

**MINUTES OF
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
OPERATIONS COMMITTEE MEETING
HELD ON SEPTEMBER 8, 2011**

PRESENT: Louis Wittie, Chair
David Barnes, Committee Member
Timothy P. Doody, Committee Member
Stephen Estopinal, Committee Member

The Operations Committee of the Southeast Louisiana Flood Protection Authority-East (SLFPA-E or Authority) met on September 8, 2011 in the East Jefferson Levee District Conference Room, 203 Plauche Court, Harahan, LA. Mr. Wittie called the meeting to order at 11:25 a.m.

Opening Comments: None.

Adoption of Agenda: The agenda was approved as presented.

Approval of Minutes: The minutes of the July 7, 2011 Operations Committee meeting were approved.

Public Comments: None.

New Business:

A. Discussion of Bayou St John 20-ft. servitude enforcement. (O.L.D.)

Robert Lacour, SLFPA-E General Counsel, explained that the potato ridge levee along Bayou St. John may no longer be needed because the flow of water into the Bayou is controlled at the flood control structure. Homeowners have been allowed in the past to build into the 20-ft. servitude along the Bayou. There is a request from a homeowner to build part of a swimming pool in the 20-ft. servitude. The Department of Transportation and Development (DOTD) has no objection to this request. Since the levee is not a Federal levee, the request was not submitted to the U.S. Army Corps of Engineers (USACE) for comment. Mr. Lacour discussed potential problems that could arise should the request be granted or denied. He suggested that the Orleans Levee District (O.L.D.) may want to release the servitude and inform property owners that the non-federal potato ridge levee would no longer be regulated by the levee district.

Mr. Lacour further explained that when Louisiana entered the Union, landowners on navigable rivers or streams had the obligation to build a levee. The levee district is able to use a landowner's land free of charge because the State assumed the landowners' original obligation on navigable waterways. Jerry Colletti with the USACE advised that from a regulatory standpoint once a waterway is considered navigable, it is always considered navigable.

Robert Turner, SLFPA-E Regional Director, advised that if the servitude is completely relinquished and a landowner chooses to degrade the area on his property, there is a potential for water to flow into the street on the east side of the Bayou under certain circumstances. The water level in the Bayou fluctuates from time to time. The O.L.D. controls the culverts in the flood control structure at the mouth of the Bayou; however, it does not have complete control over the water level in the Bayou. The Sewerage and Water Board of New Orleans (S&WB) operates a valve at the end of the Bayou that allows water to enter into the City's drainage system. Therefore, a potential issue could occur because of rainfall. Mr. Spencer pointed out that fine-tuning the control of water in the Bayou would become more difficult should landowners degrade the levee on their property. Mr. Lacour suggested that the City of New Orleans may wish to take over responsibility for the servitude.

Mr. Lacour recommended that should the O.L.D. relinquish the servitude to the property owners, a certified letter and a copy of the resolution adopted by the Board should be sent to each property owner cautioning property owners that they should maintain their potato ridge levee. In addition, staff should contact the S&WB to advise that the Authority is considering giving up the servitude and the maintenance of the levee so that their comments can be obtained before this matter is presented to the Board.

Mr. Doody advised that the Coastal Advisory Committee recently discussed the flow of water into Bayou St. John and that the SLFPA-E is in the process of preparing a grant proposal to de-construct the waterfall structure at Robert E. Lee Boulevard.

Mr. Estopinal recommended that the SLFPA-E Regional Chief Engineer contact the Sewerage and Water Board, the City of New Orleans and other interested parties, as recommended by Mr. Lacour, and report back to the Operations Committee. The Committee concurred with Mr. Estopinal's recommendation.

B. Discussion of London Avenue and 17th Street Canal Levee Toe plus 6-ft. servitude enforcement (O.L.D.)

Mr. Lacour advised that the 6-foot requirement was increased to 15-feet through an Act of the Louisiana Legislature. The increase is a result of the USACE's vegetation criteria. Questions relative to this increase in requirement need to be answered, such as whether the 15-foot requirement should be applied retroactively and about permitting objects between 6 and 15 feet. He explained that the 6-ft. and the 15-ft. requirements are not servitudes and that the levee district cannot use this property, but the levee district can prevent the landowner from using the area in certain ways. The 6-ft. or 15-ft. requirement is in conjunction with the levee district levee right-of-way. It is a negative covenant and nothing can be placed within this area that would hinder the construction, maintenance or safety of the levee. Mr. Doody recommended that Mr. Lacour request guidance from the Attorney General's office on this matter.

Mr. Estopinal recommended that a survey be done by a boundary surveyor of the levee rights-of-ways for the three levee districts. He offered a motion to recommend to the Board that a Request for Qualifications be advertised for services to survey the rights-

of-ways and servitudes for the three levee districts within the Authority's jurisdiction. The motion was seconded by Mr. Doody and unanimously adopted by the Committee.

C. Discussion of sale of borrow pit. (O.L.D.)

Mr. Lacour explained that a contractor has expressed interest in purchasing a borrow pit located in New Orleans East. The pit was excavated by the USACE for borrow materials and then deeded to the O.L.D. The pit is not located on reclaimed land and the sale of the pit would take place using procedures dictated under the Revised Statutes. The origin of the property is not from the State of Louisiana; therefore, the proceeds of the sale would not be deposited with the State Treasurer. He advised that Wildlife and Fisheries is interested in a second borrow pit in New Orleans East.

Mr. Doody offered a motion, which was seconded and unanimously adopted, to recommend that the Board approve the action necessary to sell the borrow pit.

D. Discussion of acquiring consultant services to provide technical and management support to Lake Borgne Basin Levee District staff.

Stuart Williamson explained that the Lake Borgne Basin Levee District (LBBLD) has a number of on-going projects, many of which are FEMA reimbursable. The LBBLD used the assistance of Atkins Global for project management under a contract with a not-to-exceed limit under \$50,000. Work continued under the contract for about a year and the contract funding has been exhausted. A considerable amount of work remains on the LBBLD's pump stations. He proposed that the LBBLD continue using Atkins Global for project management support under a task order that would be issued under an Office of Coastal Protection and Restoration Office (OCPR) ID-IQ contract. The competitive selection process conducted by OCPR in selecting the firm is acceptable to FEMA. Utilizing the services of Atkins Global would allow project continuity. Mr. Doody stated that the proposed task order should cover all of the anticipated work, list specific tasks and provide a total estimated cost. Mr. Turner recommended that Mr. Williamson review the backlog of activity and limit the task order based on the work reviewed.

Mr. Doody offered a motion that the LBBLD Executive Director with the assistance of Atkins Global determines the work that needs to be accomplished, along with an estimated cost and provide the information to the Board for approval. Additional work would be outside of the scope of the proposed task order and would require approval as needed.

E. Discussion of amendment of the W.S. Nelson contract for Consulting Engineering Services for the Engineering and Design required for addressing seepage at Pump Stations #2 and #3 - Phase Two. (LBBLD)

Mr. Williamson explained that the LBBLD advertised a Request for Qualifications and competitively selected W. S. Nelson for the seepage work at Pump Stations #2 and 3. W. S. Nelson completed the first phase of the work at a cost of \$39,000. The first phase was an investigative phase to determine what needed to be done. The engineering cost estimate for both pump stations is \$5,364,000. The estimate of fees provided by W. S.

Nelson was reviewed by the LBBLD Executive Director. The Board adopted a resolution on July 21, 2011, for the negotiation of a fee not to exceed \$225,000 for engineering and design services in the second phase. The estimated fees for engineering and design are \$223,910; however, the estimated fees for basic construction administration are \$40,380. The fees are 4.9 percent of the construction cost estimate and fall within ASCE guidelines. Mr. Turner recommended that the Board approve a lump sum amount not to exceed \$264,290. The original contract with W.S. Nelson will be amended to include the additional scope of services and the additional lump sum amount.

Mr. Doody offered a motion to recommend that the Board approve the amendment of the W.S. Nelson contract for the additional scope of services as discussed and for an additional lump sum amount not to exceed \$264,290.

LEVEE DISTRICT REPORTS: (monthly status reports appended to minutes)

Lake Borgne Basin Levee District: Mr. Williamson reviewed the highlights of the monthly status report. He reported that the LBBLD experienced nine to ten inches of rain over a period extending from Friday to Monday as a result of Tropical Storm Lee. The sector gates at Bayou Bienvenue and Caernarvon were closed by the contractors. All of the access gates were closed along LPV 145 and LPV 146 from Bayou Dupre to Verrett. The LBBLD staff was in constant communication with the St. Bernard EOC. The LBBLD is working to ensure that the gate information is up-to-date in the Levee Information Management System.

Orleans Levee District: Kevin Spruell, O.L.D. Engineer Manager, reviewed the highlights of the monthly status report. Mr. Spencer reported that about 30 floodgates were closed during Tropical Storm Lee; however, the gates were opened on Monday. The water elevation in the IHNC reached about elevation +6-ft. A USCE contractor installed Hesco baskets at a construction site along the IHNC and some of the baskets fell over. The O.L.D. supplied sandbags, personnel and equipment to rebuild the flood protection at the construction site. Mr. Turner added that O.L.D. personnel discovered the problem early on Saturday morning. The problem was reported to the USACE's EOC. O.L.D. personnel helped the contractor to remedy the situation. Mr. Spencer advised that the cofferdam at the Seabrook structure was overtopped, which may result in a month's delay for the completion of the project.

East Jefferson Levee District: Jonell Blowers, Administration Assistant, reviewed the highlights of the monthly status report. She reported that a major issue during Tropical Storm Lee was the attempt to evacuate the barges from the West Return Canal. The USACE had committed to the evacuation of the barges; however, problems developed because lake waters were much rougher than anticipated and the barges could not be evacuated. In the future the evacuation plan should be initiated earlier. The gaps around the West Return Wall were closed by the contractor. An EJLD Police Officer was located in the Jefferson Parish EOC.

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