

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, AUGUST 21, 2014**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or SLFPA-E) was held on Thursday, August 21, 2014, in Meeting Room 201, Orleans Levee District Franklin Administrative Complex, 6920 Franklin Avenue, New Orleans, Louisiana, after due legal notice of the meeting was sent to each Board member and the news media and posted.

Mr. Estopinal called the meeting to order at 9:30 a.m. and led in the pledge of allegiance.

The roll was called by Mr. Wittie:

PRESENT:

Stephen Estopinal, President
Lambert J. Hassinger, Jr., Vice President
Louis E. Wittie, Secretary
Wilton P. Tilly, III, Treasurer
Tyrone Ben
G. Paul Kemp
Richard A. Luettich, Jr.

ABSENT:

Jefferson M. Angers
Kelly J. McHugh

OPENING COMMENTS:

Mr. Estopinal reported that he petitioned the Louisiana Civil Service Commission to create the position of Executive Counsel to the Board. A decision has not yet been made to hire an Executive Counsel. The Civil Service Commission is being petitioned to create the position so that it is available in the event that a decision is made to hire an individual.

Mr. Estopinal advised that he was briefed by the U.S. Army Corps of Engineers (USACE) earlier in the week on its efforts to assess the SLFPA-E's concerns pertaining to design deficiencies in the Hurricane and Storm Damage Risk Reduction System (HSDRRS); particularly, in regards to the 23-mile long T-wall located in St. Bernard Parish. Indications are that the USACE is seriously addressing the SLFPA-E's concerns and a report will be forthcoming. The Coastal Protection and Restoration Authority (CPRA) is making a similar assessment. The assessments will inform future operations and maintenance requirements. The independent peer review of the HSDRRS has not yet been completed. The CPRA published a review that was limited to certain design concepts. The SLFPA-E is still not satisfied that the storm surge modeling accurately reflects the risks and is of the opinion that there are areas in the

system that need to be addressed and improved. He pointed out that the development of an accurate data collection network is vital. The SLFPA-E is pursuing a process for obtaining necessary horizontal and vertical data and information relating to movement and changes in storm surge threats.

Mr. Estopinal reported that he received correspondence from a City of Kenner councilmember concerning objections to the construction of the new East Jefferson Levee District (EJLD) safehouse and consolidated facilities. He noted that the issue will be discussed later in the meeting.

ADOPTION OF AGENDA:

Mr. Wittie offered a motion to amend the agenda to delete Item XII.A.2 – Motion to approve the adoption of the Operations and Maintenance Manual for the Maxent Levee and to add Item XII.B.1 – Motion to approve a Cooperative Endeavor Agreement (CEA) between the City of Kenner (Kenner) and the EJLD for the continued use of the facilities at 315 Worth Street by Kenner for the purpose of operating the Kenner Food Bank following the sale and transfer of the property by Kenner to the EJLD and pending final completion of the construction of a new Food Bank by Kenner and/or its contractor for a period not to exceed nine (9) months from the effective date of the CEA. The motion was seconded by Mr. Tilly. Fran Campbell, EJLD Executive Director, advised that Kenner’s construction of the new Food Bank was delayed due to the need to adjust and rebid the project. The contract has been awarded. Kenner requested that operations at the current facility continue for a nine month period for continuity until the new facility is completed. The EJLD project is schedule for bid in June or July. Robert Turner, SLFPA-E Regional Director, noted that the subject property is key to making the site work for the future facilities. Robert Lacour, SLFPA-E General Counsel, advised that the CEA is about 95 percent complete and that there is a need to rework the hold harmless provisions. Mr. Estopinal asked for public comment on the amendment to the agenda. There was no public comment. A roll call vote was conducted and the motion to adopt the agenda as amended was unanimously approved.

RESOLUTION NO. 08-21-14-01 - APPROVAL OF JULY 24, 2014 BOARD MEETING MINUTES AND AUGUST 7, 2014 SPECIAL BOARD MEETING MINUTES

On the motion of Mr. Hassinger,
Seconded by Mr. Kemp, 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 July 24, 2014 and the minutes of the Special Board Meeting held on August 7, 2014.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie
NAYS: None
ABSENT: Mr. Angers and Mr. McHugh

PRESENTATIONS: None.

PUBLIC COMMENTS:

Roy Arrigo stated that several weeks ago Judge Kern Reese issued a ruling on the litigation relative to the servitude along the 17th Street Canal and that the SLFPA-E appealed the ruling. The issue was not discussed at a public SLFPA-E meeting or in an executive session during a meeting between the time of the ruling and the appeal. He commented that filing the appeal and raising the litigation to a higher level did not reflect his impression of the Board's sentiment. He asked how the decision was made to file the appeal. Robert Lacour, SLFPA-E General Counsel, advised that he had been given the authority to decide when to appeal a case. In this situation the SLFPA-E did not have the money should it lose the case; therefore, it had to appeal.

Craig Berthold asked that the SLFPA-E request that the Court supply the documentation upon which it based its reversal. Mr. Estopinal pointed out that plaintiffs and defendants do not usually communicate while litigation is ongoing and that communications generally take place between their legal representatives. The Board is held to this restriction. He asked that requests be made by the plaintiff's legal counsel to the Board's legal counsel. Mr. Lacour advised that the Court of Appeal has a record and that it bases its decision on the record's contents. He advised that anyone can go to the Court and read the record.

COMMITTEE REPORTS:

Finance Committee: Mr. Tilly advised that the Finance Committee did not meet during the month of August.

Operations Committee: Mr. Wittie reported that the Operations Committee met on August 7th and discussed the following items:

- Mitigation of the erosion along the London Avenue, Orleans Avenue and 17th Street Outfall Canals - Stevan Lundgren with Evans-Graves Engineers, Inc. provided an updated report in which some of the flow velocities were revised. Evans-Graves recommended the use of Geogrid cells atop filtered fabric filled with crushed limestone at an estimated cost of \$2.7 million for 30,000 feet of mitigation.
- Lakefront Seawall Erosion Control Project Reaches 1A, 1C, 2A, 2C, 2D, 3A, 3B, 3C and 5B - Design Engineering, Inc. (DEI) provided an overview of the project. A meeting took place between representatives of DEI and Mr. Estopinal, which resulted in a revision of the engineering fees for the project.
- The Committee discussed the need for Operations and Maintenance Manuals for the non-federal levees in order for the levees to be certified.
- Raising of levees prior to the installation of armoring – A list is being developed of the levees that should be raised prior to the installation of armoring. A decision will

be required in the near future on whether the levees are to be raised prior to armoring.

- Certification of the Forty Arpent (non-federal) Levee – The Committee was informed about some renovation work that is required in the area of the Violet Canal. A resolution has been placed on the Board agenda to request funding from the Interim Emergency Board for the required renovation.

Legal Committee: Mr. Hassinger advised that the Legal Committee did not meet during the month of August.

CPRA: Mr. Hassinger reported that the CPRA Board met on August 20th in Baton Rouge and considered the following items:

- RESTORE Act Update – A copy of the presentation provided at the CPRA meeting was distributed. The RESTORE Act deals with the 80 percent of the Clean Water Act penalties that are going into the Gulf Coast Restoration Trust Fund. Proposed rules have been issued that primarily deal with the administration of the money and a 30-day public comment period has been provided.
- Plaquemines Parish Coastal Plan – A presentation was provided by Parish President Billy Nungesser on the Parish’s coastal initiatives. The primary component of the initiatives is a \$50 million project for forested ridges.
- Update on risk reduction activities in Terrebonne and Lafourche Parishes – A point was made at the CPRA meeting that a key to the success in these parishes has been the willingness of citizens to tax themselves for hurricane and storm protection purposes.

Coastal Advisory Committee: Mr. Kemp advised that the Coastal Advisory Committee did not meet during the month of August.

REGIONAL DIRECTOR’S REPORT:

Mr. Turner reviewed the highlights of the Regional Director’s Report (copy appended to minutes). Mr. Turner provided the following additional comments:

- Hurricane Preparedness – Mr. Turner commented on the low pressure system currently located in the Atlantic Ocean, which is being monitored by the SLFPA-E. Since the IHNC Surge Barrier Barge Gate must be operated 96 hours in advance of storm impact, ongoing discussions are taking place regarding the closure of the gate should it be required. The USACE has offered assistance in this effort. He pointed out that lake waters have been usually low for the past three months. A normal swing of the barge to effect a closure with a low lake water level will be difficult. He discussed adjustments that can be made to mitigate the low water level and effect a closure. The recent WRDA bill provided authority for the USACE to operate and maintain (O&M) the IHNC Surge Barrier Sector Gate and Barge Gate; however, no funding was provided for the O&M. The WRDA bill requires that the O&M be cost shared (35% local/65% Federal). The USACE’s attorneys are investigating whether the USACE can participate in the O&M effort prior to receiving funding. There is a

minor issue with the closure of one of the leaves of the Sector Gate (one leaf is closing slower than the other leaf). Actions are being taken so that the gate will operate normally as soon as possible.

- Pump Station No. 4 (St. Bernard Parish) – One of the pumps is out of service due to the failure of the turbo charger on one of the engines. Parts for the engine are no longer being manufactured. The SLFPA-E is working through the I-Storm Network (an international group that deals with surge barriers) to attempt to effect the purchase of a turbo charger that the Lake Borgne Basin Levee District (LBBLD) has located in the Netherlands and ensure that the equipment (estimated at \$30,000 to \$35,000) would be usable. Engine upgrades at Pump Stations 1 and 4 will take place under a Hazard Mitigation Program Grant. Most of the design work has been completed for the upgrades and the LBBLD is awaiting the funding for the project.
- HSDRRS Armoring – The SLFPA-E and SLFPA-W have provided a list of projects that the Authorities have determined can be armored at this time. The cost of lifting levees in order to receive at least 10 to 15 years of service life from the armoring is estimated to be as much as \$35 million. Most of the levee lifts will occur in Jefferson Parish. The CPRA is investigating the issuance of a task order to one of its Indefinite Delivery-Indefinite Quantity (ID-IQ) contractors for geotechnical work on the levees anticipated to be raised in order to determine to what extent the levees must be raised (i.e., crest, stability berm and/or wave berm). The USACE has interpreted the current authorizations as providing no ability for the Federal government to participate in the lifts on a cost share basis. Mr. Turner discussed the potential for a future change in WRDA language to allow the application of the levee lifts as credit towards the local cost share for the HSDRRS. He pointed out that in order to construct the lifts in a timely manner under the current circumstances the SLFPA-E will not be able to purchase property for borrow material. The construction contractor will be responsible for supplying the borrow materials. Should the cost share requirement be put in place, the cost of the borrow material must be broken out in the bid since the USACE will only give the levee district credit if it owns the pit. Mr. Kemp asked for information concerning the priority list for levee lifts. Mr. Turner advised the lakefront levees in Jefferson Parish and several levees in New Orleans East are being considered for lifts prior to the placement of armoring.
- Non-federal levee certification – The process of certifying the Maxent Levee is nearing completion and no issues are anticipated. Information on the certification of the Maxent Levee has been submitted to the City of New Orleans. A major issue remains for the certification of the 40 Arpent Levee system. The Interim Emergency Board (IEB) will be petitioned for funding in the amount of \$4 million for renovation work around the Shrimp Factory along the Violet Canal. The factory wall and embankment beneath several of the factory buildings currently form a part of the flood protection system; however, this configuration is not certifiable since no as built plans exist. The current plan involves the driving of sheetpiles landward of the Shrimp Factory. The LBBLD does not have the revenues to fund the required renovation work. A series of meetings have taken place with elected officials in St. Bernard and Orleans Parishes, as well as interested groups, in order to make everyone aware of this situation and garner support for moving forward through the IEB process.

- HSDRRS data collection system – The SLFPA-E is investigating a Cooperative Endeavor Agreement with NOAA for the construction of a hardened gage near the IHNC Surge Barrier. The gage would be operated and maintained by NOAA or its contractor at the SLFPA-E's expense. A meeting was held with CPRA representatives concerning the I-levee Program, which included a discussion on which parts of the program should be continued and the development of a path forward. Mr. Turner emphasized at the meeting the importance of keeping the existing infrastructure in place for the short term; however, the SLFPA-E is interested in developing a plan for guidance on the type of instrumentation that should be considered and the type of data that is needed for the decision making process. A major issue that could impact the plan is the 23 miles of T-wall in St. Bernard Parish that may require monitoring over time. The USACE is discussing the installation of instrumentation to measure corrosion over time and strain gages on the piles to measure the increase in bending moment as the material begins to settle as part of the project that the SLFPA-E would be responsible to operate and maintain. Rickey Brouillette explained that the CPRA presented a report to the Board several months ago. The CPRA does not have the budget to develop a manageable roll out of the program. Survey data is now being collected that provides information on settlement. The installation of armoring will impact the assessment of instrumentation needs. The I-levee group recommended that the program be considered from a risk perspective. The three prong approach included the maintenance of the existing system in order to gain knowledge concerning the performance of the instrumentation being utilized, incorporation of the HSDRRS storm water gages and consideration of a risk evaluation for two pilot suites of projects within the jurisdiction of SLFPA-E and SLFPA-W in order to provide guidance for locating additional instrumentation. Mr. Luettich concurred that risk is an appropriate concept upon which to base decisions on instrumentation. He inquired about a timeline for developing a map or other document that would signify areas of high risk. Mr. Brouillette advised that this information could be developed by the CPRA's consultant; however, the CPRA does not have the resources to go beyond what has been accomplished. A draft scope of work, which is being refined, was provided to the SLFPA-E. He estimated that the cost of the next step, which includes bringing in the HSDRRS gages, maintaining the current instrumentation infrastructure for about a year and performing a risk analysis, would total \$1 million with SLFPA-E, SLFPA-W and CPRA as participants. Decision points can be included in the process. He noted that there is also a cost for dismantling the instrumentation. A commitment is required in order to proceed with the recommended approach. Mr. Turner advised that he would provide additional information to the Board so that it can make an informed decision.

EXECUTIVE SESSION: None.

NEW BUSINESS:

RESOLUTION NO. 08-21-14-02 - APPROVAL OF LEGAL INVOICES

On the motion of Mr. Wittie,

Seconded by Mr. Tilly, 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 August 21, 2014", 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 provided to members of the Legal Committee.

BE IT HEREBY RESOLVED, that the legal invoices listed on the spreadsheet entitled "Legal Invoices Approved on August 21, 2014" are hereby approved.

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

YEAS: Mr. Ben, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers, Mr. Hassinger and Mr. McHugh

**RESOLUTION NO. 08-21-14-03 –
INTERIM EMERGENCY BOARD FUNDING REQUEST**

Mr. Estopinal noted that the Lower Ninth Ward in Orleans Parish and the majority of St. Bernard Parish are in jeopardy of losing FEMA certification should the renovation work not take place. He advised that he met with Jerome Zeringue, CPRA Executive Director, and was informed that the CPRA does not have any available funds for this effort. Mr. Zeringue suggested that the SLFPA-E request funding from the Interim Emergency Board. He stressed the importance of the renovation work and pointed out that failure to do this work and obtain certification is not an option. If the levee is not certified, FEMA will not consider the levee as existing and base flood elevations will be raised making flood insurance unaffordable.

On the motion of Mr. Wittie,

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

WHERAS, the Federal Emergency Management Agency (FEMA) is in the process of updating its Digital Flood Insurance Rate Maps (DFIRMs) for hundred year rainfall events in Orleans and St. Bernard Parishes, which are used in the calculation of National Flood Insurance Program (NFIP) rates; and

WHEREAS, the Forty Arpent Levee located in the Lower Ninth Ward of Orleans Parish and in St. Bernard Parish must be certified in order to be accredited by FEMA for the NFIP and included in the DFIRMs; and

WHEREAS, subsequent to the request by FEMA for certification documents for the Forty Arpent Levee, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) entered into a Provisionally Accredited Levee (PAL) Agreement with FEMA on August 7, 2012, which allowed a two year period to complete the engineering work necessary to develop the required certification documents; and

WHEREAS, certification is only available for the entire levee system and not individual segments of levees delineated only by political boundaries; and

WHEREAS, the failure to provide complete data and documentation to comply with certification requirements (44 CRF 65.10) within the designated two-year timeframe will result in FEMA's initiation of a revision to the DEFIRM by raising the Base Flood Elevations and redesignate the area as a Special Flood Hazard Area [an area subject to inundation by the base (1-percent annual chance) flood], and a significant increase in NFIP premiums for citizens residing in Orleans and St. Bernard Parishes; and

WHEREAS, the SLFPA-E engaged the services of Tetra Tech, Inc. to conduct the work required for certification, which includes, but is not limited to, levee inspection, land surveying, soil borings and other geotechnical engineering analysis, and review and modification of Operation, Maintenance and Emergency Operations Plans; and

WHEREAS, the Lake Borgne Basin Levee District and Orleans Levee District have committed to expending funding in the total amount of \$3,725,757 for the aforementioned levee inspection, land surveying, soil borings and other geotechnical engineering analysis, and review and modification of Operation, Maintenance and Emergency Operations Plans; and

WHEREAS, it has been determined that a floodwall is required for certification on the north side of the Violet Canal in St. Bernard Parish and tied into the Forty Arpent Levee at an estimated cost of \$4 million in order for the levee to meet certification requirements; and

WHEREAS, the Lake Borgne Basin Levee District is currently operating with an annual estimated budgeted deficit of \$500,000 and is unable to fund the design and construction of the required floodwall at the Violet Canal; and

WHEREAS, all avenues for funding the design and construction of the aforementioned floodwall have been exhausted; and

WHEREAS, if the aforementioned floodwall is not constructed and the Forty Arpent Levee is not certified, FEMA will initiate a revision to the DEFIRM to redesignate the area as a Special Flood Hazard Area and NFIP premiums will significantly increase for citizens residing in the Lower Ninth Ward and St. Bernard Parish, severely impacting new home ownership, mortgages and the tax base, and substantially damage the recovering economies of Orleans and St. Bernard Parishes.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East requests that the Interim Emergency Board approve funding in the amount of \$4 million for the design and construction of the floodwall on the north side of the Violet Canal.

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

YEAS: Mr. Ben, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers, Mr. Hassinger and Mr. McHugh

RESOLUTION NO. 08-21-14-04 - APPROVAL OF CEA BETWEEN CITY OF KENNER AND EJLD REGARDING THE KENNER FOOD BANK

Mr. Lacour explained that the EJLD is purchasing the Food Bank property, which is jointly owned by the City of Kenner and Jefferson Parish. Occupancy cannot be provided at the time of the act of sale since there is a need to operate the Food Bank at the current location until the new building is completed. The Cooperate Endeavor Agreement allows the continued operation of the Food Bank at the current location for a period up to nine months. Insurance coverage and hold harmless provisions will be included in the agreement.

Mr. Estopinal advised that he received a letter objecting to the construction of the safehouse and consolidated facilities. Mr. Lacour clarified that there is no objection to the construction of the facilities; however, there is a problem with the purchase of some City of Kenner streets because it eliminates some of the parking for two cemeteries in the vicinity. Mr. Estopinal added that he received a telephone call from a councilmember who stated that there is no negotiation on this issue and that he opposes the closing of the streets. Ms. Campbell explained that she had been working with the councilmember on this issue for four years. Initially, the EJLD was informed that it could purchase the streets and that the money would be used for the construction of the new Food Bank facility. However, objections were raised by the community at a Planning and Zoning Commission meeting about a year ago. The streets of contention near the cemeteries were removed from the resolution, leaving the purchase of four of the seven streets approved. At a subsequent meeting the issue of safety was brought up and the EJLD was advised that all of the streets were needed for ingress and egress to the cemeteries. The EJLD retained a traffic consultant and a plan was laid out with angle parking and certain improvements; however, the levee district was informed that the streets were unavailable because of sentiments and the ambiance of the streets. Mr. Turner added that the SLFPA-E/EJLD has been working with the community and attempting to address any safety issues. There is a plan to move forward. Mr. Hassinger stated that he did not want taxpayers to feel that they have been ignored or disrespected and asked whether there was anything that the Board members could do to assist with communications on the issue. Ms. Campbell advised that the EJLD was requested to hold two public meetings, which are being scheduled. She pointed out that the EJLD changed its plans at least three times based on information received. Mr. Turner further advised that a meeting would be held later in the day with a councilmember from the City of Kenner. Staff has offered to attend community meetings to address this matter. Mr. Estopinal expressed the Board's desire for continued dialog on the issue and for the historic cemeteries to remain pristine and in good condition.

On the motion of Mr. Luettich,
Seconded by Mr. Hassinger, the following resolution was offered:

WHEREAS, the East Jefferson Levee District (EJLD) is in the process of purchasing portions of Arpent Lots 141 and 164, Old Kenner Subdivision, from the City of Kenner (Kenner) for the construction of a Safehouse and Consolidated Facilities; and

WHEREAS, the aforementioned site consists of improvements including an old firehouse currently being used by Kenner for the Kenner Food Bank; and

WHEREAS, Kenner and the EJLD are desirous of entering into a Cooperative Endeavor Agreement (CEA) whereby the EJLD will grant Kenner the right to continue to use the facilities at 315 Worth Street for the purpose of operating the Kenner Food Bank following the sale and transfer of the property by Kenner to the EJLD and pending final completion of construction of a new Food Bank by Kenner and/or its contractor; and

WHEREAS, in exchange for the grant of right to use the property and facilities at 315 Worth Street, Kenner has agreed to limit the use of the premises and facilities for a period not to exceed nine (9) months from the Effective Date of the CEA; and

WHEREAS, the efforts of Kenner and the EJLD to provide continuity of the Kenner Food Bank operations during construction of a new Food Bank facility will benefit the residents of the City of Kenner.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority – East approves a Cooperative Endeavor Agreement between the City of Kenner and the East Jefferson Levee District for the continued use of the facilities at 315 Worth Street by the City of Kenner for the operation of the Kenner Food Bank, subject to the approval of the final CEA by the General Counsel, Regional Director and EJLD Executive Director.

BE IT FURTHER RESOLVED, that the SLFPA-E Regional Director or EJLD Executive Director is authorized to sign any and all documents necessary to carry out the above.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers and Mr. McHugh

RESOLUTION NO. 08-21-14-05 - LAKE PONTCHARTRAIN SEAWALL EROSION CONTROL ENGINEERING CONTRACT

Gerry Gillen, Orleans Levee District Executive Director, clarified that the motion concerns the Lake Pontchartrain Seawall Erosion Control Project Reaches 1A, 1C, 2A, 2C, 2D, 3A, 3B, 3C and 5B.

On the motion of Mr. Wittie,

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

WHEREAS, a Request for Qualifications was issued by the Orleans Levee District for Professional Engineering Services for the Lake Pontchartrain Seawall Erosion Control Project Reaches 1A, 1C, 2A, 2C, 2D, 3A, 3B, 3C and 5B; and

WHEREAS, by Resolution No. 04-17-14-06, the Southeast Louisiana Flood Protection Authority-East approved the selection of Design Engineering, Inc. (DEI)

to provide Professional Engineering Services associated with the aforementioned Lakefront Seawall Erosion Control Protection Project; and

WHEREAS, the Project has been divided into four phases in order to facilitate construction.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority – East approves the execution of an agreement between the Orleans Levee District and Design Engineering, Inc. for engineering services, construction administration services and resident inspection services for Phases 1 thru 4 of the Lake Pontchartrain Seawall Erosion Control Engineering Contract Reaches 1A, 1C, 2A, 2C, 2D, 3A, 3B, 3C and 5B with a not-to-exceed fee limit of \$5,336,000.

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

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

YEAS: Mr. Ben, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie

NAYS: None

ABSTAINED: Mr. Hassinger

ABSENT: Mr. Angers and Mr. McHugh

Dante Maraldo, representing the 17th Street Canal Coalition, asked that he be allowed to address some comments that were made earlier in the meeting. He referred to the question raised by Mr. Arrigo concerning the Board's decision to proceed with the appeal of the Judge Kern Reese's recent ruling in the litigation between the 17th Street Canal Coalition and the Board. He stated that Mr. Lacour advised that he made the unilateral decision to appeal and, therefore, the unilateral decision that this matter cannot be resolved and to continue charging the Board for his and Mr. Anzelmo's attorneys' fees. Mr. Maraldo requested that the Board's Legal Committee review Mr. Lacour's authority in this matter so that he has guidance from the current Board members on which actions he can take unilaterally and which actions should be brought to the Board. Mr. Hassinger agreed to allow the Legal Committee to address this matter. Mr. Lacour advised that he thought the question raised earlier concerned the original decision by Judge Reese issued five to six years ago. Mr. Maraldo clarified that the question concerned an appeal relative to the decision issued by Judge Reese about two weeks ago. He added, relative to Mr. Berthold's frustration concerning requests for documentation, that information was requested through the attorneys; however, the Coalition was underwhelmed and disappointed with the veracity of the responses. He stated that a pinpointed public records request will be sent to Mr. Lacour with a copy to the Board. Mr. Estopinal requested that the Legal Committee also address this issue in order to obtain a full and complete understanding.

The next regular monthly Board meeting will be held on Thursday, September 18, 2014, and hosted by the LBBLD. Mr. Estopinal reminded everyone that the Board will consider the adoption of a resolution ordering and calling an election to authorize the levy of an ad valorem tax in the LBBLD at its meeting on September 18th. There was no further business; therefore, the meeting was adjourned at 11:05 a.m.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST

REGIONAL DIRECTOR'S REPORT

August 21, 2014

HSDRRS Project Status Update

IHNC-02 – Lake Borgne Surge Barrier Complex The Orleans Levee District (OLD) continues exercising gate structures in the Surge Barrier Complex. The maintenance is up to date, the Complex Structures crew is adequately staffed and all gate systems are fully operational. Divers under contract to the OLD are on standby and available if needed during the 2014 Hurricane Season.

The Army Corps of Engineers recently issued a letter stating their intent to install tripping dolphins for navigational purposes on the inside and outside of the GIWW Sector Gate. Since the Corps chose to install the dolphins, the Southeast Louisiana Flood Protection Authority-East (SLFPAE) had asked that the Corps also maintain them, as navigation is a Corps responsibility. However, Corps leadership declared that the dolphins will be part of the Surge Barrier Complex project and, as such, posited that the OLD must operate, maintain and inspect them.

A Corps contractor is scheduled next week to remove the eight stored bulkhead panels, which are used exclusively for dewatering activities, and send them out to be recoated. The existing coating was found to be of insufficient thickness.

We continue awaiting the Corps' response to Orleans Levee District concerns about Sector Gates paint problems, but that issue does not affect operation of the Barrier gates.

IHNC-01 – Seabrook Complex The Orleans Levee District continues to regularly exercise and maintain this structure. It is also adequately staffed, well-maintained and fully operational. Divers are on standby to make underwater checks before closure if needed this storm season.

We continue to await a Corps response to the state Coastal Protection and Restoration Authority (CPRA) report on Vertical Lift Gate paint problems, but that issue does not affect operation of the Seabrook gates.

LPV-01.2 – Foreshore Protection Reaches 1&2 Repairs to substantial erosion along the landward interface between the rock and the soil embankments are complete. Fill has been placed and the Corps hopes to finish seeding this month. A final inspection hasn't yet been held, and the Notification of the Contract Completion (NCC) is expected in September.

LPV-109.02a – Levee Enlargement for South Point to CXS Railroad and US 11 and US 90 Floodgates The Corps continues to address vegetation encroachments, turf establishment issues, low spots in the crown at the monitoring stations and excessive ruts and rills in response to the last inspection. Although the NCC was issued on July 31, 2014, another inspection will be held to make sure these final tasks are properly completed.

LPV-111 – CSX RR to Michoud Canal About 12 inches of fill is being added to some 3,000 linear feet of levee currently below design grade, and on another 3,000 linear feet, six inches of fill is being added. The work is scheduled to be finished by the end of September and the NCC issued that same month.

LPV-144 – Bayou Dupre The recent replacement of hinge and pintle assemblies has not fully corrected an issue in the west leaf, which emits grinding sounds when moving. The current path forward considers a combination of measures: shaving the plates that hold the top bearing to increase clearances, placing shims against the abutment walls and using greased bearings.

LPV-145,146 & 148.02 - Inspections After inspection of these three projects by the Corps and Non Federal Sponsor, a task order was issued to repair hog damage, settlement around access ramps and for the mowing of LPV-145. In addition, timber mats in access roads over pipelines must be removed and replaced, and lighting strike damage must be repaired.

LPV-145A – Bayou Bienvenue Bridge Bridge approach “bent” pilings are about to be driven. The entire project won’t be complete until the 2015 hurricane season.

LPV-149 – Caenarvon Structure The Corps continues investigating paint peeling off the floodside skin plate of the Sector Gates. Additionally, the haggler gears were adjusted by Corps hired labor personnel.

LPV-149A – Floodwall Tie-In to the MRL at Caenarvon Construction is complete, and a final inspection was held Aug. 7, 2014. The NCC is expected shortly.

Outfall Canals The installation of more sheet pile along the London Ave Canal (OFC-07) continues, and the project is not scheduled for completion until early November. Contractors doing the work have submitted their plans for removing work barges from the canal if necessary this storm season. All of the sheet piling has been driven along the 17th Street Canal.

Debris consisting of bricks, glass and broken concrete found in the 17th Canal levee is being removed during excavation. Traces of asbestos were found in the fill, but further testing showed it not to be harmful. The Corps does not consider either a threat to the structural integrity of the levee.

All rights of entry have been granted for the 17th Street Canal bank protection project (OFC-08), which was awarded at the end of June and is scheduled for completion in January of 2015.

Permanent Canal Closures and Pumps (PCCP) Please check the New Orleans District web site www.mvn.usace.army.mil/missions/hsdrrs/pccp.aspx for details and regular updates on this last major HSDRRS perimeter project.

Armoring The Corps is reviewing the Non-Federal Sponsor's comments to a revised version of the Armoring Engineering Alternative Report (EAR), and the award of system-wide armoring installation contracts is scheduled to begin this summer. Additionally, SLFPA-E, SLFPA-W and CPRA continue investigating with the Corps the possibility of raising some of these levees at local cost before they are armored. Raising them in advance of armoring could ultimately save taxpayers millions of dollars in armoring replacement costs. The Corps is reviewing the final Colorado State University report on the testing of the five High Performance Turf Reinforced Mats, which is the type material that will be used, in conjunction with turf, to armor the federal levees. Non Federal Sponsor was allowed to review the procurement-sensitive report.

SBPS-07 – Repairs to LBBLD Pump Stations #2 and # 3 Construction bids were opened on June 11 and awarded on June 27, 2014, to Cayo, LLD. A pre-construction meeting was held on July 24, 2014, and Cayo will mobilize to site this month.

Mississippi River Projects

Jefferson Heights A Corps contractor has finished raising and grading the first 12,800 feet of Mississippi River levee in Jefferson Parish. Work began at the Jefferson-Orleans line and is proceeding upriver toward the project's western-most limit at the Jefferson-St. Charles line. By week's end, the contractor should also finish seeding and fertilizing the newly raised portion of levee. In addition, the contractor began this week to install a new asphalt path on the levee crown, again working from east to west. Permanent ramps are complete at Monticello and the Sewerage & Water Board facility. Temporary ramps are in place at Bertucci and Zito. A two-mile length of the existing bike path is currently out of service due to the construction that is adding height to most of the river levee in East Jefferson. As a levee section is completed, new material for the bike path base is placed. Completion of the entire project is scheduled for December of 2015.

Carrollton Project All levee enlargement work in Orleans Parish is complete, and only site cleaning remains. A final inspection was held July 16, 2014, during which the OLD pointed out areas of concern that the Corps is reviewing.

Internal Affairs

Non-Federal Levee Certification

Geotechnical field investigations, lab tests and land surveying are complete in St. Bernard and Orleans. The geotechnical report is completed for the Maxent/Paris levee and should be finished for the 40-Arpent Levee in October. The O&M Manuals are complete and being reviewed by the Levee Districts. A board resolution is on today's agenda for acceptance of the O&M plan.

Alternative designs for a new closure at the Shrimp Factory in St. Bernard were developed by the consultant and discussed with the property owner. The preliminary cost estimate for this work is about \$3 million. LBBLD's request for \$2 million in state capital outlay funds to help finance the project was unsuccessful and funds are being again sought from the Interim Emergency Board. Meetings have been held with both Orleans and St. Bernard governmental officials concerning the urgency of this project, and both parties are looking for funding sources.

A draft copy of the certification report to be submitted to FEMA for the Maxent/Paris Road levee has been received by SLFP AE and the City of New Orleans. The 60-inch S&WB drain line has been videotaped and minor grading/filling on the Maxent Levee has been completed. The final report will be submitted to FEMA by August 30, 2014.

The draft certification report to be submitted to FEMA for the 40-Arpent Levee will be ready for review by SLFP AE and St. Bernard Parish in October 2014. Submittal to FEMA is pending the shrimp factory closure.

We continue to meet bi-monthly with our consultant to discuss progress of repairs and alternate closures.

Training The OLD's Complex Structure Team continues to evolve its training program, becoming ever more familiar with the operation and maintenance of HSDRRS complex gated navigational structures. Development of an overall asset management program is being discussed with several ID-IQ consultants.

Emergency Preparedness The Mississippi River, now around elev. 3.0', is expected to remain at this level before slowly falling.

Hurricane Season Preparation SLFP AE staff is accompanying the Coast Guard on regular boat rides to inventory barges in the IHNC that must be evacuated in advance of certain tropical storms and hurricanes. The tours will continue monthly throughout the 2014 season.

SEAWALL Erosion Protection Project (Reaches 1A, 1C, 2A, 2C, 2D, 3A, 3B, 3C, and 5B) The OLD is reviewing revised information provided by DEI.

Complex Structures The bearing on the east leaf of the Bayou Bienvenue structure went out in late June. The new bearing has been installed, with the help of the Corps bridge contractor. The bearing on the west leaf is being reworked to be at the same degree of operation. Until that work is complete and automation is fully functional, the structure will be closed and opened manually.

Meetings and Items of Note:

The next CPRA Board meeting will be held Sept. 17, 2014, at 9:30 a.m. in the SEED Center, Willis Noland Room (2nd floor), 4310 Ryan St. in Lake Charles. For info, call (225) 342-3968.

The Coastal Wetlands Planning, Protection & Restoration Act (CWPPRA) Technical Committee is scheduled to meet all day on Sept. 11, starting at 9:30 a.m. at the La. Dept. Of Wildlife & Fisheries, Louisiana Room, 2000 Quail Drive in Baton Rouge. For more information, call (337) 266-8623.

The CPRA Diversion Subcommittee will meet at 10 am Oct. 8 on the UNO campus, Homer Hitt Alumni Center, at 2000 Lakeshore Drive.

New Contracts:

Schmidt & Associates – Special advisor to Regional Director regarding technical support for the design and development of a new maintenance facility, machinery and equipment for EJLD – 6/19/14 – 12/29/14 – Not to exceed \$25, 000.

Levee District Construction Projects:

| Project | District | Status | Comments |
|--|-----------------|---------------|--|
| Seawall Steps Erosion – Phase 1B | OLD | 9% complete | |
| OLD Franklin Facility Parking Lot Improvements Landscaping Plan | OLD | Complete | |
| IHNC Florida Ave. Bridge Sheet Pile | OLD | Complete | |
| Floodgate & Floodwall Repairs | OLD | 85% complete | |
| MRT and IHNC Vegetation Removal | OLD | 0% complete | Work waiting for lower river & cooler temps. |
| MRT Poydras to Canal vegetation removal | OLD | 100% complete | |
| Seawall Steps Erosion Phase 4&5 | OLD | 20% complete | |
| Citrus levee | OLD | Complete | |

| | | | |
|--|-----|----------|--|
| Lincoln Beach Drain Repair | | | |
| IHNC Florida Floodwall Gap Closure | OLD | Complete | |
| Lakeshore Seawall Street Lights – Reach 2 | OLD | Complete | |

Levee District Project Designs and Studies

| Project | District | Comments |
|---|-----------------|--|
| Outfall Canals Erosion | OLD | Study complete |
| Lakefront Seawall Area Reach , 4&5 | OLD | Design complete; construction administration 20% |
| Lakefront Seawall Area Reach 2B | OLD | Design complete |
| Floodgate Seal Repairs | OLD | Design complete; construction administration 85% complete |
| IHNC St. Claude Bridge Drainage | OLD | Design 60% complete |
| Phase 1 for engine upgrades at Pump Stations | LBBLD | Design contract awarded; 65% complete; 95% due on 8/25 |
| Lakefront Levee Slope Drainage Reach 4 | OLD | Design 50% complete |
| Citrus Lakefront Levee Survey at Intersections | OLD | Survey 90% complete |
| Phase 1 for Safe Room Design HMGP approved by FEMA | LBBLD | Design submitted to FEMA Region 6 for Phase 2 approval |
| Pump Station #6 pump repair and hangers at P.S. #7 | LBBLD | P&S at 100%; will advertise when erosion control project is complete |
| Pump Station #6 Erosion Repair | LBBLD | P&S 100%; preparing to advertise |
| Floodgate #9 renovation | LBBLD | LBBLD performing in-house ECD 7/18; work complete, waiting for turf establishment |
| Safe house & Consolidated Facility | EJLD | Architect met Aug. 8 with Kenner officials to clarify requirements for the resubdivision, PUD submission, signage, landscaping, setbacks and fencing; target date for submission of PUD application is Sept. 10. Team meets regularly on all aspects of project. |