

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST  
BOARD MEETING  
FRIDAY, JANUARY 26, 2007**

The Southeast Louisiana Flood Protection Authority - East (SLFPA-E) Board Meeting was held on Friday, January 26, 2007, at the Chalmette Refining, LLC, Contractor Orientation Bldg., 520 E. St. Bernard Hwy., Chalmette, Louisiana, after due legal notice of the meeting was sent to each member, the news media and posted.

The meeting was called to order by President Jackson at 9:50 a.m., who then led in the pledge of allegiance. The roll was called and a quorum of the Board was present.

Present:

Thomas L. Jackson, President  
Abril B. Sutherland, Vice President  
John M. Barry, Secretary  
Timothy P. Doody, Treasurer  
David P. Barnes, Jr.  
Stradford A. Goins  
George Losonsky, Ph.D.  
Sara Lee St. Vincent  
Louis E. Wittie

Absent:

Larry A. McKee

Furthermore Present:

Denise Fitzgerald, Assistant Attorney General  
Cornelia Ullmann, Orleans Levee District (OLD)  
Stevan G. Spencer, OLD  
Dennis Barkmeyer, Hesco Bastion  
Gerry Gillen, OLD  
Jonell Blowers, East Jefferson Levee District (EJLD)  
Fran Campbell, EJLD  
Scott O'Connor, GAMDE  
Peck Hayne, GAMDE  
J. R. Rodriguez, St. Bernard Parish  
C. R. Reppel, St. Bernard Parish  
Mike Abadie, St. Bernard Parish  
Greg Dutreil  
John R. Monzon, LA DOTD Dist. 02 Design  
Kevin Wagner, U.S. Army Corps of Engineers (USACE)  
Larry Marino, Oats & Hudson  
Robert Lacour, EJLD  
Wilma Heaton, OLD  
Sheila Grissett, Times Picayune  
Robert Turner, Lake Borgne Basin Levee District (LBBLD)  
Gary J. Dufour, Sr.  
Vic Landry, Evans-Graves/Corps of Engineers  
John Ashly, USACE HPO  
Jerry Howell, Everstar, Inc.  
Travis Picquilla, Everstar, Inc.  
Gus Reiss, Gulf Coast Bank  
Sean Warner, Gulf Coast Bank  
Alberta Lewis, Sebastopol Plantation  
Bill Capo, WWL-TV  
Peggy Sembera, LBBLD  
Ann Duffy, Lake Oaks Neighborhood Association  
Jim St. Germain, USACE HPO  
Cindy Foley, USACE HPO PAO  
Paul Evans, USACE HPO  
Bill Jennings  
Bill Cohen  
Billy Morehol, New Orleans Business Council

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Deborah Keller, Port of New Orleans  
Glenda Boudreaux, OLD

A motion was offered by Commissioner Doody, seconded by Commissioner Goins, to delete Item No. 7 under New Business, which was unanimously adopted, and the revised agenda was approved as amended.

A motion was offered by Commissioner Doody, seconded by Commissioner Barry, and unanimously approved, to accept the minutes of the Board Meeting held on January 17, 2007. Approval of the minutes of the Board meeting held on January 10, 2007, was deferred.

President Jackson recognized Parish President Rodriguez.

Parish President Rodriguez stated he looked forward to working with the SLFPA-E. He expressed his concern relative a recent article on the closure of the Mississippi River Gulf Outlet (MRGO), and requested the SLFPA-E's support for the total closure of the MRGO, offering to supply a copy of St. Bernard Parish's regional plan for the closure. He commented on the destruction in St. Bernard Parish caused by Hurricane Katrina, and invited the Commissioners to tour the MRGO.

President Jackson thanked the Chalmette Refinery for providing a meeting room and various entities and the residents of St. Bernard Parish for their hospitality. He advised several Commissioners attended a levee/flood protection school/planning conference held this week in Baton Rouge, which afforded an opportunity not only to provide input, but to also meet with their counterparts with the other levee districts, and he encouraged the Board members to participate in future opportunities such as this.

Commissioner Doody offered a motion, which was seconded by Commissioner Goins and unanimously adopted, to convene in Executive Session to discuss the items on the agenda. The Board went into Executive Session at 10:05 a.m.

The Board returned from Executive Session at 12:10 p.m., and the meeting was called back to order. President Jackson recognized Senator Boasso.

Senator Boasso commented on the historic legislation which created the SLFPA-E and took the politics out of flood protection. He offered to assist the SLFPA-E as needed in order to meet its goals and thanked the Commissioners for giving of their time to make Louisiana better.

The Board recessed for lunch at 12:12 p.m.

The Board reconvened at 1:12 p.m. and the meeting was called back to order.

President Jackson announced representatives from the U.S. Army Corps of Engineers (USACE) would be providing a presentation on various activities, and introduced John Meador, Deputy Director of Task Force Hope.

Mr. Meador reviewed the agenda for the Power Point presentation and commenced by explaining Task Force Hope is the organization that was stood up essentially to be the USACE partner in the response and recovery mission post Hurricanes Katrina and Rita. He showed a chart naming the various USACE districts involved in and still significantly supporting this mission, and listed the principal authorized projects which make up the Hurricane Protection System (i.e., Lake Pontchartrain and Vicinity Project, West Bank and Vicinity Project and New Orleans to Venice Project).

Mr. Meador explained, following the hurricane events, Congress and the Administration acted and provided four supplemental appropriations, three of which came with money, along with a number of requirements and missions coming from those Supplemental Appropriations. The first milestone was the repair and restoration of the damaged system to pre-Katrina height and previously authorized grades. Part of the supplemental appropriations and work that is under way is to evaluate, modify and improve and/or replace the current I-walls. Mr. Meador and Colonel Bedey discussed efforts to make the system more resilient. Mr. Meador explained the Fourth Supplemental Appropriation provided significant additional components over and above what was originally authorized, including navigable floodgates along the IHNC, permanent pump stations at the intersection of the outfall canals with Lake Pontchartrain and storm proofing interior pump stations.

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Mr. Meador indicated the Second, Third and Four Supplemental Appropriations total approximately \$5.7 billion dollars. Close to \$1 billion dollars of that funding was spent on the repair portion, which was more than anticipated. The USACE is doing a reanalysis, based on today's knowledge, to determine reliable cost estimates for completing the entire system they have been asked to provide through the Supplemental Appropriations. Congress has also requested that the USACE expeditiously look at greater levels of protection and a preliminary report was issued last summer, with a target date of December 2007 for the completion of a Final Technical Report for Louisiana Coastal Protection and Restoration (LaCPR). He noted this is an unprecedented effort, and commented the USACE is working closely in collaboration with FEMA and NOAA to determine consistent probability predictions of flooding throughout the Federal family.

Colonel Richard Wagenaar, New Orleans District Commander, provided an overview of the structural organization of the District and explained its geographical boundaries. He advised the USACE is linked with the State in regards to its roll in the LaCPR Study, as well as the USACE's roll in the CPRA's master plan. Post Katrina, the District was reorganized so that it could take a comprehensive approach towards hurricane protection, coastal restoration and flood control. He briefly explained the Inspection of Completed Works Program. He also noted one of the major missions of the District is the operation of the outfall canal structures during tropical events.

Mr. Tom Podany, Protection and Restoration Office Chief, showed slides depicting the hurricane work being done by the Protection and Restoration Office (PRO) and the Hurricane Protection Office (HPO), and indicating the status of levee and floodwall contracts in Jefferson and St. Charles Parishes, briefly explaining the projects involved. The Southeast Louisiana Urban Flood Control (SELA) project, which deals mostly with channel and pumping station improvements is under the PRO, and approximately 80 percent complete in design and 60 percent complete in construction, with 39 contracts having been completed prior to Katrina. About 14 projects have been identified and are expected to be awarded by June for the remaining work with funding of \$224 million.

Mr. Podany advised the interim report that was authorized by Congress and paves the way for the potential De-authorization of Deep Draft Navigation of the MRGO was completed in December, 2006, and the USACE is working with the State to fold that report into the LaCPR report. He further explained some of the issues involved in the effort, the approach used in the planning study, and alternatives that could be considered.

Mr. Podany provided information on the Tree Removal Program and explained how trees can threaten the integrity of the hurricane protection system. Phase 1 of the Tree Removal Program addresses trees within existing rights-of-ways, and the USACE will consider whether these buffers should be extended for technical reasons.

Colonel Jeffrey Bedey, Commander of the Hurricane Protection Office (HPO), explained the mission of the HPO is to provide the 100-year level of protection with a goal of completing that effort by September, 2010. This mission, which is 3.1 billion dollars of effort, includes levees, floodwalls and armoring in Orleans, St. Bernard and Plaquemines Parishes, pump station repairs and storm proofing in Jefferson and Orleans Parishes, interim closure structures and permanent pump stations on the three outfall canals, and providing protection to the Inner Harbor Navigation Canal (IHNC). He commented on the challenges involved, maintaining momentum, building the HPO, and strengthening internal and external relationships. Colonel Bedey clarified the HPO is not another District in the USACE, but an execution centric organization formed for the sole purpose of executing 3.1 billion dollars of work, and when that mission is done, that organization will go away and be absorbed back into the entire USACE. He briefly described how the HPO, consisting of 121 government, civilian and military members, is structured. The HPO also has a program management support contract with the Evans and Graves team to provide additional expertise and support.

Colonel Bedey provided a brief status of the levees, floodwalls and armoring contracts, showing a chart indicating the number of projects completed, in construction or in design for Orleans, St. Bernard, Jefferson and Plaquemines Parishes. He explained preliminary design work has been done on many of the levees and floodwalls; however, the HPO is awaiting the final 100-year elevations to assure the design is right before moving into the construction phase. The HPO is moving forward and awarding contracts on those areas where it has a high level of confidence. The existing pump station repairs have been progressing and he anticipated all the

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pump station repairs will have essentially been completed in Jefferson and Orleans Parishes before the height of the hurricane season with one or two exceptions. The HPO has partnered with Jefferson and Orleans Parishes to determine the best engineering solutions relating to storm-proofing the non-federal pump stations. Colonel Bedey discussed the interim gated closure structures at the Orleans, London and 17<sup>th</sup> Street Outfall Canals and the pumping capacity at each structure. Within the next week to ten days, all of the work will have been completed to mechanically open and close these gated structures, and he addressed measures that will be taken to assure reliability of the pumping system in place at the structures.

Mr. Meador briefly discussed the Lake Pontchartrain West Shore Project, the issue regarding the preferred alignment, and the on-going feasibility study under the USACE's normal general investigation process. A study has been reactivated with plans for a draft report to be completed this fiscal year outlining an alignment.

Wetlands and mitigation issues were discussed, and Mr. Meador named some of the non-federal organizations involved in the initial LaCPR work.

Colonel Bedey thanked the SLFPA-E Board for being an active player in the formal partnering conference on the permanent pump stations for the three outfall canals. A partnering charter was established, a mission was agreed upon for the team relative to direction, and a commitment made to determining what the best engineering solution is relative to protecting the outfall canals in a holistic, open and transparent manner. The current overall philosophy is to go out with a design-build solicitation that provides the private sector the opportunity to propose what they believe is the best solution; however, team partners may ultimately want to look more narrow for certain reasons. The same approach will be looked at for the IHNC; that is, design-build, with the mission of protection. The IHNC effort will also be partnered in a formal manner, and the best solution will be determined relative to technical, cost and schedule implications associated with the proposal. The completed concept study, which proposed four alternatives for IHNC protection, will be made available to the private sector. Colonel Bedey further described the anticipated RFP process.

Colonel Bedey thanked the SLFPA-E for allowing the USACE to make this presentation, and USACE representatives briefly answered questions.

President Jackson thanked Colonel Wagenaar, Colonel Bedey and the USACE staff appearing today. He then called for a brief recess at 3:35 p.m.

The Board reconvened and the meeting was called back to order at 3:50 p.m.

President Jackson advised Assistant Attorney General Denise Fitzgerald's summary of Act 1 would be provided at a later meeting. He further reported that an update by the attorneys on the litigation entitled Haspel & Davis Milling and Planting Co., et al v. OLD was provided in the Executive Session, as well as a discussion of some personnel matters by Lake Borgne Basin Levee District Executive Director Bob Turner.

Commissioner Doody offered a motion to amend the agenda by adding two items: first, under New Business, Item No. 8, to allow the SLFPA-E to open accounts on behalf of the levee districts, which was seconded by Commissioner Goins, and unanimously approved, and second, to add Item No. 10 to increase the Lake Borgne Basin Levee District Executive Director's salary, which was seconded by Commissioner Losonsky, and unanimously approved.

**Old Business:**

1. Motion authorizing President Jackson to carry out Resolution #06-12-1430 of the Board of Commissioners of the East Jefferson Levee District dated December 21, 2006 by obtaining title insurance on Lots 16A&B and 17A&B, Square 87, Bonnabel Place Subdivision.

Fran Campbell, EJLD Director, advised the lots are located near a pump station and involve a right-of-way and runoff control drain crossing the lots. The land owner has requested return of his investment of \$44,900 on two of the lots and will donate the other two lots. These lots can also be used by the levee district for a construction set up area and for storage of equipment and materials prior to a storm. The Board briefly discussed obtaining clear title and the cost of title insurance, and Ms. Campbell recommended the amount of title insurance to be purchase be approved by the President.

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The motion was offered by Commissioner Doody, and seconded by Commissioner Barry, and amended by friendly amendment to include authorizing the President to use his discretion to purchase title insurance in the appropriate amount. The Board voted unanimously in favor of the amended motion.

2. Motion authorizing President Jackson to sign an attorney fee contract with interim counsel T. Robert Lacour for the East Jefferson Levee District.

The motion was offered by Commissioner Doody, seconded by Commissioner Barry. President Jackson indicated Items 2, 3 and 4 represent the response from the three levee districts to the Board's request at its last meeting for names of interim counsel and will result in interim counsel agreements to provide counsel support for the levee districts. The Board voted unanimously in favor of the motion.

3. Motion authorizing President Jackson to sign an attorney fee contract with interim counsel Cornelia Ullmann for the Orleans Levee District.

The motion was offered by Commissioner Doody, seconded by Commissioner Losonsky. The Board voted unanimously in favor of the motion.

4. Motion authorizing President Jackson to sign an attorney fee contract with interim counsel McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel for the Lake Borgne Basin Levee District.

The motion was offered by Commissioner Doody, seconded by Commissioner Losonsky. The Board voted unanimously in favor of the motion.

#### **New Business**

1. Motion authorizing the purchase of a Blackberry cell phone and email for the use of the Board President, and authorizing the President to execute all documents to carry out this motion.

The motion was offered by Commissioner Barry, seconded by Commissioner Doody, and unanimously adopted by the Board.

2. Motion authorizing the purchase of a laptop computer for the use of the Board President, and authorizing the President to execute all documents to carry out this motion.

The motion was offered by Commissioner Doody, seconded by Commissioner Barry, and unanimously adopted by the Board.

3. Motion authorizing the purchase of a desktop computer for the SLFPA-East and authorizing the President to execute all documents to carry out this motion.

A friendly amendment was offered to include the purchase of peripheral equipment and supplies. The amended motion was offered by Commissioner Doody, seconded by Commissioner Losonsky, and unanimously adopted.

4. Motion authorizing the Board President to negotiate and sign an agreement with the East Jefferson Levee District to establish a branch office of the SLFPA-East in the office of the East Jefferson Levee District located at 203 Plaque Ct., Harahan, LA.

The motion was offered by Commissioner Losonsky, seconded by Commissioner Doody, and unanimously adopted.

5. Motion to establish 203 Plaque Court, Harahan, LA as the interim domicile of the SLFPA-East.

The motion was offered by Commissioner Doody, seconded by Commissioner Barry, and unanimously adopted.

6. Motion authorizing President Jackson to seek and establish branch offices in the Orleans Levee District and Lake Borgne Basin Levee District.

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The motion was offered by Commissioner Doody and seconded by Commissioner Losonsky. President Jackson commented the Board is cognizant of the inability of the Lake Borgne Basin Levee District to accommodate a branch office at this time and will act accordingly. The motion was unanimously adopted.

7. Motion to establish a committee to meet with the Division of Administration to determine which assets of the levee districts are related to flood protection and which are non-flood assets. The committee will report back to SLFPA-E with recommendations for the transfer of the non-flood assets to the Division of Administration.

Item No. 7 was deleted from the agenda.

8. Motion authorizing Timothy Doody, Treasurer, to open an account with Capital One Bank in the name of the Southeast Louisiana Flood Protection Authority-East. Authorized signatories will be the officers of the Southeast Louisiana Flood Protection Authority-East. (and) Motion to allow the Southeast Louisiana Flood Protection Authority-East to open accounts on behalf of the levee districts.

The motion was offered by Commissioner Losonsky, seconded by Commissioner Goins, and unanimously adopted.

9. Motion authorizing Timothy Doody, Treasurer to acquire quotes for Public Official's Liability Insurance for the SLFPA-E.

The motion was offered by Commissioner Doody and seconded by Commissioner Losonsky. Commissioner Doody cautioned the liability insurance ultimately obtained by the SLFPA-E in this form will cover the Commissioners for actions as members of this Board, but will not provide professional coverage. The Board voted unanimously in favor of the motion.

10. Motion to increase the Lake Borgne Basin Levee District Executive Director's salary by 8.1 percent.

The motion was offered by Commissioner Losonsky, seconded by Commissioner Goins, and unanimously adopted.

Commissioner Barnes offered a motion to hold the next Board Meeting on Thursday, February 8, 2007, at 9:30 a.m., at the Lake Vista Community Center, 6500 Spanish Fort Boulevard, New Orleans, Louisiana. The motion was seconded by Commissioner Goins and unanimously approved.

President Jackson asked for public comments.

Mr. Joe Hassinger, President of the Lake Terrace Property Owners Association, explained the residents and associations for Lake Oaks, Lake Terrace, Lake Vista and Lakeshore Subdivisions are concerned about some of the issues that the SLFPA-E, the Attorney General's Office and the State will be dealing with over the next several weeks, including the disposition and management of non-flood assets, security along the lakefront, work along Lakeshore Drive, and projects to be completed by the Corps of Engineers, including the outfall canal projects. He asked that the associations and residents be kept informed and involved in the process, as these decisions will have a direct and dramatic impact on these neighborhoods.

President Jackson offered to meet with the group and requested that Mr. Hassinger contact him.

Dr. John Skinner, a Lake Oaks Subdivision resident, expressed his concern relative to the seawall, which he heard was classified as a non-flood asset. Dr. Skinner felt the sea wall and the land behind it were important parts of the flood protection system, acting as armoring for the levee, breaking wave action and dissipating energy. He also expressed a concern relative to breaking up integral parts of the flood system, such as the seawall, the ground behind it and the levee, and giving them to different administrations and the subsequent coordination of the system.

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President Jackson commented the SLFPA-E is carefully looking at this issue. While a decision has not yet been made, President Jackson advised the SLFPA-E will be looking out for this interest in the system.

Ms. Ann Duffy, President of the Lake Oaks Neighborhood Association, echoed the comments of the previous two speakers, and asked to be kept informed.

There was no further business and the meeting was adjourned at 4:25 p.m.