Coast Guard's rules and regulations.
- Permanent Pump Stations –The company that was originally awarded the contract for the project is now filing suit because the USACE is allowing proposals to be resubmitted.
- FEMA Levee System Accreditation – Currently, there are 20 perimeter contracts and 17 interior levee contracts at risk of not meeting the accreditation deadline. The USACE is discussing the acceleration of these projects; however, this will involve additional costs. Thirty-five percent of the costs will be borne by the non-federal sponsor.

- Outfall Canal Remediation – A section of I-wall along the Orleans Avenue Canal is still under review based upon the new Engineering Technical Letter (ETL). The USACE has not reached a decision on a section where the stick-up does not meet the 4-ft. maximum height requirements.
- LPV 106 Citrus Lakefront (Hayne Boulevard) Levee – The splash pad adjacent to the two-ft. high I-wall along the top of the levee is being used by the public for biking and walking. The USACE agreed to install a 2-ft. high vinyl coated chain link fence along the I-wall for safety purposes.
- O&M Issues – Two internal work groups have been formed to deal with (1) general O&M throughout the system and (2) the IHNC surge barrier and navigations gates. A Request for Qualifications (RFQ) has been issued for professional services to assist the work group and develop plans for the IHNC surge barrier system.
- Inventory of Rights-of-Ways – A spreadsheet has been developed and distributed to the levee districts for completion. The information will be converted into a usable drawing format for input into a GIS system. The Department of Transportation and Development (DOTD) will provide assistance by attempting to locate drawings that may be missing once the spreadsheet is developed.

#### **RESOLUTION NO. 11-17-11-04 – MODIFIED CHARLESTON METHOD**

Mr. Doody explained that issues relative to the use of the Modified Charleston Method were discussed at the Board's last meeting. One of the comments made by the Association of Levee Boards of Louisiana was that mitigation required for projects that protect the public should be softened or lessened. Mr. Kemp advised that the proposed resolution on the table covers the issues that had been identified.

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) is mandated under the constitution and statutes of the State of Louisiana to improve the regionally integrated hurricane and flood protection system that it plans, manages, operates and maintains; and

**WHEREAS**, that system relies on the use of structures, such as levees, floodwalls, floodgates and surge barriers, as well as non-structural methods that include the protection and restoration of wetlands, marshes, barrier islands and other natural features that help reduce storm surge and waves; and

**WHEREAS**, rising sea levels and the extreme impact of subsidence are continuing to cause rapid loss of coastal wetlands and barrier islands in the lower Mississippi Delta and make our mission more urgent than ever; and

**WHEREAS**, compensatory mitigation is required when there are unavoidable impacts to wetlands, even when those impacts result from Louisiana levee districts acting to fulfill their mission, under state and federal law, to reduce the risk of flooding; and

**WHEREAS**, effective May 1, 2011, the US Army Corps of Engineers, Mississippi Valley Division New Orleans District (MVN), adopted a new method of determining

compensatory mitigation called the Modified Charleston Method (MCM), and has recently called for public comments on the MCM through October 25, 2011; and

**WHEREAS**, the SLFPA-E agrees with the stated intent of adopting what we believe is a more accurate and consistent method of calculating required mitigation, as compared to the previous methodology; and

**WHEREAS**, adoption of the MCM by the MVN could, in some cases, greatly increase the cost to mitigate for unavoidable damage to wetlands caused by building or modifying vital flood control projects.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East makes clear that it acknowledges that avoiding damage to fragile wetlands is always one of the first and most important steps of the planning process.

**BE IT FURTHER RESOLVED**, that the SLFPA-E requests that the MVN, in a spirit of shared commitment to reducing flood risks, revisit and review the ratios and calculations used in the MCM to confirm that they are correct and appropriate, and do not unnecessarily increase costs for needed flood protection projects that reduce risks for our citizens and their communities, businesses and infrastructure.

**BE IT FURTHER RESOLVED**, that the Commissioners and staff of the SLFPA-E are ready and willing to participate in such a review with the MVN, the New Orleans District, and other levee districts in the State, the Association of Levee Boards of Louisiana, and other parties interested in seeing that neither critical protection projects nor critical wetlands be unduly sacrificed, one to the other, in order to further reduce flood risks.

**BE IT FURTHER RESOLVED**, that the SLFPA-E submits that where wetland losses associated with a flood protection project cannot be avoided, those losses ought to be mitigated within the same coastal basin.

**BE IT FURTHER RESOLVED**, that the SLFPA-E supports aggregating smaller, individual mitigation efforts into larger compatible projects to provide greater protection from surge and waves for the levee or other structure being mitigated.

**BE IT FURTHER RESOLVED**, that the SLFPA-E opposes any changes in methodology or interpretation of MCM provisions that would require compensatory mitigation for Louisiana Coastal Master Plan projects with a primary purpose to build or restore wetlands.

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

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

NAYS: None

ABSENT: Mr. Losonsky and Mr. Pineda

**RESOLUTION NO. 11-17-11-05 –  
COOPERATIVE ENDEAVOR AGREEMENT BETWEEN EJLD AND OLD**

Mr. Doody explained that the Cooperative Endeavor Agreement (CEA) would allow the East Jefferson Levee District's (EJLD) Police Chief, Robert Gardner, to assist the Orleans Levee District (O.L.D.) Police Department as Acting Chief of Police subject to

the terms and conditions of the CEA between the two levee districts. An act passed by the Louisiana Legislature in the last session requires the O.L.D. Flood Protection Division to maintain a police force of 24 officers. A retirement package was offered to qualifying O.L.D. police officers in order to reduce the number of officers to 24. Seven members of the police force, including the Police Chief, took advantage of the offer. Mr. Gardner has the ability to supervise the O.L.D. Police force, in addition to the EJLD police force of 22 officers. The O.L.D. will pay the EJLD for the use of Mr. Gardner's services. The CEA allows efficient and economic use of personnel; however, the long term solution is the creation of a position of Superintendent with the Authority. At this time the SLFPA-E cannot legally employ police personnel; therefore, a change to the appropriate statute must be requested in order to create the position. Mr. Gardner is currently assisting the O.L.D. Executive Director with establishing a reserve police force.

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East is the governing authority of East Jefferson Levee District ("EJLD") and Orleans Levee District ("OLD"); and

**WHEREAS**, Louisiana Revised Statute 38:330 expressly provides that two contiguous levee district may enter into cooperative endeavor agreements for the joint use of personnel; and

**WHEREAS**, the Louisiana Legislature has mandated in Louisiana Revised Statute 38:330.8(B)(2)(e)(ii) that the OLD maintain a police force of twenty-four officers; and

**WHEREAS**, the chief of the OLD Police Department has retired, so it is in need of a police chief to manage the day-to-day operations of the Police Department; and

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East attempts to make the best use of available personnel; and

**WHEREAS**, EJLD has a competent police chief who is capable of administering the OLD Police Department on a part-time basis without disrupting the smooth operations of the EJLD Police Department; and

**WHEREAS**, such an arrangement would be economically beneficial to the taxpayers of both the EJLD and OLD.

**BE IT HEREBY RESOLVED**, that the EJLD Chief of Police, Robert Garner, is assigned to assist OLD in administering its Police Department as acting Chief of Police subject to the terms and conditions of the Cooperative Endeavor Agreement between the two levee districts.

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

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

NAYS: None

ABSENT: Mr. Losonsky and Mr. Pineda

## **RESOLUTION NO. 11-17-11-06 – APPROVAL OF LEGAL INVOICES**

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

**WHEREAS**, the legal invoices submitted to the Southeast Louisiana Flood Protection Authority-East (SLFPA-E), East Jefferson Levee District, Lake Borgne Basin Levee District and Orleans Levee District listed on the spreadsheet entitled “Legal Invoices Approved on November 17, 2011”, 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 November 17, 2011” 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. Kemp and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky and Mr. Pineda

## **RESOLUTION NO. 11-17-11-07 – EJLD EQUIPMENT PURCHASE**

It was pointed out that the purchase of this equipment was discussed and recommended by the Finance Committee.

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

**WHEREAS**, by Resolution No. 03-17-11-10, the Southeast Louisiana Flood Protection Authority-East approved the Fiscal Year (FY) 2012 East Jefferson Levee District (EJLD) General Operating Budget; and

**WHEREAS**, the EJLD is need of a Kubota RTV Utility Vehicle, which can be purchased through State contract at a cost of \$13,747.60; and

**WHEREAS**, the aforementioned equipment was not included in the approved FY 2012 Budget and funding for said equipment is available from unobligated funds remaining in the Budget.

**BE IT HEREBY RESOLVED**, that the purchase by the EJLD of a Kubota RTV Utility Vehicle is hereby approved.

**BE IT FURTHER RESOLVED**, that the EJLD Executive Director 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. Kemp and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky and Mr. Pineda

**RESOLUTION NO. 11-17-11-08 --**  
**EJLD LAKESHORE LINEAR PARK EROSION PROTECTION PROJECT**

Fran Campbell, EJLD Executive Director, explained that the contractor constructing the Lakeshore Linear Park Erosion Protection Project will need approximately 12 percent more rock to complete the project. The additional rock is roughly estimated to cost \$750,000. The EJLD is working with FEMA to cover this additional cost. FEMA understood that the project was being built to a specific design and that subsidence would occur as the rock was being placed. The EJLD will pay the cost of the additional rock prior to receiving an obligation from FEMA so that the contract can be completed without interruption. Should FEMA not approve the additional cost, it will be borne by the EJLD. In order to ensure that there is no interruption in the project prior to its completion, Mr. Jackson recommended that the Board authorize a change order for the additional rock at a cost not-to-exceed \$800,000.

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority - East authorized the award of a contract to Hill Brothers Construction Company, Inc., in the amount of \$11,322,107.50 for the FEMA Lakeshore Linear Park Erosion Protection Project; and

**WHEREAS**, an estimate of the amount of rock required for construction to the project design was provided in the specifications and contract; and

**WHEREAS**, due to subsidence and other factors, additional rock will be required to complete the project; and

**WHEREAS**, the additional cost for the aforementioned rock is estimated to not exceed \$800,000.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) approves the issuance of a Contract Change Order in an amount not-to-exceed \$800,000 for the additional rock required to complete the Lakeshore Linear Park Erosion Protection Project.

**BE IT FURTHER RESOLVED**, that the SLFPA-E Regional Director and/or East Jefferson Levee District Executive Director are 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. Kemp and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky and Mr. Pineda

**RESOLUTION NO. 11-17-11-09 – INTERGOVERNMENTAL AGREEMENT  
BETWEEN LBBLD AND SBPG REGARDING FEMA FIRE STATION #3  
REPLACEMENT PROJECT; SBPG PW #3821**

Stuart Williamson, LBBLD Executive Director, advised that the Intergovernmental Agreement allows St. Bernard Parish to represent the LBBLD as the FEMA applicant. Mr. Doody added that the agreement was discussed and recommended by the Operations Committee.

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

**WHEREAS**, the Intergovernmental Agreement (Agreement) between Lake Borgne Basin Levee District (LBBLD) and St. Bernard Parish Government (SBPG) will allow SBPG to represent LBBLD as an applicant to FEMA for the purposes of video inspection, cleaning and/or repairing Katrina storm damage to concrete drainage culverts on the West side of SBPG's new FEMA Fire Station #3 Replacement Project; and

**WHEREAS**, said culverts are three (3) 72" diameter pipes that run in a Northerly direction from approximately Livingston Drive to West Judge Perez Drive in what is commonly known as the Guichard Canal, and said culverts currently exist in a drainage Right-of-Way owned by and/or maintained by LBBLD; and

**WHEREAS**, the Agreement will allow SBPG to receive eligible FEMA funding to video inspect, clean and/or repair Katrina storm damage to said culverts; and

**WHEREAS**, the eligible FEMA funding shall be captured in SBPG existing PW #3821 and expended in accordance with FEMA's eligibility determination; and

**WHEREAS**, the Agreement is contingent on LBBLD's issuance of appropriate permitting and providing necessary inspections and acceptance of complete repairs; and

**WHEREAS**, said permitting shall be contingent on the LBBLD being provided with the required hold harmless Agreement and a certificate(s) of insurance for all entities, contractors/subcontractors, working on the project; and

**WHEREAS**, the Agreement will allow timely video inspection, cleaning and/or repair of Katrina storm damage to said culverts; and

**WHEREAS**, said culvert work in turn will allow SBPG to obtain the necessary permits to complete its site work, including, but not limited to, completion of the parking lot for Fire Station #3 thereby minimizing the potential for underground culvert and drainage work being done thereafter, which in turn could jeopardize the timely completion and use of the aforementioned parking lot and Fire Station #3 in general; and

**WHEREAS**, the Agreement will allow SBPG, or its representatives, to provide engineering design and procurement of the identified scope of work and to oversee/inspect the repairs; and

**WHEREAS**, LBBLD shall not be responsible for any costs incurred outside FEMA's eligibility determination for engineering, design, construction, oversight or inspection on this project.

**BE IT HEREBY RESOLVED**, that the LBBLD Executive Director is authorized to execute the aforementioned Intergovernmental Agreement with St. Bernard Parish Government.

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

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

NAYS: None

ABSENT: Mr. Losonsky and Mr. Pineda

**RESOLUTION NO. 11-17-11-10 – LBBLD – REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ENGINEERING SERVICES**

Mr. Doody advised that the request to issue a Request for Qualifications was reviewed and recommended by the Operations Committee.

On the motion of Mr. Wittie,

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

**WHEREAS**, in connection with its FEMA PW #19699, the Lake Borgne Basin Levee District (LBBLD) wishes to advertise and issue a Request for Qualifications (RFQ) for Professional Engineering Services to Prepare Plans & Specifications to Remove an Abandoned Flood Control Facility (Flood Gate #9) and Backfill with Suitable Material on 40 Arpent Canal Levee in St. Bernard Parish, LA.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority – East does hereby authorize the LBBLD to advertise and issue a Request for Qualifications (RFQ) for Professional Engineering Services to Prepare Plans & Specifications to Remove an Abandoned Flood Control Facility (Flood Gate #9) and Backfill with Suitable Material on the 40 Arpent Canal Levee in St. Bernard Parish, LA.

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

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

NAYS: None

ABSENT: Mr. Losonsky and Mr. Pineda

The next regular monthly meeting will be held on December 15, 2011 and hosted by the LBBLD.

There was no further business; therefore, the meeting was adjourned at 2:35 p.m.



# ORLEANS LEVEE DISTRICT

## COMPUTATION OF ADJUSTED PROPERTY TAX MILLAGE FOR TAX YEAR 2012

	<u><i>East Bank Orleans</i></u>	
	<u>(dollars)</u>	<u>(mills)</u>
2011 Taxable Property Value as Provided by the Board of Review	2,766,725,610	
The 2011 Tax Base for the East Bank of New Orleans (excluding	<u>(213,422,200)</u>	
\$213,422,195, the value of Fifth District property)	2,553,303,410	
2012 Taxable Property Value as Provided by the Board of Review	2,863,463,847	
City of New Orleans, November 1, 2011, <b>Less Fifth District.</b>	<u>(231,604,720)</u>	
Less: Value of Property on the tax rolls for the first time in 2012		
as reported by Assessor ( East Bank \$11,247,680, net of \$966,930	(12,214,610)	
in first time property for District Five).	<u>966,930</u>	
<b>2012 adjusted taxable property values / tax base (East Bank)</b>	<u>2,620,611,447</u>	
<b><u>CONSTITUTIONAL TAX</u></b>		
<b>2011 TAX LEVY</b>	<b>0.00546</b>	<b>5.46</b>
2011 Tax Base	2,553,303,410	
Multiplied by the Authorized Millage for 2011 <b>Constitutional Tax</b>		
2011 Tax Levy	<u>13,941,037</u>	
<b>Adjusted Millage for 2012, Constitutional</b>		
Tax Levy for 2011	13,941,037	
Divided by Adjusted Taxable Property Value for 2012	<u>2,620,611,447</u>	
<u>Adjusted millage for 2012 -- <b>Constitutional Tax</b></u>	<u><b>0.00532</b></u>	<b>5.32</b>
<b><u>SPECIAL LEVEE IMPROVEMENT TAX (SLIP)</u></b>		
<b>2011 TAX LEVY</b>	<b>0.00546</b>	<b>5.46</b>
2011 Tax Base	2,553,303,410	
Multiplied by the Authorized Millage for 2011 <b>SLIP Tax</b>		
2011 Tax Levy	<u>13,941,037</u>	
<b>Adjusted Millage for 2012, SLIP</b>		
Tax Levy for 2011	13,941,037	
Divided by Adjusted Taxable Property Value for 2012	<u>2,620,611,447</u>	
<u>Adjusted millage for 2012 -- <b>SLIP Tax</b></u>	<u><b>0.00532</b></u>	<b>5.32</b>
<b><u>MAINTENANCE TAX (SLIP)</u></b>		
<b>2011 TAX LEVY</b>	<b>0.00075</b>	<b>0.75</b>
2011 Tax Base	2,553,303,410	
Multiplied by the Authorized Millage for 2011 <b>Maintenance Tax</b>		
2011 Tax Levy	<u>1,914,978</u>	

**Adjusted Millage for 2012, Maintenance**

Tax Levy for 2011

1,914,978

Divided by Adjusted Taxable Property Value for 2012

2,620,611,447

Adjusted millage for 2012 -- **Maintenance Tax**

**0.00073**

**0.73**

**Total 2011 MILLAGE ASSESSED**

**0.01167**

**11.67**

**TOTAL ADJUSTED MILLAGE**

**0.01137**

**11.37**

*Prepared by Orleans Levee District Finance*

*10-Nov-11*

# SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

## REGIONAL DIRECTOR'S REPORT

November 17, 2011

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

#### IHNC 01- Seabrook Structure:

The Seabrook Project is approximately 51% complete.

All tie-in T-Wall monoliths are complete. The sector gate foundation is complete. Rebar is currently being placed for the vertical lift gate piers. Concrete for all four lift gate piers will be placed up to elevation +37' by November 16, 2011 (final elevation is +54'). Sector-gate leafs are 35% complete. The steel vertical lift gates are in fabrication (90% complete) and are scheduled to be delivered to the site in December 2011.

The railroad floodgate originally included in the LPV104.02A Project has been constructed under the IHNC-01 Project, and all work on the gate is now complete. The gate has been exercised for the Orleans Levee District. The gate will not be turned over to the NFS for OMRR&R until the entire IHNC-01 Project is complete.

Four of the ten cast bearings for the sector gate leafs failed inspection and are being recast. The contractor will also cast two additional gearings for spares. Recasting will delay completion of construction for up 23 weeks. Construction on the Project is now scheduled for completion by July of 2012.

A temporary irrigation system has been installed for placement of sod.

The IHNC is completely closed to navigation at the Seabrook construction site.

#### IHNC 02 - Inner Harbor Navigation Canal Hurricane Storm Surge Barrier:

The Contractor continues to make good progress. Overall design is almost 100% complete. Major construction activities are about 90% complete. The Floodwalls and T-Walls in this project are complete. The bypass gate is open to navigation while work continues on the sector gate. A "Red Zone" inspection is scheduled for December 6, 2011.

All stand-by materials, equipment and vessels needed for emergency closure of the barge gate for the 2011 hurricane season have been demobilized.

Work continues on placing the filter fabric and stone along the protected side of the surge barrier. Work is approximately 95% complete on scour stone placement. They

are 50% complete in placing sand that was scoured from flood side during construction on the MRGO closure.

Concrete placement has been completed at both the north and south control houses on the GIWW sector gate.

The Contractor has set the Hydraulic Power Units in the control houses, piped the hydraulic lines to the cylinder location, and tested the hydraulic lines. The hydraulic cylinders are set and the gates are being adjusted.

The final mechanical systems for the barge gate are still a work in progress. The barge gate subcontractor is demobilized now and will re-mobilize on site in mid November 2011 to start the barge mechanical work.

All of the approach wall piles have been driven at the Bayou Bienvenue lift gate structure. The GIWW sector gate approach wall steel and concrete piles are nearly fabricated.

The fabrication and painting of the Bayou Bienvenue lift gate steel towers and vehicular bridge is 97% complete. They will be delivered to the site by the end of November 2011.

The Bayou Bienvenue lift gate structure control house slab has been completed.

The site wide electrical contractor is running the 1" and 2" conduits and pulling wire from the GIWW to Bayou Bienvenue.

O&M manuals are under development and onsite training for the NFS is scheduled to begin in March 2012.

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

#### Reaches 1 thru 5:

The Work is substantially complete. Turf establishment issues still remain. The vegetation contractor has started work on turf establishment. Reaches 1, 3 and 4 have been spot seeded and the entire Levee Reach was fertilized. Reach 2 was cut, seeded and fertilized completely. Final Inspections on Reaches 1 and 5 were completed in late August and early September. An additional Final Inspection for Reach 1 was held on November 9, 2011. The turf was acceptably established and the contractor was released from the project. However, there are still minor concerns by the East Jefferson Levee District and they are not willing to accept the project until the spring when another inspection will be held. Reach's 2, 3 and 4 still have turf establishment issues and Final Inspections are pending. The USACE has modified contracts to address East Jefferson Levee District's concerns with access ramps in all Reaches.

Bonnabel Breakwater Project:

The Notice of Construction Complete Letter for this Project was transmitted by the USACE to CPRA and copied to EJLD on November 12, 2010.

Duncan Breakwater Project:

The Notice of Construction Complete Letter for this Project was transmitted by the USACE to CPRA and copied to EJLD on February 2, 2011.

Williams Blvd. Floodwall and Gate:

Work is substantially complete. The original final inspection was held on January 24, 2011. The USACE transmitted the final punch list and the Contractor is addressing the punch list items. Final Inspection is scheduled for entire project on Monday November 28, 2011.

Bonnabel Floodwall and Gate:

Work is substantially complete. The original final inspection was held on December 20, 2010. Turf establishment issues remain. The gate failed paint inspection and had to be repainted. Roadway striping needs to be redone. The contractor has completed the bolt torque modification. Final Inspection is scheduled for entire project on Monday November 28, 2011.

Pump Station Fronting Protection:

The Work is approximately 55% complete. Work is ongoing at Elmwood and Suburban Pump Stations and accompanying Breakwaters. Work has begun at Duncan and Bonnabel Pump Stations. The Contractor has installed interim measures at both Elmwood and Suburban Pump Stations to defend against a 100 year event.

LPV 017.2 (Causeway Crossing):

Causeway traffic has been rerouted onto a temporary roadway on the median for both northbound and southbound traffic. Contractor is scheduled to move Phase 2 southbound traffic to the new roadway on December 5, 2011 and northbound traffic in mid-January 2012. The contractor is continuing to work on NB and SB bridge spans as well as the Mainline T-wall. Pile driving for the project is approx. 66% complete. Work is approximately 58% complete.

West Return Levee/Floodwall - North:

Work is approximately 87% complete. H-Pile and Sheet pile operation is nearly complete. The contractor is continuing to work on concrete placement in work fronts 1, 4 and in the re-curve wall area. There are 10 base slabs and 68 wall sections remaining to be poured for the entire project. The contractor has begun demolition of the existing floodwall. The contractor is also working on placing rip rap and

constructing the turnaround platforms on the flood side of the new wall. There was a preliminary walkthrough of approx 60 monoliths held on November 9, 2011. A punch list was created during the meeting by the East Jefferson Levee District.

#### West Return Levee/Floodwall – South:

Work is approximately 84% complete. The Contractor has completed all pile driving for the project. All base slabs are complete and only two wall sections remain. These walls will be poured once all flood side work is complete. Contractor will continue hauling sand and clay embankment in the airport triangle area. Rip rap installation is complete. The contractor has begun demolition on the existing flood wall. The Red Zone Meeting is tentatively scheduled for December 21, 2011.

#### Foreshore Protection Reaches 1 and 2:

The Contractor is placing fabric; stone, sand and fill material. Work is approximately 74% complete. Work on Reach 2 has been completed and compliance surveys taken. The Contractor must add some additional clay and then begin seeding and mulching operations. Reach 1 is 67% complete. The contractor is continuing to place geotextile fabric, stone and sand. The Red Zone Meeting is tentatively scheduled for December 19, 2011.

#### Foreshore Protection Reaches 3 and 4:

Work is approximately 77% complete. The Contractor is continuing to place sand and fill on Reach 3. The fabric and stone has all been placed and only needs to be fine graded. There has been some compliance surveys taken on portions of Reach 3 and seeding and mulching has begun. The Contractor has also begun to place stone on Reach 4 and has brought in an additional rig to speed up production.

#### West Return Levee (Airport Runway):

The Contractor started on Phase II of the project on September 21, 2011, and is 89% complete with the overall project. The contractor has completed the excavation and placement of the reinforcement fabric, and is continuing to haul and place embankment from Willow Bend borrow pit. The electrical conduit bridge installed by the airports electrical contractor is only 16.56' at its peak height. The Contractor has proposed a design that raises the center of the bridge two feet, which gives the needed clearance for embankment. The electrical contractor now has to forward the proposed design to the FAA for an airspace study to determine if the raising of the bridge will violate airspace restrictions. There has still been no timeline on when this work will be completed. The entire levee has been raised to elevation 16.5' except under the electrical conduit bridge. The Red Zone Meeting is scheduled for November 18<sup>th</sup>.

## **Orleans Levee District:**

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

Construction is approximately 99% complete. All walls are complete and are painted. Retaining walls are being designed for the approaches to gate L-4.

The L-1A floodgate column is bowed and prevents proper sealing of the gate in the closed position. The Contractor is surveying the site and has presented a plan to the USACE to correct the deficiencies. The Corps is allowing the contractor to proceed with their proposed correction plan. Corrective action will be taken after 2011 Hurricane Season. The all gates with the exception of gate L-5 were exercised for the OLD on October 18, 2011. Adjustments are still necessary for flood gate L-5

### 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 all three Projects.

### LPV 103.01A1 (Bayou St. John):

Construction is now about 99% complete. The Punch List Resolution meeting was held on July 6, 2011. Turf issues still need to be addressed, along with safety and scour protection issues. Additional slope pavement has been added near the control structure. Final inspection will be scheduled after completion of all punch lists items.

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

Construction is approximately 99% complete. Lakeshore drive is now fully open to traffic. The final inspection is scheduled for December 12, 2011. The guard rail at the Lake Terrace floodgate has to be realigned pending OLD Non-Flood Division approval. Safety fence to be added at Rail Street floodwall

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

Construction is complete. All ramps are open to vehicular traffic. Turf establishment is still required at the Franklin Ave. and Canal Blvd. (salinity issues) ramps. The Contractor is working the punch list items. Turf establishment will be turned over to an IDIQ contractor after final inspection.

### LPV 104.02 (Seabrook West Side IHNC):

Construction is complete. The final inspection will be held on December 15, 2011. The Notice of Construction Completion (NCC) letter is being prepared by the USACE.

LPV 105.01 (Lakefront Airport T-Wall West):

Construction is complete. All lanes of traffic are open at Downman Rd. Final inspection is scheduled for December 14, 2011. The flood side of the T-Wall has been painted by the contractor. One street light and pole still have to be replaced. Guard rails at Downman Road are being corrected per LADOTD's direction.

LPV 105.02 (Lakefront Airport T-Wall East):

Construction is approximately 99% complete. All T-Wall monoliths are complete. Work is progressing on the discharge end of the St. Charles Drainage Pump Station. Turf establishment is ongoing. Exercising of valves and sluice gates for OLD will be scheduled after installation of the actuators. Pre-final inspection still needs to be rescheduled since the original pre-final inspection had too many problems. Concrete joints need to be redone and problems with the valve actuators must be resolved. The curb must be modified per LDOTD.

LPV 106 (Citrus Lakefront Levee):

Construction is approximately 98% complete. Turf needs to be established. Concrete slope pavement cracks must be repaired. A white paper authored by the USACE on "Crack Repair" is being finalized as it relates to inspections. Safety issues still need to be addressed. The type of "safety" device for installation on the top of the I-Wall will be a 2' high PVC coated chain link fence.

Ramps must be paved. Pre-final inspection still needs to be scheduled.

LPV 107 (Lincoln Beach Floodgate):

Construction is complete. Final inspection is scheduled for December 12, 2011. Gates need to be demonstrated to OLD personnel. The winch pedestal was repaired and other project pedestals also being reviewed for repairs.

LPV 108 (New Orleans East Lakefront Levee):

The Project is substantially complete. The USACE hired labor group is mowing the grass and correcting rill problems (flattening out). The access roadway has been removed, and is being seeded. Slope pavement at Collins pipeline crossing has been repaired.

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 complete. Grass is growing well in most areas due to irrigation. Acceptable turf still needs to be established on the protected side of Area 4. The T-Wall monoliths associated with the floodgate at HWY 90 and HWY 11 are complete and the floodgates are installed and have been exercised. HWY 90 and HWY 11 are open to traffic. All remaining work at four drainage structures and two



USFWS pump stations (except fencing) has been completed. The Punch List Resolution meeting is scheduled for November 22, 2011. Stations still must be tested for USFWS.

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

Construction is complete.

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

Construction is complete.

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

Construction is complete. I-10 traffic has been rerouted back to the normal lane configuration. Turf establishment issues remain. Final inspection was held on November 3, 2011. A few turf and rill issues still need to be addressed.

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):

Construction is complete. Final inspection was held on October 25, 2011. The flood side berm needs turf reestablished due to damage caused by debris washed up by Tropical Storm Lee. Some repainting is required. The gate was exercised for OLD. The allowable gap on gate seals is being reviewed by USACE Engineering.

LPV 111.01 (North Side GIWW):

The Project is complete. All T-Wall construction and Deep Soil Mixing work is complete. Turf establishment is over 80% complete. The Contractor has installed a temporary irrigation system to facilitate turf establishment. The area between the protected side toe and the access roadway require turf establishment. Rills still need to be repaired, and some repair is currently underway.

Pumps are being installed at USFWS Pump Station CTU #6. They will need to be operated for USFWS. All required levee crossings have been constructed.

Pre-final inspection was held on July 7, 2011 for Pump Station 15 and the adjacent T-Wall. New Orleans Sewerage and Water Board participated in the inspection of and the commissioning of Pump Station 15. The contractor is almost finished work on a contract modification involving additional items (mechanical and walkways). The temporary construction bridges have been removed from Maxent Canal.

The project punch list resolution meeting is scheduled for November 17, 2011. Turf and rills remain an outstanding issue.

LPV 113 (NASA):

Construction is complete. Pre-final inspection was conducted in the first week of October 2010. Corps in-house forces are repairing ruts and rills. Crown damage is being inspected.

OFC-03 London Ave. Canal:

The work is complete. A modification to the original contract has added 2100 linear feet of sheet pile and 630 linear feet of embankment to this Project, and this additional work has been completed. Turf still needs to be established. Final inspection is scheduled for November 15, 2011.

OFC-04A Orleans Canal:

The work is complete and punch list resolution meeting was held on September 28, 2011. Rill problems have been corrected.

Contractor will maintain grass through winter and re-establish turf as necessary.

OFC-05 17th Street Canal:

The work is complete. A punch list resolution meeting was held on October 12 and 13, 2011. The contractor will maintain grass through the winter and re-establish turf as necessary.

OFC-06 Orleans Canal:

The work is complete. The final inspection was held on August 9, 2011. The punch list was finalized and completed. The NCC letter is being prepared by the USACE.

LPV192.02bs Buttress Slab:

The scope of work includes installation of pre-stressed/precast concrete piles, placement of a buttress slab, structural backfill and stabilization slabs. The Work is 99% complete. Turf establishment issues still remain. The punch list meeting is scheduled for December 13, 2011.

LPV192.02 Berm:

USACE Memphis Hired Labor constructed this project (Phase 3). The Work is 99.7% complete. Turf establishment issues still remain. Hydro seeding is on-going. Final inspection is to be scheduled, pending successful turf establishment. Sod was placed but the project will not be released until March 2012.

### LPV192.03 Relief Wells

In Reach 2, the scope of work includes the installation of 12 new relief wells. In Reach 3, the scope of work includes the installation of 50 new relief wells, modification of 9 existing relief wells, and the installation of a subsurface collector line with cleanouts. The work is complete. Collector pipes are in place. Final inspection is scheduled for November 21, 2011.

### **Lake Borgne Basin Levee District:**

#### LPV 144 (Bayou Dupre Control Structure):

Overall, the Work is approximately 93% complete. The pre-inundation inspection was held on May 26, 2011. Bayou Dupre will be closed to navigation at the existing control structure until construction is complete. The pre fabricated control house and generator building are being renovated on site prior to acceptance. The generators and gates have been tested and inspections are ongoing. While exercising gates, excessive vibrations became evident. Divers will check for debris, but gates have sagged down. The structure may have to be dewatered to diagnose and repair any problems. The PDD on abandonment of the old Bayou Dupre structure is being revised by Corps.

#### 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 complete. The Punch List Resolution meeting is scheduled for November 17, 2011. The stabilization slab saw cutting modification has been completed. A white paper is being finalized by the USACE on structural importance of stabilization slabs. Soil testing is to be done on areas with poor turf establishment. Turf establishment is ongoing. The temporary construction access bridge at Bayou Bienvenue has been removed. The Project will be inspected on November 16, 2011. Flood wall access gates were opened on November 14, 2011 and will remain open until next hurricane season.

#### 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 100% complete. All wall monoliths are in place. The emergency by-pass ramp for LA HWY 46 has been completed and paved. Interim inspections of the T-Wall monoliths are complete. The final inspection was held on August 23, 2011. The stabilization slab saw cutting has been completed. As-Built Drawings and O&M Manual are under review by USACE.

LPV 147 (LA Hwy 46 Flood Gate):

The work is complete. Both trolley gates are in place and exercised. The final inspection was held on August 5, 2011. Grass is growing well. As-Built and O&M Manual are under review by USACE.

The LA Hwy 300 flood gate has been constructed under the LPV 148.02 Project.

The USACE has eliminated the emergency stand-by beams for all trolley gate projects in the St. Bernard Polder.

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 now 98% complete. Floodwalls are completed and an interim inspection has been completed. Turf on the flood side is growing well.

The 4" clearance between the Bayou Road floodgate and the gate monoliths makes it difficult to properly close and seal the gate. No other gates in the system are designed and constructed with such a large clearance. The designer of record has been asked to review the design and propose a revision to reduce the gap to allow for reasonable gate closure procedures. Three alternate repairs are in review by NFS.

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

Work on walkways and on gate valves at St. Mary's Pump Station is complete. The contract has been modified to add slope paving under the discharge pipes and on the protected side of the floodwall. The modification required for the relocation of the existing air release valves is being prepared by the Designer of Record. Pre-final inspection is scheduled for November 30, 2011.

LPV 149 (Caernarvon Control Structure and Floodwall):

The Work is approximately 99% complete. Final site grading is complete.

CPRA contracted with AECOM to provide technical assistance regarding concrete issues on this structure. AECOM inspected the structure. Several areas of concern were identified in the sections that contain the 90 day (slow setting) concrete. CPRA has contracted with Fugro, Inc. to obtain core samples, conduct tests and prepare a report regarding the adequacy of the concrete. Core tests (four) that were taken broke at 8,000 psi or better. The State is still waiting on the petrography test results.

A request was submitted by SLFPAE for shielding of the exposed gate controls on the south side of structure. A larger and stronger box has been put in place to protect the controls. A "fix" to allow for the operation of both sector gate leafs from either side of the structure is being developed by the Designer of Record.

The Punch List Resolution meeting is scheduled for December 15, 2011.

## **Armoring**

Staff continues to engage the USACE on armoring planning and design.

A test site was constructed in St. Charles Parish during the latter part of September 2011. It contains the following variations:

1. HPTRM covered with a layer of sod applied directly to the mat.
2. HPTRM covered with a layer of soil and then a layer of sod, and
3. HPTRM covered with soil and hydro-seeded.

The test site will be used to collect data pertaining to HPTRM installation, turf establishment, and operation and maintenance. SLFPAE and CPRA representatives have visited the site several times. No completion date has been set for the test project.

An additional test section was constructed on the LPV 111 project site in late October/early November 2011. The purpose of the test is to determine the potential for damage to HPTRM from wild hogs. Two different brands of HPTRM were used at the test site for comparative purposes. Apples were placed under and atop the HPTRM to attract the hogs. As of November 14, 2011, the hogs had slightly damaged one of the HPTRMs. The other has not been damaged.

A technical meeting was held with the NFS and Armoring PDT team on October 19, 2011, to discuss NFS concerns on O&M and placement of HPTRM. The purpose of the meeting was to rehash the NFS's concerns and begin a resolution process.

The NFS has reviewed the Armoring Project Description Document (PDD), and provided its comments to the Corps through CPRA. CPRA has asked for a response to its comments prior to PDD being forwarded to the Mississippi Valley Division Commander for signature. As of November 11, 2011, Task Force Hope had not forwarded to PDD to the Division Commander. The NFS has not received a response to the PDD comments submitted.

The USACE proposes to let the first armoring contract on the east bank HSDRRS levee in St. Charles Parish. The work will include the installation of HPTRM and sod. 95% P&S for the project is now under review by SLFPAE and CPRA.

## **Permanent Pump Stations**

The Design Build Contract was awarded on April 13, 2011 for \$675 million to CBY Design Builders, a joint venture of CDM, Brasfield and Gorrie, and Yates Construction, but the Award is under protest. The Government Accountability Office (GAO) upheld the protest. The decision was to re-evaluate the revised current submittals. A decision briefing was held by the Corps on Sept. 28, 2011. No schedule has been set for proposal resubmittals.

The permanent pump stations winning bidder filed suit last week, contesting plans by the Corps to allow companies to offer new proposals. It's too soon to know if the lawsuit will further delay the project.

All three Pump Stations will undergo Independent External Peer Review.

## **HSDRRS Elevation and Status Maps**

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/2010\\_System\\_Construction%20Status\\_Map.pdf](http://www.mvn.usace.army.mil/hps2/pdf/2010_System_Construction%20Status_Map.pdf)

The new Greater New Orleans HSDRRS June 2011 Status Map can be found at the following web address:

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

## **FEMA NFIP Levee System Accreditation**

According to the latest tally compiled by the New Orleans district, 20 perimeter contracts, including seven LPV contracts, and 17 interior contracts, three of which are LPV contracts, are "at risk for accreditation". Corps leadership is pushing hard find ways of making up lost time and accelerating contracts that have slipped beyond original completion dates so that accreditation isn't adversely affected. Estimated completion dates change on most of these contracts from month to month as new issues present themselves and existing ones are resolved.

50% models for interior flooding have been developed by the Corps for FEMA. The models are in review by the pertinent drainage district.

OLD and LBBLD may have to "certify" the non-federal levees in the lower ninth ward/St. Bernard area and the New Orleans East area. We are working with FEMA and the USACE to develop a plausible path forward. We are also investigating funding sources that could be used to pay for a full certification effort.

## **Coastal Protection and Restoration**

### Lake Borgne Basin Levee District:

The Violet Freshwater Diversion stopped flowing on September 9, 2011 due to low river level.

## **Flood Fight**

We are awaiting the Tropical Storm Lee after action review document from the New Orleans District.

The Mississippi River is slightly above 3' at the Carrollton Gage and is predicted to rise to about 5.5' in early December 2011.

## **Design and Construction**

### East Jefferson Levee District:

Work is continuing on the EJLD Safe House. Discussions are underway with the Jefferson Parish Government the City of Kenner regarding property acquisition.

### Orleans Levee District:

The Safe House Project is approximately 98% complete. The Contractor has completed the installation of the refrigeration equipment and is balancing and testing the A/C system. The State Fire Marshal inspection has been scheduled.

The Audio/Visual work in the OLD Safe House is approximately 80% complete.

The Administration Building Refurbishment Project designs are 100% complete.

The Bayou St. John Water Management Study by Burk-Kleinpeter is complete and the Final Report has been accepted.

A Contract Amendment has been signed with DEI for the Seawall Steps Erosion Project. The Attorney General opinion regarding the funding of recreation features has been submitted.

The Outfall Canal Bank Stabilization Monitoring Project, awarded to Gerwick, is 49% complete.

### Lake Borgne Basin Levee District:

The 95% design submittal for the Engine Replacement Project at Pump Station 4 was reviewed by LBBLD staff and comments were forwarded to the consultant.

100% Plans and Specifications have been completed by the consultant (Atkins Global) for pump inspections and repairs at Pump Station 6. The cost to complete the work has been estimated to be \$674,000.

In September 2011, LBBLD was authorized to execute an amendment to an existing consultant contract with W.S. Nelson to include basic design services for Phase 2 of the project to address seepage at Pump Stations 2 and 3. The amendment and associated contract documents are under review by the consultant.

Final bid documents are being prepared by the consultant (W.S. Nelson) for the Remote Control/Telemetry for Pump Station 2 and 3.

CPRA is working on the preparation of Plans and Specifications for the Violet Canal Dredging Project (Phase II). LBBLD secured the necessary right-of-way from the Meraux Foundation for dredge disposal.

Work on the Violet Canal Closure Structure Improvement Project is complete except for installation of rip-rap for erosion control. The required rip-rap will be installed under a new contract after work on the Bayou Dupre Control Structure is complete and open to barge traffic.

One of the three pumps at Pump Station 7 failed on August 8, 2011 (333cfs pump capacity). The pump will be repaired off site by Conhagen, Inc. Repair costs could exceed \$150,000.

The Mississippi River Levee - Chalmette Ferry Landing Seepage Repair Project has been awarded by the USACE to Cycle Construction for \$750,000. Work involves the installation of a sheet pile cut-off wall approximately 400' long.

## **Internal Affairs**

We have three inspectors working with us provided by CPRA. We have been getting additional technical assistance from CPRA staff, LDOTD staff, and consultants Atkins North America [formerly PBS&J] and Vali Cooper International through an ID/IQ contract with CPRA.

Our ID/IQ Consultant, Halcrow Inc. has completed the review of the Safe Water Elevation (SWE) Reports and the designs for the remediation work proposed by the USACE for all three outfall canals. All major comments submitted by Halcrow have been incorporated into the current plans or are under further review by the USACE's consultants. The maximum stick-up/minimum embedment issues identified by Halcrow are still being investigated by the USACE. The SWE Report was reissued as the "Mean Operating Water Level" (MOWL) Report with the text rewritten. Halcrow has completed the review of the final version of the MOWL Report for the London Ave. Canal and 17<sup>th</sup> St. Canal. Final review of the Orleans Canal is underway. This work is being conducted under Halcrow's original SOW. The New Orleans District is having each canal's report reviewed in detail by other Corps Districts. The USACE ETL 1110-2-575 (6/14/2011) regarding Evaluation of I-Walls



has been released by the Corps and Halcrow is reviewing the document to determine potential impacts to previously completed work.

The structural review of the LPV 144 sector gate leaf by Halcrow/Fenstermaker is complete. No specific problems were identified, but our consultant recommended that the USACE run additional analysis on the eccentricity of members and structure deflection for completeness. The designer of record recently submitted additional hand calculations for the analysis of joint/member eccentricities which are now being reviewed by Halcrow/Fenstermaker. The Corps has agreed to complete additional analysis if deemed necessary.

The SLFPA-E Emergency Module for Floodgate Management has been modified to function as a web based tool so that it can be used on a regional basis. It was used during Tropical Storm Lee. The upgrade was funded by CPRA, SLFPA-E, SLFPA-W and Plaquemines Parish.

The "Hurricane Risk & Safety Module for the New Orleans Levee System" demonstration project is well underway. Most of the updated GIS, geotechnical H&H, P&S, etc. has been obtained from the USACE for the two demonstration sites (LPV 109.02A and LPV 111.01 totaling 15 miles of earthen levees). The Project is partially funded through a grant from the Netherlands Government (50/50 cost share).

The O&M Cost Study for all three levee districts is underway by AECOM. This work is funded through a CDBG Grant.

Preparation of contract documents for the LIMS Strategic Implementation Plan is underway. This project is funded through a CDBG Grant.

Per the request of the USACE team, a safety concern letter with photos was submitted on 14 July 2011. The purpose of the letter was to alert the USACE of safety and security concerns on various projects within the LPV program where safety measures need to be implemented to help prevent accidents. Security fencing and railing is being planned for floodwalls and floodwall base drop offs.

SLFPA-E staff is working closely with CPRA staff to develop an automated on line permitting process for levee districts.

A FEMA Pre-Disaster Mitigation Grant application has been submitted for the construction of a safe room on the site of LBBLD Pump Stations 1 and 6. We are also investigating the possibility of acquiring the needed funds through the FEMA Hazard Mitigation Grant Program.

Two new internal workgroups have been established to deal with new O&M requirements for the HSDRRS. One will deal with general Operation and Maintenance and the other will deal with the specialized O&M requirements for the surge barrier and navigation gates.

**Safety:**

SLFPA-E levee districts will continue to conduct ongoing safety meetings to review levee district safety manuals and emphasize the importance of following safety rules and guidelines at all times. All field inspectors will conduct a similar ongoing safety meetings process.

**New Contracts:**

None

**Hurricane Preparedness:**

Weekly radio checks are continuing. Staff continues to monitor the tropics.

The 2011 Hurricane Season officially ends on November 30, 2011.