

**MINUTES OF
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
OPERATIONS COMMITTEE MEETING
HELD ON APRIL 20, 2022**

PRESENT: Jason P. Latiolais, Chair
Richard G. Duplantier, Jr., Committee Member
Herbert I. Miller, Committee Member
Herbert T. Weysham, III, Committee Member

The Operations Committee of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) met on April 20, 2022, in the St. Bernard Parish Council Chambers, St. Bernard Parish Government Complex, 8201 West Judge Perez Drive, Chalmette, LA. Mr. Latiolais called the meeting to order at 10:30 a.m.

Opening Comments: None.

Adoption of Agenda: The Committee approved the agenda as presented.

Approval of Minutes: The Committee approved the minutes of the Operations Committee meeting held on March 17, 2022.

Public Comments: None.

New Business:

A. Discussion of a proposed Intergovernmental Agreement between the Coastal Protection and Restoration Authority and the Flood Protection Authority (FPA) for the Operation, Maintenance, Repair, Replacement and Rehabilitation of the Lake Pontchartrain and Vicinity Mitigation Projects for the Hurricane and Storm Damage Risk Reduction System.

Chris Humphreys, Director of Engineering, advised that John Troutman, Project Manager, and Melissa Hymel, Coastal Scientist, with the Coastal Protection and Restoration Authority (CPRA), were invited to provide a presentation to the Committee on the proposed Intergovernmental Agreement (IGA) for the maintenance of the Lake Pontchartrain and Vicinity (LPV) Mitigation Projects for the Hurricane and Storm Damage Risk Reduction System (HSDRRS).

Ms. Hymel provided an overview and status of the LPV mitigation projects and highlights of the LGA:

- The U.S. Army Corps of Engineers (USACE) constructed six LPV mitigation projects to mitigate for damages incurred during HSDRRS construction and pre-HSDRRS construction within three habitat types (marsh, bottomland hardwood forest, and swamp). Damage to a particular type of habitat must be mitigated

with the same type of habitat and the project area must occur within the same mitigation basin.

- The Notification of Contract Completion (NCC) was issued on all six projects; however, the projects will not be fully turned over until the USACE meets the Initial Success Criteria set for each project. The USACE will continue monitoring and maintaining the vegetation until the Initial Success Criteria is met and the project is on a trajectory for success.
- Turnover is imminent for three projects (as early as this year). Two projects are anticipated to be turned over in 2023 and one in 2024. Turnover depends upon the USACE meeting the Initial Success Criteria. Once a project is turned over, the non-federal sponsor (NFS) is responsible for long-term monitoring and meeting intermediate and long term success criteria throughout the 50-year project life. Projects are required to achieve specific criteria for their habitat type throughout the 50-year project life.
- CPRA developed the proposed IGA for five of the six projects mainly to perform biological monitoring over the first five years. The sixth project (Manchac Marsh Creation Project) will be handled through a separate IGA since responsibility will be shared by the FPA and Pontchartrain Levee District.
 1. Milton Island Intermediate Marsh Project
 2. Task Force Guardian Bayou Sauvage Forested Wetland Mitigation Project
 3. Turtle Bayou Intermediate Marsh Project
 4. Bayou Sauvage Flood Side Brackish Marsh Project
 5. New Zydeco Ridge Bottomland Hardwood Forest (BLH) and Brackish Marsh Project
 6. Manchac Marsh Creation Project
- Primary post-turnover maintenance and monitoring include:
 - Monitoring (included in 5-year IGA):**
 1. Vegetation (all habitats)
 2. Invasive Species (all habitats) monitoring and eradications, as needed
 3. Topographic Surveys (marsh)
 4. Hydrology (BLH/Swamp)
 5. CPRA Labor—Contract Administration and Success Criteria Reporting
 - Operations and Maintenance by FPA (not included in IGA):**
 1. Mowing (only 1 project—Bayou Sauvage BLH/Swamp)
 2. Culvert Operations (only 1 project—Bayou Sauvage BLH/Swamp)
 3. Maintenance of fish dips, ditches, culverts, navigation aids, and access roads

- Five-year IGA General Notes and Assumptions: Budgets were developed for each project assuming the success criteria will be met. The IGA does not include additional costs that may be necessary if the projects fail to meet the success criteria, which includes additional monitoring events and reporting, and possible remedial actions. Delay in project turnover will effect when tasks occur as presented in the IGA. FPA will only be billed for costs incurred with no contract markup. If the success criteria is met, monitoring of each project will eventually occur on a five-year cycle. Additional effort is expected in first five years for project initiation/setup.
- The IGA includes a breakdown of costs. The total projected cost for the five projects over the five-year period with the 35 percent contingency is \$2.1 million (\$1.6 million without contingency) or an average per project of about \$400,000.

Mr. Miller questioned the FPA's responsibility for two projects located outside of its jurisdiction: 1) the Milton Island Project (St. Tammany Parish), and 2) the New Zydeco Ridge Project (north shore of Lake Pontchartrain). Ms. Hymel explained that the two projects were built to mitigate for specific levee reaches within the LPV system and the project locations are considered within the same hydrologic watershed. The acreages provided by the projects are tied to specific acreages that were damaged for specific levee reaches. The projects were provided by the USACE. Mr. Humphreys added that the mitigation is for the acreage within the FPA's jurisdiction that was damaged for the construction of the HSDRRS; therefore, the FPA is responsible for the mitigation efforts, which just happen to be located outside of the FPA's jurisdiction, but in the same basin and for the same habitat.

Kelli Chandler, Regional Director, advised that the FPA has budgeted funding for the maintenance costs of the mitigation projects.

Mr. Duplantier questioned the IGA ending in 2027 and the estimates ending in 2026. Mr. Troutman explained that some slippage in the turnover of the projects may have occurred since the IGA was first drafted. In response to Mr. Miller's question, he further explained that the process used by the USACE to determine the location of the mitigation projects included several options. The first option was a private mitigation bank. Since there were insufficient mitigation banks, the next option was to try to build the projects as close to the damage as possible. The USACE, working on land rights and attempting to find the right area, had to go to the next option, which was to stay within the Pontchartrain Basin. The projects will remain the responsibility of the FPA. A subsequent IGA is anticipated after the expiration of the proposed five-year IGA. The project life as defined by the USACE in the mitigation rules is 50 years; therefore, the projects must be maintained over the 50-year period.

A motion was offered, seconded and adopted, for the Committee to recommend that the Board approve the IGA with the CPRA with Mr. Latiolais, Mr. Duplantier and Mr. Weysham voting yea and Mr. Miller voting nay.

B. Discussion of a proposed Task Order with Linfield, Hunter and Junius, Inc., to survey Hurricane and Storm Damage Risk Reduction System (HSDRRS) levee, Non-federal levee and Mississippi River levee earthen embankments in Orleans, Jefferson and St. Bernard Parishes as delineated in their proposal dated April 11, 2022, for a total not-to-exceed amount of \$148,461.20.

Mr. Humphreys explained that the FPA is obligated under its Operations and Maintenance responsibilities, as well as State and Federal law, to maintain and report the elevations of the levees within its jurisdiction. A similar procedure is taking place for the hardened HSDRRS structures; however, due to the lower cost, the task order was not brought before the Committee. Therefore, the entire perimeter of the HSDRRS will be surveyed this year. The surveys will take place every three years.

Mr. Miller stated that he wanted to ensure that the survey work is being spread equally among the Indefinite Delivery-Indefinite Quantity (ID-IQ) Survey Contracts. Mr. Humphreys responded that all three firms holding ID-IQ Survey Contracts have received a fair share of work. Bryant Hammett and Associates is doing the survey work on the hardened HSDRRS structures throughout St. Bernard Parish and T. Baker Smith performed cross-sectioning of the lakefront levees.

Mr. Morgan noted that the non-federal levees are a functioning part of flood protection in some capacity (e.g., overtopping). Mr. Humphreys explained that the HSDRRS in certain areas is designed to overtop; therefore, the secondary structures (non-federal levees) are critical. The current effort is on the survey of the perimeter of the HSDRRS in this cycle. The Forty Arpent Levee is currently provisionally accredited and the FPA is working to have the levee accredited; therefore, it had been recently surveyed. The Maxent Levee is the only other non-federal levee that would need to be addressed.

The Committee voted unanimously to recommend that the Board approve the proposed Task Order with Linfield, Hunter and Junius.

There was no further business; therefore, the meeting was adjourned at 10:55 a.m.