

**MINUTES OF  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST  
OPERATIONS COMMITTEE MEETING  
HELD ON JANUARY 9, 2014**

PRESENT: Louis Wittie, Chair  
Timothy Doody, Committee Member  
Stephen Estopinal, Committee Member  
Paul Tilly, Committee Member

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The Operations Committee of the Southeast Louisiana Flood Protection Authority-East (SLFPA-E or Authority) met on January 9, 2014, 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 approved as presented.

**Approval of Minutes:** The minutes of the December 12, 2013 Operations Committee meeting were approved.

**Public Comments:**

Craig Berthold asked the reason the servitude along the 17<sup>th</sup> Street Outfall Canal was not a temporary work area servitude like the one for the Mississippi River Levee (MRL) lift.

Mr. Lacour responded that the temporary work area servitude for the MRL lift is outside of the levee district's right-of-way; therefore, the servitude must be purchased from the private property owner. The work along the 17<sup>th</sup> Street Canal was accomplished within the existing servitude.

Roy Arrigo commented that he understood that the area being cleared for the MRL lift is toe plus 6-ft. He pointed out that the toe plus 6-ft. zone was changed by the legislature in 2011 to toe plus 15-ft.

Mr. Lacour clarified that the law does not state that it must be a 6-ft. or 15-ft. cleared zone. The law states that anything within the now 15-ft. zone that causes a problem to the levee or its maintenance must be removed. Therefore, there may be some things within the 15-ft. zone that do not need to be removed because they do not cause a problem.

## **New Business:**

### **A. Discussion of temporary work area servitude for Mississippi River Levee Lift. (East Jefferson Levee District)**

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Mr. Lacour advised that a temporary work area outside of the existing servitude is needed by the U.S. Army Corps of Engineers (USACE) for the MRL lift. The property owner must be compensated for the temporary servitude. The servitude agreement was negotiated and prepared by Larry Marino. The 1.5 acre area will be used by the contractor for staging the project. He recommended approval of the document.

A motion was offered by Mr. Doody, seconded by Mr. Estopinal and unanimously adopted, to recommend that the Board approve the temporary work area servitude.

### **B. Discussion of Port of New Orleans servitude agreement for France Road floodwall and adjustment of existing floodwall servitude from Jourdan Road eastward past Elaine Street ("Citrus Back Levee"). (Orleans Levee District)**

Chris Bonura with the Port of New Orleans introduced Chris Donner and Jacob Chris. Mr. Bonura commented that the Port of New Orleans has enjoyed a good working relationship with the Orleans Levee District (O.L.D.) for many years. The improvements to the risk reduction system have greatly benefited the Port. There is a renaissance of port activity along the Industrial Canal. The servitudes along the canal go back to the canal's creation and are inconsistent. The Port is attempting to standardize some of the servitudes in order to better market the property and create more economic opportunity. Representatives of the Port have been in contact with Mr. Lacour and levee district staff. One of the proposed updated servitudes is ready for approval and a second will be presented for approval at a later date.

Chris Donner, Industrial Real Estate Manager for the Port of New Orleans, explained that the Port is addressing the servitudes for two different areas: 1) the France Road Floodwall (Almonaster to France Road Terminal), and 2) the Citrus Back Levee (Jourdan Road eastward to Elaine Street).

Mr. Donner first addressed the France Road Floodwall (Almonaster to France Road Terminal) servitude. The O.L.D. has enjoyed a servitude from the Port since the creation of the Industrial Canal. The documents and the drawings tied to the documents varied over time. Servitude widths vary from 30-ft to 62-ft. The inconsistent servitude width creates a challenge for grass maintenance and fence installation. The Port is attempting to standardize the servitude. Post-Katrina the USACE requested emergency access to Port property in order to make adjustments to the floodwall; however, the new floodwall has not been documented. In an effort to induce maritime economic activity, the Port's Board of Commissioners has been entertaining the sale or transfer of some of the property. The lack of a recorded servitude with the current dimensions of the floodwall, properties and improvements creates a challenge for surveys, appraisals, title insurance and the determination of allowable uses for the

property. The proposed servitude would protect and memorialize the rights of the Port, O.L.D., USACE and New Orleans Public Belt Railroad (NOPBRR). The Port proposes a consistent 15-ft. floodwall servitude from the toe of the levee throughout the area (Almonaster down France Road and Alvar Street to the Industrial Canal). The proposed document acknowledges existence of current site conditions and improvements, access rights and maintenance obligations. The Port applied for permits for the railway in the area. The survey for the metes and bounds description to be attached as an exhibit to the servitude document has been prepared by Galdonfo, Kuhn and Associates. The document has been reviewed by Port and levee district staffs and is ready for final legal sign off. The Port has gone through the permit process with the USACE and SLFPA-E and received permits for all activities planned within the 15-ft. servitude. After the adoption of a resolution by the SLFPA-E Board to approve the proposed servitude, the Port will recommend the adoption of a similar resolution to its Property and Insurance Committee and its Board.

Mr. Doody requested an opportunity to review the document before it is presented to the Board. He asked that a potential agreement be investigated for the Port to take over the maintenance of the property in exchange for releasing some of the property. Mr. Lacour suggested that Robert Turner, SLFPA-E Regional Director, and Gerry Gillen, O.L.D. Executive Director, meet and review the proposed servitude. Mr. Estopinal strongly recommended that the new servitude document be recorded by the City of New Orleans. Mr. Turner advised that the floodwall is a part of the Hurricane and Storm Damage Risk Reduction System (HSDRRS) Project and the USACE may view this action as a modification to the project and may require a specific permitting process. Mr. Doody pointed out that the SLFPA-E must also consider future conditions for the HSDRRS. He commented that the SLFPA-E is not opposed to the expansion of economic development; however, it needs to ensure that the new servitude is done correctly. Mr. Donner noted that France Road Parkway to Almonaster is a priority area. Mr. Tilly recommended that a coordination meeting take place with the USACE to ensure that everything that is required is shown on the survey.

Mr. Donner next addressed the proposed modification of the servitude for the Citrus Back Levee (Jourdan Road eastward to Elaine Street), which is presented today for discussion only. The area includes the Port's Bulk Terminal, which is currently being leased to Gulf Gateway Terminals. Gulf Gateway Terminals operates a crude oil transfer facility from rail to barge. The company's operations are becoming more pronounced and it is ramping up to conduct more business. Due to the increased activity of this tenant and other tenants on the east side of the Industrial canal, the NOPBRR is running out of storage track area in New Orleans East. The NOPBRR requested that it be allowed to add additional tracks and/or rearrange some of the existing tracks in the area. The existing levee servitude is inconsistent and varies from 30-ft. to 215-ft. The Port cannot at this time determine what the engineering needs were at the time the servitudes were granted. A consistent standard servitude line would reduce the O.L.D.'s maintenance obligation. The property has been owned by the Port since it was awarded the land by the Federal government. Drawings show that there is a difference of 16.95 acres of developable land between the existing versus the

proposed levee right-of-way. The current servitude was determined based on the research of engineering drawings.

Mr. Tilly advised that the designs for the Citrus Back Levee varied because of berm needs for stabilizing the levee. Therefore, coordination will be required with the USACE prior to the release of any of the existing servitude area. Mr. Estopinal recommended that the meeting minutes be researched for information pertaining to the levee servitude. Mr. Donner stated that the Port will continue to work with staff.

**Levee District Reports: (copies of monthly reports appended to minutes)**

**Hurricane and Storm Damage Risk Reduction System (HSDRRS):** Mr. Turner reviewed the HSDRRS status report and commented on the following items:

- Tie-in between the HSDRRS and MRL (Caernarvon) – A section of the floodwall tying into the MRL is being replaced prior to hurricane season.
- IHNC-02 (IHNC Surge Barrier) – The USACE issued the Notification of Contract Completion (NCC) letter on the project. A team established by the O.L.D. will manage and deal with the maintenance of complex structure facilities. The team will also manage the two complex structures in the Lake Borgne Basin Levee District. Preventive maintenance schedules will be developed by the O.L.D. team.
- Several outstanding issues are still being analyzed by the USACE, including issues related to bending moment, corrosion, and erosion potential on the floodside of the floodwalls.
- East Jefferson foreshore protection – An on-site meeting is scheduled with the USACE relative to the erosion problem landward of the rock protection.

**Lake Borgne Basin Levee District (LBBLD):** Nick Cali, LBBLD Executive Director, reviewed the highlights of the LBBLD status report. He commented that St. Bernard Parish officials have been advised concerning the dewatering that will take place for the Bayou Dupre structure gate repairs (LPV 144) and that the Violet Canal will be closed to navigation while the work is being accomplished.

**Orleans Levee District (O.L.D.):** Felton Suthon, O.L.D. Engineer, reviewed the highlights of the O.L.D. status report. He noted that the O.L.D. received via e-mail today a copy of the USACE's cease and desist order addressed to the permittees relative to additional work on the Orleans Canal pier. The 2013 annual inspection report has not yet been received from the USACE. Mr. Doody requested that a presentation be provided by a USACE representative next month concerning the inspection report process. The deadline for bids for the next segment of the Lakefront Seawall Erosion Control Project has been postponed to January 23<sup>rd</sup>.

Mr. Wittie requested that the posted load limits on Lakeshore Drive be investigated. He commented that some of the trucks hauling materials for the construction of the Permanent Canal Closures and Pumps (PCC) Project are not adhering to operational

requirements. It was noted that the Non-Flood Protection Asset Management Authority Recreation Committee will address this issue at its meeting today.

**East Jefferson Levee District (EJLD):** Fran Campbell, EJLD Executive Director, reviewed the highlights of the EJLD status report. Ms. Campbell advised that Board approval will be requested for the purchase of properties from the New Orleans Aviation Board and other private property owners for the construction of the EJLD consolidated facilities. Several other pieces of property will require expropriation.

There was no further business; therefore, the meeting was adjourned at 10:40 a.m.