

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST  
BOARD MEETING  
THURSDAY, FEBRUARY 21, 2008**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, February 21, 2008, in the Second Floor Hall, Lake Vista Community Center, 6500 Spanish Fort Boulevard, New Orleans, Louisiana, after due legal notice of the meeting was sent to each member and the news media and posted.

Mr. Doody called the meeting to order at 9:42 a.m. and led the Board in the pledge of allegiance.

The roll was called and a quorum of the Board was present.

**Present:**

Timothy P. Doody, President  
Abril B. Sutherland, Vice President  
John M. Barry, Secretary  
George Losonsky, Ph.D., Treasurer  
David P. Barnes, Jr. (left meeting at 11:40 a.m.)  
Stradford A. Goins  
Thomas L. Jackson  
Larry A. McKee  
Ricardo S. Pineda  
Louis E. Wittie

**Absent:**

Sara Lee St. Vincent

**OPENING COMMENTS:**

Mr. Doody stated 100 year flood protection for the Greater New Orleans Metropolitan area is of paramount importance. The Authority hosted a meeting in November (2007) to identify roadways to the 100 year level of protection and getting all of that work completed on time. In attendance were Congressman Charles Melancon, Congressman William Jefferson, State Treasurer John Kennedy, Lt. Governor Mitch Landrieu, (current) State Senate President Joel Chaisson, (current) Speaker of the House Jim Tucker, Jefferson Parish President Aaron Broussard, St. Bernard Parish President-elect Craig Taffaro and Plaquemines Parish President Billy Nungesser, Orleans Parish Council President Arnie Fielkow, and many other elected officials from the region—too many to name, all there to try to identify roadblocks to completing the 100 year level of protection on time. Those in attendance seemed to understand that there is no separating New Orleans from the rest of the State, and no separating the State from the rest of the Country, and that there is going to be no recovery without flood protection. Water knows no boundaries and this problem must be attacked by using a regional approach. Major obstacles to completing the 100 year level of

protection were identified at that meeting and included funding, borrow material, and agreement language concerning issues relating to lands, easements and rights-of-ways.

Mr. Doody observed one obstacle not identified at that time which has become the biggest obstacle plaguing 100 year protection efforts is complacency—everyone believes that this is just going to happen, and it is not going to happen unless funding is available. As an example, he noted at the last Operations Committee meeting a presentation was given on the redevelopment of the Mississippi riverfront for which investors will be putting up approximately \$200 million in investments, and the thought came to mind, why would anyone be willing to invest that kind of money without knowing that the protection for the City, which is not there now, is going to be there. Time is being spent on a variety of individual projects affecting the local citizenry, and plans are being drawn up, but he cautioned plans will not hold back any water.

Mr. Doody added, on Monday he received an alarming telephone call from Baton Rouge from a State official asking if he knew the position of local leaders on funding the 100 year protection projects. Currently, State funding for hurricane protection projects is \$15 to \$25 million; however, \$400 million will be required annually to complete these projects. This is a 2,667% annual increase.

Mr. Doody stressed public awareness is the key to solving this problem. He stated he was glad to see so many people attending today's meeting and urged the public to re-engage in this process and contact their Congressional delegation, State legislators and local leadership, as this protection will not happen without public involvement. He emphasized the danger of memories fading as time goes on and the disaster moves further away from the present. The nation and the other parts of the State are less enthusiastic in their support of these projects. He advised this Authority is going to work very hard to engage elected and appointed officials and facilitate meetings in hopes of resolving these funding issues, which will take monumental effort.

Mr. Pineda stated he spent about four hours yesterday at the U.S. Army Corps of Engineers' (USACE) office with the Project Managers for the 100 year protection projects for St. Bernard and Orleans Parishes trying to understand these exact issues (e.g., schedules, status of designs, status of borrow materials, which is currently a non-federal responsibility, along with lands, easements, rights-of-ways and relocations). His impression from this meeting was that the Engineering Analysis Reports (EAR), which lay out the conceptual designs that will be moving forward towards plans and specifications, are at about the 30% level of design and will be finalized over the next couple of months. Award of construction contracts is anticipated to begin by January, 2009. Project Cooperation Agreements (PCA) executed by a non-federal sponsor, be it the CPRA, DOTD, SLFPAE, or a combination thereof, will be needed in order for the USACE to award construction contracts and begin work. The USACE has funding based on the Fourth Supplemental Appropriation and the Federal FY'09 Budget to carry out the designs and start construction. The difficult task ahead is determining who will sign the PCA's, how local sponsor funding will be raised and how the non-federal responsibilities will be carried out.

Mr. Doody felt the Authority is willing to shoulder the burden of attending whatever meetings are necessary to work out local cost share and other issues. The problem that the Authority cannot solve on its own, and upon which 100 year protection hangs, is that of financing of the entire local cost share and other responsibilities. A lot of what needs to happen depends upon the financing. Meetings have been held with State legislators and others; however, no firm commitment has yet been made to funding these projects. What is needed is a firm commitment.

Mr. Barry pointed out the Authority's cost share is in the neighborhood of \$1.5 billion [note: in reviewing the minutes, he corrected this statement: the figure is \$1.756 billion total cost share for the entire metropolitan area], with roughly half of the authority's share being for St. Bernard Parish. Given its population, the tax burden on St. Bernard would be roughly \$100,000 a family just to build protection in St. Bernard, which also protects Orleans Parish and to a lesser extent Jefferson Parish. Legislators from other parts of the State are simply not that sensitive to our needs.

Mr. Doody concluded by saying when it (Katrina) first happened everyone willingly worked together and was focused on helping to solve the problem. However, people are becoming more and more complacent as time passes. He felt it was the Authority's responsibility to not let that happen and speak as loudly as possible to bring attention back to resolving the problem.

#### **RESOLUTION #02-21-08-01 – ADOPTION OF AGENDA**

On the motion of Mr. Barnes,  
Seconded by Mr. Barry, the following resolution was offered:

“A resolution to adopt the agenda for the Board Meeting of February 21, 2008.”

The foregoing was submitted to a vote, the vote thereon was as follows:  
YEAS: Mr. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: None

#### **RESOLUTION #02-21-08-02 – APPROVAL OF MINUTES**

On the motion of Mr. Barry,  
Seconded by Mr. Wittie, the following resolution was offered:

“A resolution to approve the minutes of the Board Meeting of January 17, 2008.”

The foregoing was submitted to a vote, the vote thereon was as follows:  
YEAS: Mr. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None  
ABSENT: None

**PUBLIC COMMENTS:**

Mr. William J. Furlong, representing Parkview Neighborhood Association, expressed his support of the presentation to be given by Mr. Carlton Dufrechou, adding the Association does not wish a levee constructed across the mouth of Bayou St. John, but would prefer an operable floodgate at the location of the present structure to allow free exchange of water between the lake and the Bayou.

Mr. Phil Shall, President of the Bayou St. John Improvement Association, advised the Association has met with numerous organizations and other associations and have come to the consensus that they do not want a levee constructed across the mouth of the Bayou. He added, Mr. Dufrechou will request that the Board adopt a resolution in support of an operable floodgate and the associations would assist in the attempt to obtain funds for operations and maintenance purposes for the floodgate.

Mr. Robert Counce, representing Bancroft Park Civic Association, read his letter to the Times Picayune editor regarding Bayou St. John. The letter addressed the two alternatives the USACE is currently evaluating (i.e., first, raising the height of the existing flood control structure, and second, construction of a levee across the mouth of the Bayou just north of Lakeshore Drive), and the public's opposition to the proposed construction of a levee across the mouth of the Bayou in the late 1980's which resulted in the construction of the present structure. He stated the people of New Orleans want a flood control structure that provides improved protection and improved water quality for the bayou and do not want a levee that would essentially make the bayou a lagoon. He stated the Bancroft Park Civic Association and the Gentilly Civic Improvement Association have written letters to SLFPAE in opposition to the levee alternative and in support of an operable floodgate. He urged SLFPAE to work with the USACE for an operable floodgate and to find the money to pay for the on-going maintenance.

Mr. Conrad Abadie, representing Faubourg St. John Neighborhood Association, stated the Association has been active in past years in the annual cleanup of Bayou St. John and bridge maintenance. He spoke on the history of the Bayou and supported an operable floodgate and opposed a fixed levee across the bayou.

Mr. Kelly Haggar, Riparian, Inc., stated he and his clients are strongly opposed to the commandeering or taking of land or clay material from involuntary property owners, when there are willing sellers attempting to obtain permits to sell mud to the USACE, and that the preference should be for local mud as opposed to mud that is transported because of long distance transportation costs. He felt if the 404 issues are resolved, the USACE will have close high quality mud from willing sellers at an affordable price.

Mr. Arthur Sargent, a resident on Bellaire Drive along the 17<sup>th</sup> Street Canal, stated the USACE already performed two surveys and now wants to do a third survey, which he felt could be done from the levee without having to go onto his property. He commented on the distance between the trees and fences in the area and the levee and

floodwall. He stated in a previous Board meeting it was stated only one property would be bothered relative to trees and fences; however, at a January 10<sup>th</sup> meeting the USACE presented plans showing the taking of trees in back of all of their properties.

Mr. Edward Feinman, a resident on Bellaire Drive along the 17<sup>th</sup> Street Canal, stated he did extensive research on the tree issue and felt everything has basically been one-sided, and that a cross section of how the canal looks behind his home had never been shown. He commented on the mud bank on the floodside of the floodwall and the distance from the floodwall to his fence line. He felt the Authority should demand a cross section from the middle or width of the canal showing what is in the neighborhood and a meeting should be set up to present the facts to the experts.

Mr. John Laguens urged the Board to approve the motion for the USACE to conduct the surveys to determine the theoretical profile and the limits of the levee right-of-way, so it can be determined whether, in fact, there are trees and fences within the theoretical levee profile. As an engineer, he stated any sort of structure within the levee profile, particularly tree roots, can potentially weaken the levee, provide a conduit for water and cause a failure and need to be removed. He added, this levee protects the entire City, as was discovered in the recent past with the 17<sup>th</sup> Street Canal levee failure.

Mr. Pineda commented on the USACE attempts to determine the least disruptive, least costly and best methods for obtaining borrow for 100 year protection projects. Three categories of alternatives are being investigated; i.e., government furnished borrow (USACE working with non-federal sponsors to acquire sites or agreements with property owners with contractors specifically using those borrow sites); contractor furnished borrow (contractors work agreement with property owners and acquire appropriate permits); and reverse auction (USACE specifies borrow needs and specific materials in general geographic areas and maximum price per volume, and potential suppliers bid).

Lt. Col. Murray Starkel advised there was good attendance at a pre-solicitation forum conducted yesterday, where environmental impact, report processes and Council on Environmental Quality (CEQ) issues were discussed. The USACE is proceeding as rapidly as it can to find methods for obtaining borrow with the understanding it is still under an emergency situation to repair, restore and improve the level of protection. A reverse auction is anticipated at the first iteration to attempt to drive through volume discounts and drive the cost down. He explained pre-Katrina borrow was government furnished as part of lands, easements and rights-of-way; post-Katrina, because of vast demands over a short period of time, the USACE was paying much more than ever on a per cubic yard basis for borrow material; and now the USACE is trying to bring that back somewhere in the middle so that people who have land with quality material can get a fair profit and the material can be purchased at a fair cost so the system can be built with available funds. Based on investigations of all three methods (government furnished, contractor furnished and supply contract), the USACE will be well short of the 100 million cubic yards that will be needed. The USACE is working closely with SLFPAE, the Coastal Protection and Restoration Authority (CPRA), Louisiana Department of Transportation and Development (DOTD) and Louisiana Department of Natural Resources (DNR) to arrive at a solution as a team.

## **PRESENTATIONS:**

### **Presentation by Mr. Carlton Dufrechou, Lake Pontchartrain Basin Foundation, on Bayou St. John.**

Mr. Carlton Dufrechou commented on the importance of enhancing hurricane protection for the region and urged the Board to remain focused on this important task. He agreed there is a new norm and that the country, State and to a degree the region are beginning to forget what happened two years ago and the risks that still exist. He offered the assistance of the Lake Pontchartrain Basin Foundation (LPBF) in communicating local cost share or any other needs.

Mr. Dufrechou explained prior to Katrina, the LPBF had been working with the neighborhood associations, LSU Agcenter, University of New Orleans, and others on trying to improve the water quality of Bayou St. John. The bayou will become a lagoon without connection to the lake and it is critical to the health of the bayou to maintain that connection. The LPBF opposes a levee across the mouth of the bayou and recommends raising the top of the existing structure to keep the ability for exchange of water between the bayou and the lake. The LPBF would like for the present structure to become operable again. He recognized funds are not available for operation or maintenance of the structure and offered the assistance of the LPBF to attempt to obtain those funds. He mentioned the possibility that had the structure been operable post-Katrina, it might have been opened to improve the dewatering of the region. He requested the Board consider the adoption of a resolution to support raising the existing structure at Bayou St. John in lieu of a levee.

Mr. McKee pointed out the costs to operate and maintain the structure will be recurring and since the levee district's major source of income is through ad valorem taxes, he asked about the willing of the public to pay for this cost.

Mr. Dufrechou responded this issue had been discussed and he recognized the people living in the area benefiting from it would ultimately be paying for the incremental increase for operations and maintenance. Mr. Barry questioned whether the neighborhoods adjacent to the bayou would agree to pay an additional amount, over and above what is paid by the City, for these costs. Mr. Dufrechou replied he would be remiss to respond for them; however, this has been discussed and everyone in the area realizes the benefit. He suggested Bayou St. John is also of recreational and economic benefit to the City of New Orleans and asked the Board to do the thing that is best long term for the region and for quality of life.

Mr. Jackson felt the Board had not received sufficient information to render a decision. He commented on the significant cost of raising a sector gate and on local cost share issues, along with historic consequences should a levee be constructed across the mouth of the bayou.

Mr. Kevin Wagner, USACE Project Manager, explained the USACE is looking at two alternatives; first, a closure structure across the mouth of the bayou, and second,

modifying or retrofitting the existing walls and structures currently protecting the City. The decision on which alternative will be used has not been made. Considering the linear feet of floodwall that would have to be replaced and the modification of the structure, the closure structure across the mouth of the bayou could potentially be the least costly alternative. The USACE knows there is opposition to the closure structure, but it must look at what is in the best interest of the government because of the amount of work for the area. Additionally, the local sponsor will have to cost share whatever alternative is implemented. The existing sector gate is between elevation 14 and 15-ft. and possibly could be modified and repaired to make it more operable; however, the I-walls along the east and west sides of the bayou would need to be replaced with T-walls running up the cost. As the alternatives are further defined, information pertaining to construction and estimated maintenance costs, length of construction, and interim protection that may need to be incorporated into the project will be presented to the Board. He stated the USACE wants to work with the Board to come up with the best engineering solution.

Mr. Goins pointed out there is the possible alternative of a combination of a new alignment and new sector gate; however, that may be considered a betterment. Mr. Wagner indicated this additional alternative is being discussed.

Mr. Wagner advised public input would be received and the USACE would make a decision jointly with SLFPAE, DOTD and the CPRA.

Mr. Doody reiterated the Authority's primary responsibility is flood protection and a great deal of money will be needed to provide flood protection for the entire area. He was in favor of marrying SLFPAE's mission to the environment and recreation, when it can afford and find the funding to do so.

Mr. Dufrechou asked when the incremental cost to raise the sector gate or for a new sector gate is determined that the LPBF be advised in order that it may be given the opportunity to find the funding, if necessary.

Mr. Doody asked about the possibility of having a series of culverts with valves to allow for free flow of water between the lake and bayou, and Mr. Dufrechou indicated that would address the water quality issue.

Mr. Stevan Spencer, O.L.D. Executive Director, pointed out the structure had been partially opened after the storm to allow water out. The structure is not completely opened due to silting and because of daily changes in lake levels; however, three sluice gates on the side of the structure allow control of water in and out of the bayou.

### **U.S. Army Corps of Engineers (USACE) report on the Inner Harbor Navigation Canal (IHNC) levee/floodwall.**

Col. Starkel showed a graphic depicting the different strata of soils under the IHNC floodwall and the sheetpiling going to elevation -19. Over 100 bore samples were taken in the vicinity of the IHNC breach site as the USACE went forward with the construction of the new wall. He pointed out the sheetpile is for seepage cutoff and not

for structural stability; the H-piles going down to elevation -70 feet provide structural stability. Based on the seepage factor of safety (5.02), it is five times over design to allow for seepage.

Col. Starkel explained the USACE must ensure the IHNC levees and floodwalls are up to the task of accepting the water when the IHNC surge barriers are constructed and the gates are closed. Piezometers have been placed along the IHNC to gather additional information to see how the system is performing.

Mr. Goins expressed concern about the possibility that a surge barrier would not be constructed at Seabrook and that the I-walls along the IHNC will not be replaced.

Col. Starkel explained the I-walls along the IHNC have been fortified and scour protection has been put in place; therefore, there are no plans to replace the I-walls along with IHNC since the surge barriers will ultimately be in place. The target for advance measures is hurricane season 2009 and for the permanent solution to be in place by hurricane season 2011. The USACE is working the Seabrook piece. Performance parameters have been provided and through the design-build contract the USACE is hoping the best and brightest of the world will come up with innovative solutions.

The USACE is currently working through the Supplemental Environmental Impact Statement (EIS) for the IHNC lock replacement; however, there is no money in the President's budget to move forward on its construction. Emergency repairs will be done to the present IHNC lock to make it more reliable and full closure of the MRGO will not be effected until those repairs are done.

Relative to Professor Bea's recent visit to New Orleans, Col. Starkel could not address the points on which the USACE was in vital disagreement with Professor Bea because of on-going litigation; however, in general the USACE has looked at every issue Professor Bea brought forth both at the Board's meeting in December and in extensive conversation and taken this information in account on further analysis in order to build a better system. The USACE did not see any additional need for physical modeling; however, the numerical modeling and computer analysis on risk and reliability are currently going through review by the National Academy of Sciences and the reports and the body of knowledge brought forth by Professor Bea will be contrasted and incorporated. He felt there was a good transfer of information.

The installation and purpose of the piezometers along the IHNC floodwall were discussed with Mr. Rich Varuso, USACE Geotechnical Branch Chief, along with the preliminary data obtained. Permeability tests which are being conducted were also discussed; the results of the permeability tests are anticipated by the end of the month and the data will be used in conjunction with seepage calculations to validate the 5.0 factor of safety. Mr. Losonsky asked that he be provided with the work plan for review after the meeting.

The possibility that old tributaries may have once been located where the current I-wall stands along the IHNC was discussed. Mr. Jackson suggested the USACE look



at the old historic maps of the area. Mr. Losonsky commented pumping tests would address this problem. Mr. Varuso recommended the best way to establish whether or not those foundation conditions exist would be to take borings and reiterated almost 100 borings have been taken in this area.

**USACE presentation on right of entry request for surveys on “fattened” levee section (South of Veterans Blvd.) on 17<sup>th</sup> Street Canal.**

Mr. Mike Stout with MWH Engineering, representing the USACE, explained the USACE is requesting a right-of-entry to perform surveys only, and in particular would like to go into yards behind the fences and mark where the theoretical or design levee toe has been delineated and a point six feet beyond that theoretical toe. Earlier surveys were elevation surveys which were analyzed, and the USACE is now in a position to mark these points. USACE representatives mentioned at a meeting on January 10<sup>th</sup> that this would be the next step. The USACE will also be considering all the comments and suggestions offered at that meeting and is currently developing cross sections that will be provided to any property owner who wishes for his property. The USACE anticipates coming to the Board at its next meeting with a request for the removal of the trees and fences that present a problem for the levee, so that the goal of removing these items and restoring the levee by the start of the hurricane season can be met.

Mr. Stout clarified the USACE had maps in a meeting last March that showed the historic levee toe based on surveys from 1948 and 1966. However, the USACE said from the start it was not their intention to remove everything out to that point unless it had to happen. They knew the levee was overbuilt, but had to determine how much it was overbuilt. The USACE has been working ever since to get it to be as close to or outside the back property line, if possible. Fences impose a concern because they impede inspections, become tree lines and hinder maintenance.

Mr. Pineda pointed out the IPET report recommended better control of encroachments and removal if they are within the levee section. The USACE is telling local sponsors nationwide that encroachments on levees must be cleaned up.

Mr. Stout added, as far as he knew, this is the only instance where the federal government has taken on this roll, because of the impact of Katrina on the local sponsors. Everyplace else the USACE is placing this burden—the removal of encroachments—on the non-federal sponsors.

**COMMITTEE REPORTS:**

**Finance Committee:**

Chairman Losonsky reported at its February meeting the Committee discussed several insurance items which are on the agenda under new business, reviewed revisions to the O.L.D. FY'08 budget and preliminary FY'09 budgets for the districts and the Authority. The Authority's budget is headed towards a deficit and this issue would be addressed in the future.

## **Operations Committee:**

Chairman McKee distributed copies of the February Committee meeting minutes. He stated at the beginning of the Committee meeting he reminded everyone that at its initial meeting the Board was told by Governor Blanco that it had three responsibilities—flood protection, flood protection and flood protection, and stressed the importance of staying focused on that mission. The two major components of flood protection are (1) to assure the levee districts get the best levees and protection possible by reviewing and staying abreast of plans as they are developed and (2) inspection and maintenance responsibilities—these two components will be the focus of the Operations Committee.

Mr. McKee advised while discussing SLFPAE's responsibility for Independent Technical Review of USACE designs and projects, it was learned the USACE typically has two technical review happenings (i.e., at the 35% and 70% completion stages). Executive directors and Board members are invited to participate in those reviews. The review is not intended to be an in-depth engineering review, but to assure maintenance costs are minimized as much as possible and that no apparent or obvious changes are needed. The Committee decided that an independent firm working exclusively for the Authority to review plans would not be necessary.

The presentation given at the Operations Committee meeting on the Riverfront Project—Reinventing the Crescent Development was briefly discussed. Mr. Barry noted prior to his appointment to the Board, he had a policy interest (not a financial interest) in a scientific research center dedicated to the river, and part of this development project is related indirectly to that interest. He asked whether the small portion of property proposed to be included in this riverfront development was needed for flood protection purposes and whether something needed to be done to protect the Authority's flood protection interests should the project go forward. Mr. Stevan Spencer explained the O.L.D. had in the past sold small pieces of riverfront or batture property to the USACE for the Industrial Canal lock relocation project. The property in question seemed to be on the batture. Review would be needed to assure flood protection is not affected; however, Mr. Spencer did not see a reason not to sell the property at the appraised fair market value for the development.

Col. Starkel explained the USACE review process. The first quarter level of review covers bid-ability, constructability, operability and environmental review. Internal review is done to assure contractors can bid on what is being put together, Construction Division personnel assure the project can actually be constructed in the manner in which the contractor is being instructed, Operations personnel determine whether the local sponsor can operate and maintain the project, and Environmental personnel review the environmental impacts above and beyond what has been done under NEPA compliance. Independent Technical Review is done by other USACE offices. Internal and independent technical review may be done on a parallel path using a web based automated system. The USACE is now diligently working to put together a programmatic system for external review. The USACE had been using external academic review panels, the external review panel of ASCE through the IPET team, and the National Academy of Sciences. The expertise of the Battel firm is being used to help craft the external review program, which will be brought to SFLPA-E, SLFPA-W,

DOTD, DNR and CPRA to assure it meets the intent for external review. A requirement for external review was included in the Water Resources Develop Act (WRDA) of 2007.

Mr. Jackson pointed out the external peer review under WRDA is limited to very large or complex projects. He suggested that an attempt should be made to have 100 year protection for the New Orleans area classified as "the project", which would put all aspects and projects under the requirement of external peer review.

Col. Starkel commented there may be movement in that direction, in the President's budget request for 2009, to authorize and treat 100 year protection as a system in order to have comprehensive review. He clarified there is an additional level of review called the Owners Review, which involves the levee district that will be responsible for operations and maintenance. The USACE wants to work through the process from the very beginning with the levee districts and intends to provide preliminary plans at the 35% and 65% stages.

Col. Bedey explained that the NEPA process, which is the public input process, results in preferred alternatives, but not full blown designs. The USACE is committed to both independent and external peer reviews of actual work. The system in its totality has been externally reviewed to this point; however, under WRDA the decision will be made as to which construction projects will need external peer review. He stated as a team the best approach will be determined. The USACE Hurricane Protection Office alone has 112 different contracts.

Mr. Losonsky urged the USACE to get the external expertise needed to be able to make a full comparison between alternatives taking into account the various types of costs and values involved.

Mr. McKee recommended that a mechanism be put in place to jointly decide which projects are critical to the system and need additional review. He felt the Board should consider a Cooperative Endeavor Agreement with the USACE, which would include this issue along with others.

Col. Bedey explained this is an evolutionary process and he was not against collectively determining which projects are key and need additional review. Also, the Authority has a seat at the bi-weekly HPO meetings.

### **Legal Committee:**

Chairwoman Sutherland reported the Legal Committee addressed litigation related issues in executive session, approved legal invoices totaling \$14,587.39 for the month of January, and discussed a resident's concerns on the 17<sup>th</sup> Street Canal relative to a building permit, setting a budget of \$2,000 per month (\$24,000/year) for the Authority's legal expenses, the United Securities government borrow pit (Mr. Turner will contact the appropriate agency relative to its donation to the wildlife refuge) and a legislative agenda for the upcoming legislative session.

## **Special Issues Committee:**

Chairman Goins advised no Committee meeting was held in the month of February.

Mr. Doody noted that Mr. Goins and Mr. Jackson attend the continuing USACE bi-weekly meetings.

## **REPORT BY SLFPA-E REGIONAL DIRECTOR**

Mr. Turner distributed a copy of the report for February (copy appended). He went through the items contained in the report and in reviewing "Submittals" stressed that for State participation projects must be included in the CPRA's "Fiscal Year 2009 Annual Plan: Ecosystem Restoration and Hurricane Protection in Coastal Louisiana" for which comments are due March 3<sup>rd</sup>. The Lake Pontchartrain and Vicinity Hurricane Protection Project is included in the draft report, but with only \$14 million of funding for FY 2009—there is still an anticipated \$293 million of funding that will need to be found.

Relative to the Real Estate Strategy Meeting hosted by the USACE on January 25<sup>th</sup>, and real estate issues for 100 year protection, Mr. Turner advised the Authority is awaiting information from the USACE so that it can start going through the process of determining just what will be needed. The Authority will have to work with the State of Louisiana, through DOTD, to determine how to go about this process. A quick take expropriation process would involve identification of property owners, producing maps showing the right-of-way in relation to those properties, hiring appraisers to perform appraisals, hiring attorneys to file expropriation proceedings in the Courts and having monies available to place in the Registry of the Court. The Lake Borgne Basin and Orleans Levee Districts do not have monies set aside in their budgets for right-of-way acquisition; East Jefferson Levee District has some money set aside in its budget. Once the magnitude of this work is determined, these expenditures and funding will have to be addressed.

### **EXECUTIVE SESSION:**

1. Haspel & Davis Milling & Planting Co. Ltd., et al v. Orleans Levee District, USDC EDLA 06-3829; 5th Cir. C.A. No. 07-30086.

At 12:15 p.m., a motion was offered by Mr. Goins, seconded by Mr. Wittie and unanimously adopted for the Board to convene in Executive Session to discuss the item listed on the agenda.

On motion by Mr. Goins, seconded by Mr. Losonsky and unanimously adopted, the Board reconvened in regular session at 1:20 p.m. and the meeting was called back to order.

### **RESOLUTION #02-21-08-03**

On the motion of Mr. Barry,  
Seconded by Mr. Wittie, the following resolution was offered:

A resolution to authorize counsel to proceed as directed in Executive Session in the litigation entitled, Haspel & Davis Milling & Planting Co. Ltd., et al v. Orleans Levee District, USDC EDLA 06-3829; 5th Cir. C.A. No. 07-30086.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee, and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes and Mr. Pineda

**RESOLUTION #02-21-08-04 –  
SLFP AE RFP FOR ORGANIZATIONAL STUDY AND STRATEGIC PLAN**

Mr. Jackson expressed concern about advertisement of a Request for Proposals (RFP) without funding being designated. Suggestions were made by Mr. Doody that funding could be discussed at the upcoming Finance Committee budget meeting, and Ms. Sutherland that other sources could be sought out and funding could be addressed at the time a firm is selected.

On the motion of Mr. Goins,  
Seconded by Mr. Losonsky, the following resolution was offered:

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East desires to retain professional consulting services for the performance of an Organizational Study of the Authority and the levee districts under its jurisdiction and for the development of a Strategic Plan for the Authority.

**BE IT RESOLVED**, that the Southeast Louisiana Flood Protection-East authorizes advertisement of a Request for Proposals (RFP) for the aforementioned Organizational Study and Strategic Plan.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #02-21-08-05 - USACE RIGHT-OF-ENTRY  
FOR SURVEYS ON THE 17<sup>TH</sup> STREET CANAL “FATTENED LEVEE SECTION”**

Mr. Doody reiterated the Authority’s primary mission is flood protection, adding he would prefer to err on the side of caution.

On the motion of Mr. Losonsky,  
Seconded by Mr. Wittie, the following resolution was offered:

**WHEREAS**, the U. S. Army Corps of Engineers (USACE) proposes to perform surveys along the 17th Street Canal Levee and Floodwall, East Side,

Lake Pontchartrain, Louisiana and Vicinity Hurricane Protection Project, Orleans Parish, Louisiana, with the limits of work within in the "fattened levee" segment, extending from 5310 to 5800 Bellaire Drive, as described in the USACE letter dated February 12, 2008, and as shown on Maps #1-7 attached thereto, to complete necessary analyses relative to proposed tree and fence removal activities; and

**WHEREAS**, the survey to be conducted within this reach will establish existing right-of-way limits, the theoretical levee toe, and the theoretical toe +6 foot points at each residential property within this reach, and will mark the right-of-way, theoretical levee toe, and theoretical toe +6 foot area with colored survey stakes in each yard adjacent to side fences.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority East, on behalf of the Orleans Levee District, grants the U.S. Army Corps of Engineers right-of-entry to perform the aforementioned surveys within the "fattened levee" segment, extending from 5310 to 5800 Bellaire Drive, as described in USACE letter dated February 12, 2008 and Maps #1-7 attached thereto.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,  
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

#### **RESOLUTION #02-21-08-06 - SLFP AE - PUBLIC OFFICIALS LIABILITY INSURANCE AND WORKERS COMPENSATION INSURANCE**

Mr. Doody questioned, given the limitation of liability provided by legislation and the Authority financial situation, whether the \$10 million of Public Officials Liability Insurance coverage should be reduced and requested that Mr. Romig obtain the cost of \$1 million of coverage for comparison purposes. Since sufficient coverage for a major failure would have been cost prohibitive, the Authority last year secured coverage that would at a minimum provide for the cost of defense and legal representation.

Mr. Jackson pointed out under the statute, individuals must defend themselves and if exonerated, the cost of defense would be reimbursed. Coverage in the amount of \$10 million was secured, not to cover payment of judgments, but costly defense. He did not feel with a eleven member Board that one million dollars of coverage would cover legal costs for protracted litigation and urged that the current coverage be maintained.

Mr. Robert Lacour, General Counsel, explained the levels of protection; i.e., the statute providing immunity, insurance coverage, the indemnity provision, and the assistance of the Attorney General's office to aid in defense. He pointed out indemnity is provided by the Authority, which does not have a lot of assets, and not the State. He stated he did not think Board members were named as defendants in any current flood related litigation and further noted that the statute states members are immune for policy decisions, but not for ministerial actions.

Mr. Clint Romig with Arthur Gallagher Risk Management Services advised the policy's renewal premium is the same as for last year, \$48,090, for \$10 million of coverage for the SLFPAE, Orleans Levee District, East Jefferson Levee District and Lake Borgne Basin Levee District. Coverage for the Authority and levee districts were combined to eliminate any gaps in coverage and achieve cost savings. Cost for \$1 million of coverage would be \$25,000. Mr. Romig, who has been working with the Authority and levee districts in streamlining coverages, suggested that the Board may not want to cut this particular coverage, but possibly prorate the premium between the Authority and levee districts.

Mr. Romig explained the Authority and levee districts all have the same Workers Compensation Insurance carrier (LWCC); however, with different policies. Workers Compensation coverage has not been combined in one policy because of the different loss histories of the levee districts.

On the motion of Mr. McKee,  
Seconded by Mr. Goins, the following resolution was offered:

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East's (SLFPAE) Public Officials Liability and Employment Practices Liability Insurance Coverage and Workers Compensation Insurance Coverage for SLFPAE employees are due to expire in March, 2008; and

**WHEREAS**, quotations for renewal of the aforesaid coverages have been received through Arthur Gallagher Risk Management Services; and

**WHEREAS**, AIG/American International Specialty has offered to renew Public Officials Liability and Employment Practices Liability Insurance Coverage with no policy changes at an annual estimated premium of \$48,090; and

**WHEREAS**, Louisiana Workers Compensation Corporation (LWCC) has offered to renew Workers Compensation coverage for SLFPAE employees with an annual estimated renewal premium of approximately \$1,000.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of Public Officials Liability and Employment Practices Liability and Workers Compensation Insurance Coverages as stated above for a period of one year through Arthur Gallagher Risk Management Services.

**BE IT FURTHER RESOLVED**, that the SFLPAE Regional Director is authorized to execute any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,  
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

#### **RESOLUTION #02-21-08-07 - APPROVAL OF TRAVEL**

Mr. Pineda explained importance of the Regional Director attending the Association of State Floodplain Managers (ASFPM) meeting in St. Louis. The ASFPM

and the National Association of Flood and Stormwater Managers (NAFSM) have been working about three years on an interagency flood risk management committee, and this committee will be recommending new policies at this meeting that will be implemented by the USACE and FEMA on a national basis and the Authority can factor these new policies into its policies and decision making process. He recommended one levee district executive director attend the ASFPM Annual Conference, which is the biggest flood conference in the nation, and that this representation be rotated each year between the executive directors of the levee districts.

Mr. Turner advised EJLD Executive Director Fran Campbell will attend the NSFPM Annual Conference and O.L.D. Executive Director Stevan Spencer will attend the ASCE Seminar on May 8-9. Mr. Doody advised he will be traveling to Washington, D.C., with Messrs. Barry, Losonsky and Turner and Ms. Campbell for the Mississippi Valley Flood Control Association, which will provide an opportunity to attempt to obtain the best possible deal in connection with flood protection.

The Board briefly discussed possible items for discussion in Washington, including extending the payment period for the non-federal share for 100 year protection projects, and requesting use of the traditional 70/30% (federal/local) cost share participation vs. the current 65/35% participation for 100 year protection, which would potentially eliminate \$200 million of the local cost share. Mr. Barry commented he had spoken to Assistant Secretary of the Army John Paul Woodley, USACE, who has the discretion under WERDA to stretch payments up to 30 years, and he was receptive to a stretch out of payments for which there are two precedents.

On the motion of Mr. Jackson,  
Seconded by Mr. Barry, the following resolution was offered:

**WHEREAS**, it is necessary and beneficial to the interests and operations of the Authority and levee districts under its jurisdiction to have representation by Board members, the SLFPAE Regional Director and/or the Executive Directors of the Orleans, East Jefferson and Lake Borgne Basin Levee Districts at the following functions in calendar year 2008:

- Mississippi Valley Flood Control Association (March 29-April 2), Washington, DC;
- Association of State Floodplain Managers (February 26-27), St. Louis, Missouri;
- Association of Levee Boards 23<sup>rd</sup> Annual Workshop (May 1-2), Baton Rouge, LA;
- Association of State Floodplain Managers Annual Conference (Reno, Nevada); and
- ASCE Risk Assessment in Geotechnical Engineering Seminar (May 8-9), San Antonio, Texas.

**BE IT HEREBY RESOLVED**, That the Southeast Louisiana Flood Protection Authority-East approves travel for the aforementioned events.

The foregoing was submitted to a vote, the vote thereon was as follows:



YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,  
Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes

**Approval of Legislative Agenda.**

There was no discussion or Board action taken on this item.

**RESOLUTION #02-21-08-08 – Retaining Services of Allen Dean Weinberger**

Mr. Robert Lacour advised Theodore Lange had filed a Civil Service appeal, which Mr. Weinberger has worked on a number of years, as well as a civil suit, which is being handled by the Kullman firm.

On the motion of Mr. Barry,  
Seconded by Mr. Goins, the following resolution was offered:

A resolution authorizing the engagement of Alan Dean Weinberger of Middleberg, Riddle & Gianna, to perform certain legal services for the Southeast Louisiana Flood Protection Authority-East and Orleans Levee District.

**WHEREAS**, a real necessity exists to engage legal counsel to advise and represent the Southeast Louisiana Flood Protection Authority-East and Orleans Levee District in the area of general litigation, and any such other legal assistance as requested by the Regional Director of the Authority and the Executive Directors of the OLD regarding the Civil Service matter of Theodore Lange versus Orleans Levee District; and

**WHEREAS**, in consideration of services performed, the Southeast Louisiana Flood Protection Authority-East and Orleans Levee District agree to pay counsel as follows:

Directors (having experience of 10 years or more in the practice of law)	\$175.00/hr
Directors/Associates having experience of 5-10 years)	\$150.00/hr
Associates (3-5 years of experience)	\$125.00/hr
Associates (having experience of less than 3 years)	\$100.00/hr
Paralegals	\$ 45.00/hr
Law Clerks	\$ 25.00/hr

**WHEREAS**, the total of all sums payable under this contract including fees and reimbursement of expenses shall not exceed \$20,000.00; and

**WHEREAS**, this engagement shall be for a period of one year commencing as of December 28, 2007, and said contract shall be terminable with or without cause immediately by the Authority and with thirty (30) days notice by Counsel; and

**WHEREAS**, said engagement shall be submitted to the Louisiana Attorney General's office for approval.

**BE IT HEREBY RESOLVED**, that the Authority retains the services of

Alan Dean Weinberger of Middleberg, Riddle & Gianna as counsel for the above described legal matter.

**BE IT FURTHER RESOLVED**, that this Resolution be submitted to the Office of the Attorney General for the State of Louisiana for approval, under the terms set forth above.

**BE IT FURTHER RESOLVED**, that the President is authorized to sign any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,  
Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes

**RESOLUTION #02-21-08-09 –  
ORLEANS LEVEE DISTRICT FY'08 BUDGET REVISIONS**

Mr. Jim Bollinger, O.L.D. Comptroller, commented on events since the FY 2008 budget was adopted necessitating revisions to that budget, including the interruption of mineral revenues, increase in tax revenues because of increased assessments and higher than anticipated collection rates, assumptions made in the flood/non-flood divisions that did not come to fruition as expected, establishment of the Algiers Levee District and its transfer to the SLFPA-West's jurisdiction, difficulty in hiring new employees, necessitating a provision for Special Entry Rates and an increase in contractual services for contracted grass cutting, increased insurance costs and revision of the set aside for legal settlements, along with the limitations of the computer based financial management system that requires budget changes over the year to more closely reflect actual expenditures and the need to keep the Board aware of the O.L.D.'s financial situation. Even with increased tax revenues, the decrease in mineral revenues precludes balancing the budget with current revenues; therefore, the budget was balanced using \$600,000 of prior year earnings and a \$1.7 million subsidy from the Special Levee Improvement (SLIP) fund towards maintenance costs in the General Fund. He further commented on revisions in the SLIP Budget, consisting of \$100,000 in Professional Services as a step towards providing funding for engineering and real estate services, \$250,000 in Major Maintenance to cover such items as cost overruns in prior period projects, the SLIP transfer to the Algiers Levee District and support to the General Fund, which would be partially offset by the projected higher SLIP Fund tax revenues.

On the motion of Mr. Jackson,  
Seconded by Mr. Goins, the following resolution was offered:

**WHEREAS**, by Resolution No. 03-15-07-008, the Board approved the Orleans Levee District General Operating Budget and Special Levee Improvement Projects (SLIP) Fund Budget for Fiscal Year 2008 to provide for required expenditures for personnel services, contractual services, operating supplies, equipment, annual debt service and capital projects; and

**WHEREAS**, a review of the operating results to date indicates that budget revisions to the Flood Control Operating and SLIP Fund budgets are necessary to comply with applicable state law, which requires that budgets be changed to reflect new expectations. Such revisions are detailed on the financial schedules attached hereto and made a part hereof;

**WHEREAS**, the following summarized adjustments are determined to reflect the projected operating results of the flood control operations based on the latest revenue and expenditure estimates:

<u>General Operating Budget</u>		
1.	Decrease in Revenues	\$ (702,287)
2.	Increase in Expenditures	\$ (1,333,211)
3.	Increase in Other Financing Sources	\$ 4,926,058
4.	Increase in Other Financing Uses	\$ (3,324,027)
5.	Increase in Use of Prior Year Funds	\$ 572,000

**WHEREAS**, the following summarized adjustments are determined to reflect the projected operating results of the Special Levee Improvement Fund based on the latest revenue and expenditure estimates:

<u>Special Levee Improvement Fund</u>		
6.	Increase in Revenues	\$ 2,584,357
7.	Increase in Expenditures	\$ (360,000)
8.	Increase in Other Financing Sources	\$ 5,478,128
9.	Increase in Other Financing Uses	\$ (8,017,343)

**BE IT HEREBY RESOLVED**, that the revisions to the Orleans Levee District Fiscal Year 2008 General Operating Budget and SLIP Fund Budget are approved.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,  
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #02-21-08-10 - EAST JEFFERSON LEVEE DISTRICT  
RESERVE OFFICERS ACCIDENT AND HEALTH INSURANCE COVERAGE**

On the motion of Mr. Goins,

Seconded by Mr. Jackson, the following resolution was offered:

**WHEREAS**, the accident and health insurance coverage for East Jefferson Levee District (EJLD) Reserve Officers is due to expire on March 5, 2008, and

**WHEREAS**, a quotation for renewal of said coverage has been received from Ace Insurance Company through Arthur Gallagher Risk Management Services, which provides Accidental Death and Disability with a limit of \$10,000, Medical Expense with a limit of \$25,000 with an annual aggregate limit of \$250,000, effective March 6, 2008, with an estimated annual premium of \$1,200.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of accident and health

insurance coverage for EJLD Reserve Officers as stated above for a period of one year through Arthur Gallagher Risk Management Services.

**BE IT FURTHER RESOLVED**, that the EJLD Executive Director is authorized to execute any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,  
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #02-21-08-11 - RIGHT OF ENTRY AUTHORIZATION  
IN CONNECTION WITH PROPOSED DESIGNATED STOCKPILE  
AREAS LOCATED IN ST. BERNARD PARISH, LOUISIANA**

Mr. Turner explained the USACE will need to provide a place for contractors to stockpile borrow materials should the materials be acquired based on supply contracts. The vast majority of these stockpile areas are adjacent to levees, with only one area near the Mississippi River and Caernarvon that involves a private owner.

Mr. Doody asked that the map be sent to Board members and placed on the SLFPAE website. It was pointed out this right-of-entry approval does not have anything to do with the USACE's previous request concerning soil borings for potential borrow pits.

On the motion of Mr. Losonsky,  
Seconded by Mr. Jackson, the following resolution was offered:

**WHEREAS**, by letter dated February 7, 2008, the United States Army Corps of Engineers (USACE) requested that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) grant right-of-entry to conduct surveys, soil borings, environmental and cultural resources investigations, and hazardous, toxic and radioactive waste (HTRW) assessments in connection with the proposed designed stockpile areas located in St. Bernard Parish, Louisiana, with the limits of work as designed on rights-of-way maps attached to said letter; and

**WHEREAS**, the aforementioned right-of-entry is requested as soon as possible, but no later than February 29, 2008, with right-of-entry to remain valid until completion of said work; and

**WHEREAS**, pursuant to Louisiana Revised Statute 38:301(D), levee boards and levee and drainage boards and their authorized agents and employees have the power to enter upon lands, waters and premises in the State for the purposes of making such surveys, soundings, drillings and examinations as are deemed necessary or convenient.

**BE IT RESOLVED**, that the Southeast Louisiana Flood Protection Authority - East grants the United States Army Corps of Engineers a right-of-entry to conduct surveys, soil borings, environmental and cultural resources investigations and HTRW assessments in connection with the proposed designed stockpile areas located in St. Bernard Parish, Louisiana, in accordance

with USACE letter dated February 7, 2008 and maps attached thereto.

**BE IT FURTHER RESOLVED**, that the SLFPA-E President or Lake Borgne Basin Levee District Executive Director is hereby authorized to sign any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,  
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

The next Board meeting will be held on March 20, 2008, and hosted by the Lake Borgne Basin Levee District.

There was no further business, therefore, the meeting was adjourned at 2:15 p.m.

# SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

## REGIONAL DIRECTOR'S REPORT

February 21, 2008

### **100 Year Level of Protection**

#### Inner Harbor Navigation Canal:

Proposals for providing 100 year protection for the IHNC have been submitted and are under review. Both the Authority and the DOTD are represented on the review team. We (the Authority and DOTD) have been able to provide input in the evaluation process from the perspective of the non-fed sponsor but current regulations do not give us a "voting" seat at the table. The schedule calls for the review process to be completed in March 2008. The Design/Build Contract could be awarded as early as May or June with construction beginning in the fall of 2008. The Project Design and Construction will be funded 100% by the Federal Government. O&M and RRR will be the responsibility of the local sponsors (OLD and LBBLD). O&M costs will be substantial, particularly for gated structures.

The Project Cooperative Agreement for this project was originally scheduled to be signed before the end of this month. DOTD and the USACE are still trying to reach consensus on the language included in the Agreement.

#### Outfall Canals (New Orleans):

On January 22 & 23, 2008 the USACE environmental group sponsored an Alternative Selection Workshop. NEPA regulations require ranking of viable alternatives based on environmental impacts. This work must be completed before selection of the best alternative for design/construction.

#### Right-of Way Acquisition:

On January 25, 2008 the New Orleans District hosted a Real Estate Acquisition Strategy Meeting. In order to meet the 2011 construction completion schedule, ROW acquisition must begin as soon as practical. Typically, however, a signed PCA must precede this activity. The meeting was held to discuss possible solutions and risks associated with acquiring ROW in advance of PCA signing.

The normal process for securing state funds for ROW acquisition through the state legislature takes at least a year. The CPRA has offered to investigate alternative means for appropriating money in advance of a PCA.

The USACE has agreed to supply the NFS with a list of contracts ready for ROW acquisition prioritized according to criticality. They have also pledged to include the NFS more closely and earlier in the P&S development.

#### Elevation Map:

The USACE has published a map showing the 100 year level of protection elevations for the hurricane protection levee system in the metro New Orleans area. The elevations depicted are current as of February 7, 2008. It can be found at the following web address:

<http://www.mvn.usace.army.mil/hps/>

#### **Submittals**

Copies of the following major submittals are available for review in the SLFP&E office:

- Final Design Report Reach A and B (East Jefferson Levee District)
- Engineering Alternative Report LPV 101 (Orleans Levee District)
- Engineering Alternative Report LPV 103 (Orleans Levee District)
- Engineering Alternative Report LPV 104 (Orleans Levee District)
- Fiscal Year 2009 Annual Plan: Ecosystem Restoration and Hurricane Protection in Coastal Louisiana

*Please note that "no hurricane flood protection construction project shall be undertaken except those included in the Annual Plan ...". Comments on the plan are due on March 3, 2008.*

#### **Construction Starts**

Construction on the Verret to Caernarvon Reach of the LPVHPP in lower St. Bernard Parish began last week. Approximately 8 miles of earthen levee section will be raised to pre-Katrina authorized elevation. The project is estimated to cost about 42 million dollars and will take about a year to complete.

#### **Drainage Study**

We have had two meetings (January 14, 2008 and February 18, 2008) with the selected Consultant to produce a revised Scope of Work for the study. I expect to have one additional scoping meeting on February 29, 2008.

## Internal Affairs

The FY 09 Budget process has begun. Proposed budgets for the Authority and each Levee District were submitted at the February Finance Committee Meeting. A thorough review of the budgets will be conducted at the Lake Vista Community Center beginning at 10:00 pm on March 4, 2008.

The Memorandum of Understanding Regarding Non-Flood Assets of the Orleans Levee District has been reviewed and meetings will be scheduled to develop a plan to implement the provisions of the MOU.

Jason McCrossen has been hired as the Executive Director of Lake Borgne Basin Levee District. A copy of his resume was forwarded to the Commissioners last week.

## Upcoming Events

- Feb 25 – 27 National Flood Risk Management: Levee Safety Summit  
St. Louis
- Feb 26 CPRA Meeting  
LSU Ag Center, Baton Rouge  
9:00 am until
- Feb. 28 USACE Public Meeting IER 1, 2, 3 and borrow  
East Bank Regional Library  
Presentation begins at 7:00 pm
- March 4 Finance Committee Meeting (Budget Workshop)  
Lake Vista Community Center, 2<sup>nd</sup> floor  
10:00 pm
- March 6 USACE: Partnering for a successful 2011 Hurricane Protection  
System  
New Orleans District  
8:00 am to 4:00 pm
- March 11 USACE Flood fight exercise (Tentative)  
  
Millage Workshop  
Jefferson Parish General Government Building  
2<sup>nd</sup> floor Council Chambers  
200 Derbigny St., Gretna  
Starts at 9:30 am



- March 13 USACE Public Meeting IER 12, 13 and borrow  
Our Lady of Holy Cross College  
Presentation begins at 7:00 pm
- March 29 – Mississippi Valley Annual Spring Meeting  
April 2 Washington DC
- May 1 – 2 Association of Levee Boards of Louisiana  
23<sup>rd</sup> Annual Workshop  
Baton Rouge

*Act 785 of 1985 requires Levee Board Commissioners to attend a training session conducted by the Office of Public Works, now the Department of Transportation and Development, at least once during their term. The Workshop conducted by ALBL is designed to meet this requirement.*