

**MINUTES OF
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
OPERATIONS COMMITTEE MEETING
HELD ON DECEMBER 1, 2011**

PRESENT: Louis Wittie, Chair
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 December 1, 2011 in Meeting Room 221, Orleans Levee District Franklin Administrative Complex, 6920 Franklin Avenue, New Orleans, Louisiana. Mr. Wittie called the meeting to order at 9:30 a.m.

Opening Comments: None

Adoption of Agenda: The agenda was amended to add Item C – Notice of new Louisiana State Board of Registration for Professional Engineers and Land Surveyors' requirements for right-of-way surveys. The amended agenda was approved.

Approval of Minutes: The minutes of the November 3, 2011 Operations Committee meeting were approved.

Public Comments:

Craig Berthold, a resident along the 17th Street Canal, requested that clarification on the toe plus 15-ft. issue be provided at the next Board meeting. He commented on the importance of this issue to the residents. Mr. Doody responded that a briefing on this issue is planned for the Board at its December 15th meeting in executive session. Should the attorneys allow this issue to be discussed in open session, it would be placed on the agenda for the January Board meeting.

Roy Arrigo commented that it has become apparent with the change in the law and the issue of the toe plus +15-ft. that a property taking has occurred. He appealed to Board members not to allow the issue to be discussed in executive session and then come out from executive session and not discuss what should be discussed. Mr. Doody reminded everyone that there is on-going litigation that is interrelated to the toe plus 15-ft. issue.

New Business:

A. Discussion of the U.S. Coast Guard's Regulated Navigation Area (RNA) for the Industrial Canal.

Robert Turner, SLFPA-E Regional Director, advised that a U.S. Coast Guard meeting will be held on December 6th, which will include representatives from the U.S. Army Corps of Engineers (USACE), the Coastal Protection and Restoration Authority (CPRA)

and the SLFPA-E. One of the items that will be discussed at the meeting is the issue of the current Regulated Navigation Area (RNA). The RNA is an interim rule that lays out when vessels have to leave the IHNC in advance of a storm, which vessels can stay in the IHNC and under what conditions. The SLFPA-E has concerns relative to the safety of the flood protection system and does not want a situation to occur similar to that which occurred during Hurricane Gustav when several vessels broke loose from their moorings in the IHNC. The IHNC floodwalls and the marine gates in the IHNC surge barrier and at Seabrook have not been designed for any type of vessel impact. The vessel impact requirements were lifted by the USACE during the design process because after Hurricane Gustav the Coast Guard had stated that no vessels would be allowed to remain in the IHNC. The Coast Guard has changed its decision and some vessels will be allowed to remain. The Coast Guard could change its decision again once all the structures are in place as provided in the RNA. He stressed that all of the parties involved must be made aware of the risk posed to the flood protection system should vessels be allowed to remain in the IHNC and break free, and that everything possible must be done to prevent this occurrence. There is a potential for catastrophic flooding should the floodwall along either side of the IHNC be struck by a vessel.

Mr. Doody explained that the RNA initially disallowed any vessels from remaining in the IHNC. Many of the vessels in the IHNC are incapable of movement. The time required for a push boat to come in and move the vessels through the lock and out of the area did not allow for their movement. A plan was devised to sink the vessels in place; however, divers with cutting torches would be required. Therefore, the Coast Guard decided that a vessel operator must have a mooring plan and tender (a motorized vessel on standby) in place. The Coast Guard is under tremendous pressure from the maritime industry. The SLFPA-E needs to discuss the risks with the Coast Guard concerning what they may or may not allow.

Mr. Turner pointed out that the SLFPA-E will be placed in a precarious position since it will be operating and maintaining the marine gates. The gates will be closed when the water level reaches three-feet and rising and there may be vessels that have not yet left the IHNC. Mr. Doody added that the SLFPA-E will fulfill its responsibility relative to closing the gates; however, this may not be in concert with the maritime community's interests.

Mr. Wittie noted that the Coast Guard will enforce the RNA only 24 hours in advance of a storm, which is not enough time to move all of the vessels out of the area. Mr. Doody commented that the Captain of the Port is required to give port conditions based on the anticipated time of a storm's arrival. The possibility of a storm developing in the middle of the Gulf that would not allow sufficient time for moving all of the vessels out of the area was brought to the attention of the Coast Guard by the SLFPA-E years ago. The Coast Guard needs a better understanding of the risks that the SLFPA-E is attempting to minimize.

B. Discussion of LPV 106 safety measures.

Mr. Turner explained that LPV 106 is the levee along Hayne Boulevard with a 2-ft. high I-wall. There is a safety concern that bikers riding along the splash pad adjacent to the I-wall could potentially tip over and fall over the wall. There is a large drop on the floodside of the I-wall; therefore, something must be put in place to keep individuals from falling over the wall. The alternative selected by the USACE is a 2-ft. high vinyl coated chain link fence running along the five mile length of the I-wall. The cost of the fence will be federally funded with the local sponsor paying a cost share.

C. Notice of new Louisiana State Board of Registration for Professional Engineers and Land Surveyors' requirements for right-of-way surveys.

Mr. Estopinal advised that the Louisiana State Board of Registration for Professional Engineers and Land Surveyors has revised the rules and minimum standards and now requires a specific category of survey for rights-of-ways, servitudes and easements for any type of linear structure. The new regulations deal with the acquisition of servitudes and are very specific relative to the burden placed upon the entity acquiring the servitude and the survey work. A copy of the regulations was provided to Mr. Turner for incorporation into the proposed future survey work.

Levee District Reports:

Lake Borgne Basin Levee District (LBBLD): Stuart Williamson, LBBLD Executive Director, reviewed the monthly status report (copy appended).

Orleans Levee District (O.L.D.): Gerry Gillen, O.L.D. Executive Director, reviewed the monthly status report (copy appended). He noted that five applications were received this week from Civil Service for the grant writer position and that he needed to find out if anyone wished to review the resumes and participate in the interviews.

East Jefferson Levee District (EJLD): Fran Campbell, EJLD Executive Director, reviewed the monthly status report (copy appended).

Report by Regional Director:

Armoring update:

A meeting was held on November 30th with representatives from the CPRA, SLFPA-E and USACE to discuss the path forward. The Project Description Document (PDD) has not been submitted to the Mississippi Valley Division. Points brought out at the meeting were:

- 1) There will be no banking of armoring dollars;
- 2) The USACE does not expect Federal authority for future levee lifts;
- 3) The non-federal sponsor owns the decision whether to raise or not to raise a levee at its expense;

- 4) The only levee raises that will be done by the USACE during the interim period between now and the time that the levees are armored will be to bring a levee that has settled back to the design grade; and
- 5) The USACE will not recommend less resilient alternatives without a scientific basis.

Mr. Turner reported that the SLFPA-E informed the USACE at the meeting that it does not make sense to install High Performance Turf Reinforcement Mat (HPTRM) now and then have to remove it in order to do the next levee lift and that the USACE cannot do the next levee lifts now, particularly in light of the fact that there is no expectation of authorization for future levee lifts. In this case the USACE has not fulfilled its obligation to design a system with a fifty year design life because in two years the system will not meet the requirements that the Congress set forth for the USACE. He advised that the USACE has reconsidered the use of enhanced grass due to climate and environmental conditions and seems to be leaning towards using HPTRM on all of the lakefront levees, including the I-wall along Hayne Boulevard. The USACE will review its decision about armoring in the vicinity of T-walls as requested by the SLFPA-E. The SLFPA-E presented a good argument at the meeting for providing armoring along the Mississippi River levee, particularly in St. Bernard Parish. He pointed out that decisions are needed on armoring because the USACE's Task Force Hope is preparing for a major shift in funding from the Lake Pontchartrain and Vicinity (LPV) projects to the West Bank and Vicinity (WBV) projects. The USACE's armoring scheduling is being revised.

Mitigation update:

There is no up-date on mitigation at this time. The USACE anticipates providing an update in January.

There was no further business; therefore, the meeting was adjourned at 10:30 a.m.