

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, MARCH 20, 2008**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, March 20, 2008, at the St. Bernard Public School Board Building, 200 East St. Bernard Hwy., Chalmette, 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 9:35 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.
Stradford A. Goins
Thomas L. Jackson
Larry A. McKee
Ricardo S. Pineda
Sara Lee St. Vincent
Louis E. Wittie

OPENING COMMENTS:

Mr. Doody commented on actions taken since the Board's last meeting, one of which was a resolution that was drafted jointly between various parish presidents and the SLFPA-West and SLFPA-East Presidents to speak to Congress with one voice on the needs of the region. The resolution requests that the Federal government pay 100 percent of the cost of the 100 year level of protection for various reasons discussed over the past year, and should the Federal government not pay 100 percent of the cost, that at the very least it go back to the traditional cost share, which would save local governments approximately \$200 million, along with other issues addressed in the resolution. He announced the award of the Inner Harbor Navigation Canal (IHNC) interim protection project is very close. The U.S. Army Corps of Engineers (USACE), Coastal Protection and Restoration Authority (CPRA) and SLFPA-E have participated in discussions and early in the process identified a major stumbling block, which is the language in the Project Partnership Agreement (PPA). It is hoped an agreement in the language can be reached shortly and the USACE will be able to award a contract. Mr. Doody felt the USACE has made some major concessions and the State has represented SLFPA-E's interests well. He felt this agreement and the potential award

for interim protection at full federal cost is due to participation by Mr. Jackson and Mr. Goins in various meetings when the Board was first seated.

Mr. Barry advised Garrett Graves requested at a CPRA meeting yesterday that the entire State continue to speak with one voice and should a district chief or executive director intend to ask Washington for help on a project that it be forwarded to the CPRA.

Mr. Goins requested that the SLFPA-E be kept in the process for input on the design once a contractor is selected.

Mr. Jackson commented that the Board has been key in getting some things done; however, it has little or no input on what the USACE is building or how it is built, even though as soon as projects are constructed they are turned over to the local levee districts for operation and maintenance. He hoped Mr. Barry and Mr. Graves continue the fight on this issue.

Mr. Doody pointed out language has been included in WRDA requiring peer review and the USACE has acknowledged that peer review applies to the 100 year level of protection and will be built into the process for all projects \$40 million and above.

Mr. Jackson commented on a newspaper article that stated the USACE has made a request to Congress to get the GIWW complex out of the peer review requirement. It would allow review at design and completion; however, since this is a design-build contract, there is a lot of latitude between the design, which is a preliminary concept, and what actually gets built.

Mr. Rick Kendrick, Deputy for Program Execution in USACE Hurricane Protection Office, responded peer review will be part of the process. The USACE is currently working with the National Academy of Sciences or Battelle to support that process and to assure they are on board from day one—from the design of the contract through the execution of construction.

Mr. Jackson recommended the USACE consider the 100 year level of protection as a whole and as a project for oversight and peer review.

Mr. Doody commented the negotiations in part deal with the ability for input into the process throughout every phase and will be part of the final contract.

Mr. Kendrick discussed peer review in the formulation, design and construction phases. Board members brought out the value of practitioners, as well as academics, being part of the peer review, and Mr. Kendrick stated his understanding is the National Academy selects practitioners, as well as academics, for its committees.

RESOLUTION #03-20-08-01 – ADOPTION OF AGENDA

The agenda was amended to include Item XIII.A.9 – a motion to sign the Project Partnership Agreement on IHNC protection (IHNC Surge Reduction Project).

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

“A resolution to adopt the agenda, as amended, for the Board Meeting of March 20, 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 #03-20-08-02 – APPROVAL OF MINUTES

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

“A resolution to approve the minutes of 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

PUBLIC COMMENTS:

Mr. Louis Barrett requested a clarification of Agenda Item XIII.A.2 “Motion to authorize the SLFPAE Regional Director to grant authority to the appropriate levee district Executive Director on a case-by-case basis to invoke the provisions of LA RS 38:301(D) and to grant right-of-entry to the USACE and its authorized agents to accomplish surveys, drillings and examinations as provided in said statute required in connection with the construction of levees and flood protection”.

Mr. Lacour explained these right-of-entry requests had been brought to the Board, after which notice was sent to property owners. It was felt a quicker procedure would be to delegate approval for routine requests to the Regional Director and controversial requests could be brought to the Board. Property owners would still receive notice as required under the statute. The Regional Director could authorize the sending of letters to the property owners and should a property owner indicate a problem exists, it could be brought to the Board.

Mr. Barrett felt this was a citizens’ rights issue since there would no longer be public notice via the Board’s agenda.

Mr. Jackson noted two points; first, the Executive Directors were previously given authority to sign right-of-entry permits, and second, the only way the Board can stop the

USACE from doing anything until the proper measures are taken is by refusal to give right-of-entry (e.g., peer review in the London Avenue Canal Load Test). He felt confident in Regional Director Robert Turner's judgment in making this decision.

Mr. Barrett indicated he would feel more comfortable with having input from the entire Board in granting this type of authority, rather than placing it in the hands of one individual.

Mr. Leo Richardson, Executive Director of the Lake Catherine Civic Association, requested that the Authority be the applicant for the beneficial use of the twin span to protect Highway 90 in the area fronting Lake Pontchartrain just west of the Rigolets. He explained any state that demolishes a bridge or overpass that is eligible for federal assistance under the Highway Bridge Replacement and Rehabilitation Program under Section 144 Title 23 of the United State Code is directed first to make the debris from the demolition of such bridge or overpass available for beneficial use by federal, state or local government unless such use obstructs navigation. Interest has been expressed for use of some of the available material for fishing piers and reefs and by the Causeway Commissioner for safety lanes. Mr. Richardson stated he would like the Authority to have whatever part of the material is not assigned to others and moved at federal expense to create a reef approximately two miles in length in front of Highway 90. This would protect part of this evacuation/emergency ingress route, provide hazard mitigation and shoreline protection, and allow wetlands restoration. This proposal is supported by the upper management of DOTD. Indication on the application form that the Authority does not have the money for the project would lead to other avenues to seek funding through federal sources due to the obvious benefit to the federal highway system and the other beneficial objectives.

Mr. Pineda requested that Mr. Richardson provide a memorandum to the Authority regarding the project.

Upon determination as to whether SLFPAE-E is the proper authority to make this application, Mr. Doody requested that Mr. Goins evaluate the request.

Mr. Richardson explained the time period within which to make this application expires on April 4th. This time period provides the public an opportunity to place proposals on the table for consideration and evaluation for most beneficial use.

Mr. Barry advised Mr. Richardson made a presentation yesterday before the CPRA and was pointed towards SLFPA-E. He then offered a motion, and with the unanimous consensus of the Board, the agenda was amended to add item XIII.A.10 -- a motion to authorize an application to the Federal government for use of the material from the twin spans as foreshore protection for U.S. Highway 90.

COMMITTEE REPORTS:

Finance Committee: (Chair Losonsky)

Mr. Losonsky reported the Committee met on March 4th at which time a budget workshop was held to review the detailed budgets for the Authority and three levee districts. The Committee discussed the methodology to be used for apportioning Commissioners' per diems and costs, and noted that no money is allocated in the SLFPA-E Budget for the pump drainage study. An important conclusion that was reached was that the current SLFPA-E budget is bare bones and the amount of work that needs to be done far exceeds the capability at the authorized level. He noted a useful proposal offered by Mr. Spencer, if it had the budget to do so, was for the Authority to establish an inspection department, which would assist all the levee districts, streamline the process and address part of SLFPA-E's mission to ensure flood protection.

The Committee discussed the following issues pertaining to the specific levee districts' budgets:

- East Jefferson Levee District (EJLD) – equipment, IT resources and health insurance.
- Orleans Levee District (O.L.D.) —Special Levee Improvement tax bonds will extinguish in 2014; projections for repayment of GOZONE and CDL are not included in the current budget.
- Lake Borgne Basin Levee District (LBBLD) — the fund balance resulting from savings due to Post-Katrina reduced operations can be used to subsidize operations for two years; however, beyond that point the LBBLD will be in serious trouble should the St. Bernard revenue stream not return to Pre-Katrina levels.

Operations Committee: (Chair McKee)

Mr. McKee advised the Committee did not meet during the month of March.

Legal Committee: (Chair Sutherland)

Ms. Sutherland reported the Committee met just prior to the Board meeting and agreed to hold its regular monthly meetings two weeks prior to the monthly Board meetings.

Special Issues Committee: (Chair Goins)

The Special Issues Committee did not meet during the month of March.

Mr. Rick Kendrick explained the Quality Assurance/Quality Control Program used by the USACE.

Report by SLFPA-E Regional Director:

Mr. Robert Turner reviewed the Regional Director's Report, a copy of which is appended to minutes.

Mr. Doody advised an additional Upcoming Event is an invitation to the attend public meetings during the Mississippi River High Water Inspection, which will be held Friday, April 11th, and an opportunity for inspection from the vessel on Thursday, April 10th.

The Board unanimously approved Mr. Doody's request to add Item XIII.A.11 to the agenda for a briefing by Assistant Attorney General Denise Fitzgerald on the Legislature's Special Ethics Session.

PRESENTATIONS:

Mr. Kevin Davis, St. Tammany Parish President, to address the Authority on SLFPAE Assistance with Flood Protection in St. Tammany Parish.

Mr. Barnes introduced St. Tammany Parish President Kevin Davis and expressed the Authority's willingness to serve St. Tammany Parish in any way possible.

Mr. Davis provided a brief history of St. Tammany Parish (population currently over 280,000). St. Tammany is one of the three parishes in the original Congressional legislation called the Southeast Louisiana Flood Control Program and an agreement has been entered into with the USACE with the local match to begin that process. St. Tammany is mainly working on the east side of the parish with a flood control program called the W14 Project that includes a small levee and pumping station which would help the eastern end of the Parish. St. Tammany has several drainage districts with levee protections that were sponsored by geographic area and taxpayer base funded typically protecting from 1,200 to 1,500 homes. State funds have been allocated to help raise some of these levees. He described the three options in relation to St. Tammany Parish contained in the draft USACE report to Congress. St. Tammany Parish has worked with the USACE on a levee protection system and is supportive of levee protection from I-59 in the Pearl River corridor to the Rigolets with a floodgate condition that would be closed during a natural disaster and would tie into St. Bernard and Orleans levee protection on the south. He hoped this would be the option that SLFPA-E in its preview of levee protection systems would support from a scientific and environmental standpoint and help St. Tammany move forward. He noted the cost of this option is well into the billions of dollars. Two smaller levee projects which would provide secondary protection were described and \$500,000 of funding is available for this work. The challenge of protection at the Rigolets was briefly discussed.

Mr. Jackson encouraged St. Tammany Parish to continue looking at interim protection and not just to the Category 5 Plan. It was noted that a St. Tammany levee district was created by legislation; however, action is required by St. Tammany Parish in order for a levee district to be formed since financing and tax referendum dollars will be required. He encouraged St. Tammany and Tangipahoa Parishes to effect levee districts, which could be minimal operations, but could produce communications with SLFPA-E and the USACE.

Mr. Davis indicated interconnectivity with other governing authorities has been discussed. He advised he did not see any conflicts at this point of the proposed program with the CPRA Master Plan and discussed data that was obtained prior to Hurricane Katrina which was provided to the USACE to help speed up the engineering and review process of Category 5 protection.

Ms. Sutherland asked Mr. Davis his view of SLFPA-E's authority in regards to St. Tammany Parish flood protection.

Mr. Davis responded his understanding was the major roll of the Board is oversight and communications with the levee districts and that he supported that position. He reiterated St. Tammany Parish has drainage districts that act as levee districts, but no true levee district at this time and they will look at this issue.

Mr. Pineda pointed out that there are several on-going or completed USACE cost share feasibility studies in St. Tammany Parish and that St. Tammany public works and drainage personnel should be made aware of these studies.

Mr. Davis explained, although the Southeast Louisiana Flood Control Program may not be hurricane protection, it acts as hurricane protection. The Program deals with interior flood/rainwater protection, but helps protect from natural disasters, such as Katrina, from the standpoint of pumping stations, etc. He explained a drainage model was perfected for St. Tammany Parish and when this information was run through a computer system it was discovered that there was a greater benefit by doing something other than some of the programs in the USACE's jurisdiction, and he discussed the difficulty in attempting to change scopes.

In conclusion, Mr. Davis stated he looked forward to working with the Board.

RESOLUTION #03-20-08-03 – TO AUTHORIZE APPLICATION TO THE FEDERAL GOVERNMENT FOR USE OF MATERIAL FROM THE TWIN SPANS

Mr. Doody pointed out local cost share credit could be requested should some of this material be used in the flood protection system.

Mr. Richardson explained there are others with interest in this material—an example being the proposal to keep several segments on the St. Tammany side preserved for fishing piers and this request would not compete with that proposal. However, where many interests have a specific singular function to their beneficial use, this particular concept serves a variety of objectives, including fisheries habitat, critical infrastructure protection with respect to Highway 90, and erosion protection with respect to the area between Highway 90 and Lake Pontchartrain.

Mr. Barry commented it is conceivable that although this seems to be a good project, it may not serve SLFPA-E's interest or fit within its authority; therefore, he asked Mr. Richardson be prepared to approach another entity.

Mr. Richardson responded his understanding is that this application is simply a placeholder and puts the idea on the table for future discussion. If an application is not submitted, there is no opportunity.

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

BE IT HEREBY RESOLVED, by the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) that the SLFPA-E President is authorized to submit an application to the Federal government to use the material from the twin spans as foreshore protection for U.S. Highway 90, if it is within SLFPA-E's authority.

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 #03-20-08-04 – ONE HUNDRED YEAR FLOOD PROTECTION

Mr. Doody explained this resolution was developed jointly by the Plaquemines, Jefferson and St. Bernard Parish Presidents, New Orleans City Council President Arnie Fielkow, New Orleans Sewerage & Water Board Executive Director Marcia St. Martin, CPRA Chair Garret Graves, SLFPA-W President David Bindewald and himself to speak with a unified voice. The resolution has been adopted in Orleans, Jefferson, St. Bernard and Plaquemines Parishes and in its form by a variety of entities, such as the Chamber of Commerce.

Mr. Barry explained the Authority and public should understand just how much of an integrated system the Mississippi River is. Twenty-one hundred square miles of land, which was created by the deposit of sediment in the Mississippi River, has been lost in Louisiana. The Gulf of Mexico used to go to Cape Girardeau, Missouri. The sea level fell and all the land from Cape Girardeau south was made by the deposit of sediment. The sediment in the river today is only 30-40% of its historic amount. According to the U.S. Geological Survey, dams above Yankton, South Dakota, on the Missouri River are responsible for at least 50% of the decline of sediment in the Mississippi River. Dams in Bismarck, North Dakota, constructed in the last sixty years directly affect the State of Louisiana and its land loss to a very significant degree. Therefore, this is a national responsibility.

Mr. Doody pointed out a significant part of this resolution is the request for an extension of the term to pay the local cost share. This resolution will be brought to Washington, D.C., in the next couple of weeks. Mr. Barry added, in 1985 or 1986 the Secretary of the Army was given the discretion to extend local cost share over a thirty year period and has used that discretion in the past elsewhere.

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

To urge and request the United States Congress to provide the State of Louisiana with one-hundred-year flood protection.

WHEREAS, in the aftermath of the flooding and devastation caused by Hurricane Betsy in 1965, the Congress of the United States promised the citizens

of Southeast Louisiana Category 3 Hurricane Protection, for which the local citizenry contributed significant cost share funding; and

WHEREAS, the U.S. Army Corps of Engineers before Hurricane Katrina informed Louisiana that it was protected against a hurricane likely to come no more frequently than once in 200 years; and

WHEREAS, improvements along the entire Mississippi River system, including its tributaries, and the construction of flood protection reservoirs in states more than 1,000 miles from the Gulf Coast deprived the Mississippi River of enormous amounts of sediment needed to sustain coastal lands in Louisiana; and

WHEREAS, Southeast Louisiana has played a major roll in the shipping and oil and gas industries, benefiting the quality of life and economy of the nation as a whole; and

WHEREAS, the activities of these industries along Louisiana's coasts and the construction of the Mississippi River Gulf Outlet, in conjunction with the engineering of the entire Mississippi River system that provided economic benefit and flood protection hundreds of miles up river from Louisiana which deprived Louisiana of the natural load of sediment, has led directly to the disappearance of 2,100 square miles of Louisiana's coastal lands; and

WHEREAS, these benefits to the rest of the nation have substantially reduced natural barriers to storm surge and thus enormously increased the vulnerability of Louisiana to hurricanes, far beyond what it would otherwise be; and

WHEREAS, on August 29, 2005 Hurricane Katrina devastated Southeast Louisiana by overtopping levees and breaching floodwalls, with high winds, torrential rains and flooding causing catastrophic damage to public and private properties in Southeast Louisiana, severely impacting the population, local economy and tax base of these parishes and reducing the funding capabilities of their respective levee districts; and

WHEREAS, true one-hundred year protection for Southeast Louisiana must be approached from a regional perspective with a contiguous system that eliminates all gaps; and

WHEREAS, in the aftermath of Hurricane Katrina, 100 year protection for southeast Louisiana was reevaluated by the USACE and approved by Congress; however, the current local cost share requirement for this protection is estimated to be a minimum of \$1.6 billion for Southeast Louisiana, and without payment of this substantial sum this much needed protection will not be constructed or will be substantially delayed, jeopardizing the safety and property of the people of Southeast Louisiana; and

WHEREAS, since much of Southeast Louisiana is still rebuilding and attempting to bring in new development, intervention is required on the federal level to address local cost share and other local responsibilities in order to construct this much needed protection; and

WHEREAS, the Secretary of the Army has the discretion to allow local cost share to be paid over a 30 year period, and this discretion has been applied in situations not as exigent as Louisiana's.

BE IT HEREBY RESOLVED BY THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST, That the Congress of the United States is

hereby requested and urged to appropriate 100% federal share for one hundred year flood protection for Southeast Louisiana.

BE IT FURTHER RESOLVED, That in the event 100% federal cost participation is not authorized, the Congress of the United States is hereby requested and urged to take the following actions:

- Authorize one hundred year flood protection for Southeast Louisiana at no greater local cost share than historic share percentages.
- Authorize local cost share participation be paid over a thirty year period.
- Authorize credit for past contributions.
- Authorize credit for Operations and Maintenance expenses paid by local government prior to completion of projects by the US Army Corps of Engineers.
- Authorize credit to local levee districts at fair market value for borrow materials provided to the US Army Corps of Engineers.

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 #03-20-08-05 - AUTHORIZATION OF SLFPAE REGIONAL DIRECTOR TO INVOKE THE PROVISIONS OF LA RS 38:301(D) AS NEEDED

The notification process was briefly discussed. When the ordinance is invoked, a letter is sent to landowners notifying them that after 15 days for persons not living on the property or five days for persons living on the property the USACE or its agent will be on their property performing these investigations. The authority to invoke the ordinance is vested in the Board; however, that authority can be delegated. Should the ordinance be invoked, the landowner by Louisiana statute has no recourse.

Mr. Lacour explained in most instances the USACE cannot be given permission until much after the notice period awaiting the return receipts and the lapse of the 15 day period which is imposed if one property owners is not living at his property. After notice letters are sent and the return receipts are received, then the USACE is issued the right-of-entry. Although there has never been an objection, he suggested the resolution could be amended to provide that should there be an objection, then the Regional Director could bring it to the Board.

Ms. Sutherland, who offered the motion, and Mr. McKee, who seconded the motion, accepted an amendment to the resolution to include the following language: "provided, however, if a property owner objects to the right-of-entry the Regional Director may at his discretion bring this matter to the Board."

Mr. Doody explained it is not the intention of the Board to take away anyone's rights; however, it is up against deadlines to complete the protection system for the entire area. The Board is saying that it trusts Mr. Turner's judgment in that if a controversial issue is

involved, he will bring it to the Board. This is an attempt to speed up the process for non-controversial matters.

Mr. Turner clarified this is only for going onto property to conduct investigations, wetland delineations, possibly soil borings, and activities associated with surveys. Mr. Barry added, the property owner has a procedural safeguard and through the notice letter is provided an opportunity to inform Mr. Turner when a matter is controversial.

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

WHEREAS, Section D of Louisiana Revised Statutes 38:301 relative to the construction and maintenance of levees and drainage states, “Levee boards and levee and drainage boards and their authorized agents and employees shall also have the power to enter upon any lands, waters, and premises in the state for the purpose of making such surveys, soundings, drillings, and examinations as they may deem necessary or convenient for carrying out the purposes of this Chapter, which entry shall not be deemed a civil or criminal trespass nor a temporary construction servitude, nor shall it be deemed an entry under any eminent domain proceedings which may be then pending, provided that prior written notice of five days to resident owners and fifteen days to nonresident owners be given to the last record property owner as reflected in the parish assessment rolls. Written notice shall consist in mailing the notice by certified mail to the last known address of the owner as shown in the current assessment records. The levee boards and/or levee and drainage board shall indemnify the property owner for any loss or injury resultant from entry upon the property and shall make reimbursement for any actual damages resulting to lands, waters, and premises as a result of these activities.”

WHEREAS, from time to time it is necessary for the Southeast Louisiana Flood Protection Authority-East (SLFPAE) to invoke the provisions of LA RS 38:301 (D) in order to provide rights-of-entry to the U.S. Army Corps of Engineers or its authorized agents to accomplish surveys, drillings and examinations required in connection with the construction of levees and flood protection; and

WHEREAS, in order to provide right-of-entry in a timely manner, SLFPAE wishes to provide authority to its Regional Director to invoke the provisions of LA RS 38:301(D) on behalf of the Authority Board.

BE IT RESOLVED, that the Southeast Louisiana Flood Protection Authority - East authorizes the SLFPAE Regional Director to grant authority to the appropriate levee district Executive Director on a case-by-case basis to invoke the provisions of LA RS 38:301(D) and to grant right-of-entry to the U.S. Army Corps of Engineers and its authorized agents to accomplish surveys, drillings and examinations as provided in said statute required in connection with the construction of levees and flood protection, provided, however, if a property owner objects to the right-of-entry the Regional Director may at his discretion bring this matter to the Board.

BE IT FURTHER RESOLVED, that the SLFPA-E Regional Director and/or Orleans Levee District Executive Director, Lake Borgne Basin Levee District Executive Director or East Jefferson Levee District Executive Director, as

appropriate, are 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. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: None

Discussion of change of date of regularly scheduled monthly Committee meetings.

A recommendation was offered to schedule the regular monthly committee meetings two weeks prior to Board meetings in order to allow time for staff to prepare committee minutes and Board agenda items.

Ms. Sutherland, Chair of the Legal Committee, and Mr. Losonsky, Chair of the Finance Committee, advised the Legal and Finance Committees would meet two weeks prior to the regularly monthly Board meeting.

Mr. McKee, Chair of the Operations Committee, advised the Operations Committee will continue to meet the second Wednesday of the month.

RESOLUTION #03-20-08-06 - APPROVAL OF SLFP AE FY 2009 BUDGET

Mr. Losonsky explained the budgets presented were reviewed in detail at the Finance Committee Budget Workshop, which Commissioners were invited to attend, and are recommended by the Committee.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFP AE) has reviewed financial projections for Fiscal Year Ending June 30, 2009 including estimated operating revenues and expenditures; and

WHEREAS, funding in the following amounts is required as detailed by the line item budget for Fiscal Year Ending June 30, 2009:

**SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
JULY 1, 2008 - JUNE 30, 2009
BUDGET**

REVENUES

Intergovernmental	\$	500,000
Interest Earned		1,000

Reimbursements from Districts	138,000
TOTAL REVENUES	\$ <u>639,000</u>
EXPENDITURES	
Commissioners	\$ 141,000
Capital Outlays, Equip. Vehicles, etc.	54,000
Administration	463,700
Operational Audit/Strategic Plan	<u>50,000</u>
TOTAL EXPENDITURES	\$ <u>708,700</u>
NET CHANGE IN FUND BALANCE	(69,700)
FUND BALANCE IN BEGINNING OF YEAR	<u>118,000</u>
FUND BALANCE AT END OF YEAR	\$ <u><u>48,300</u></u>

WHEREAS, the Southeast Louisiana Flood Protection Authority – East is mandated to submit an approved budget by April 1, 2008, to the Joint Legislative Committee on the Budget and other various oversight authorities.

BE IT HEREBY RESOLVED, That the SLFPAE approves the Fiscal Year Ending June 30, 2009 General Operating Budget for the Southeast Louisiana Flood Protection Authority-East.

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 #03-20-08-07 - APPROVAL OF O.L.D. FY 2009 BUDGET

Mr. Doody explained the budgets were developed based on best estimates of income and costs, as well as suppositions at the time they were drafted.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPAE) has reviewed financial projections for Fiscal Year Ending June 30, 2009 for the Orleans Levee District, including estimated revenues and expenditures; and

WHEREAS, funding in the following amounts is required as detailed by the line item budget for Fiscal Year Ending June 30, 2009:

**ORLEANS LEVEE DISTRICT
BUDGET
FOR FISCAL YEAR JULY 1, 2008 - JUNE 30, 2009**

	GENERAL FUND	SPECIAL LEVEE IMPR FUND	(MEMORANDUM ONLY)
REVENUES			
AD VALOREM TAXES	13,337,800	14,066,700	27,404,500
REVENUE SHARING	1,500,000	-	1,500,000
INTEREST INCOME	950,000	2,000,000	2,950,000
OIL & GAS ROYALTIES	-		-
MISC. INCOME	35,000		35,000
TOTAL REVENUE	15,822,800	16,066,700	31,889,500
EXPENDITURES			
ADMINISTRATIVE & EXECUTIVE	3,346,304		3,346,304
PROFESSIONAL SERVICES	914,717		914,717
INSURANCE	971,379		971,379
LEVEE MAINTENANCE	7,989,965		7,989,971
CAPITAL OUTLAYS		2,725,000	2,725,000
TOTAL EXPENDITURES	13,222,365	2,725,000	15,947,371
TRANSFER TO ALGIERS LEVEE DIST	346,444	609,001	955,445
TRANSFER TO NON FLOOD DIVISION	600,000	-	600,000
OTHER USES OF FUNDS	100,000	-	100,000
DEBT SERVICE:			
PRINCIPAL	2,055,000	3,810,000	5,865,000
INTEREST AND OTHER COST	1,201,324	1,876,974	3,078,298
Less Amount Borrowed from State	(3,256,324)	(5,686,974)	(8,943,298)
TOTAL OTHER USES OF FUNDS	1,046,444	609,001	1,655,445
EXCESS OF REVENUES OVER EXPENDITURES	1,553,991	12,732,699	14,286,684
FUND BALANCES, BEGINNING OF YEAR	36,293,604	29,836,851	66,130,455
FUND BALANCES AT END OF YEAR	37,847,595	42,569,550	80,417,139

WHEREAS, the Orleans Levee District is mandated to submit an approved budget by April 1, 2008, to the Joint Legislative Committee on the Budget and other various oversight authorities.

BE IT HEREBY RESOLVED, that the SLFPAE approves the Fiscal Year Ending June 30, 2009 Budget for the Orleans Levee District.

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 #03-20-08-08 - APPROVAL OF EJLD FY 2009 BUDGET

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPAE) has reviewed financial projections for Fiscal Year Ending June 30, 2009 for the East Jefferson Levee District, including estimated revenues and expenditures; and

WHEREAS, funding in the following amounts is required as detailed by the line item budget for Fiscal Year Ending June 30, 2009:

**EAST JEFFERSON LEVEE DISTRICT
BUDGET
FOR FISCAL YEAR JULY 1, 2008 - JUNE 30, 2009**

	General Fund	Levee Improvement Fund	Total (Memorandum Only)
REVENUES			
Ad Valorem Taxes Collected	6,100,000		6,100,000
State Revenue Sharing Funds	510,000		510,000
Interest and Dividend	70,000	100,000	170,000
Permit	6,000		6,000
30% Transfer of Ad Valorem	(1,830,000)	1,830,000	0
TOTAL REVENUES	4,856,000	1,930,000	6,786,000
EXPENDITURES			
Administrative & Executive	766,591		766,591
Professional Services	90,000		90,000
Insurance	525,000		525,000
Levee Maintenance	1,930,778		1,930,778
Police	1,589,184		1,589,184
Sheriff Pension Costs	278,000		278,000
Capital Outlays	430,000	6,150,000	6,580,000
TOTAL EXPENDITURES	5,609,553	6,150,000	11,759,553

EXCESS OF REVENUES OVER EXPENDITURES	(753,553)	(4,220,000)	(4,973,553)
BEGINNING FUND BALANCES	3,875,261	10,003,250	13,878,511
ENDING FUND BALANCES	<u>3,121,709</u>	<u>5,783,250</u>	<u>8,904,958</u>

WHEREAS, the East Jefferson Levee District is mandated to submit an approved budget by April 1, 2008, to the Joint Legislative Committee on the Budget and other various oversight authorities.

BE IT HEREBY RESOLVED, that the SLFPAE approves the Fiscal Year Ending June 30, 2009 Budget for the East Jefferson Levee District.

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 #03-20-08-09 –
EAST JEFFERSON LEVEE DISTRICT FY'08 BUDGET REVISIONS**

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

WHEREAS, a review of the operating results to date indicates that budget revisions to the East Jefferson Levee District Operating Budget for Fiscal Year ending June 30, 2008 is necessary to comply with applicable state law, which requires that budgets be changed to reflect new expectations; and

WHEREAS, funding in the following amounts is required for Fiscal Year 2008:

**East Jefferson Levee District
Revised Budget
For Fiscal Year Ending June 30, 2008**

	Total General Fund	Levee Improvement Fund	(Memorandum Only)
REVENUES			
Ad Valorem Taxes Collected	6,100,000		6,100,000
State Revenue Sharing Funds	510,000		510,000
Interest and Dividend	70,000	100,000	170,000
Sale/Disposal of Equipment	6,000		
Permit	6,000		6,000

Miscellaneous Income	1,000		
30% Transfer of Ad Valorem	(1,830,000)	1,830,000	0
TOTAL REVENUES	4,863,000	1,930,000	6,786,000
EXPENDITURES			
Administrative & Executive	439,440		439,440
Professional Services	90,000		90,000
Insurance	525,000		525,000
Levee Maintenance	1,687,348		1,687,348
Police	1,383,350		1,383,350
Sheriff Pension Costs	278,000		278,000
Capital Outlays	453,500	110,000	563,500
TOTAL EXPENDITURES	4,856,638	110,000	4,966,638
EXCESS OF REVENUES OVER EXPENDITURES	6,362	1,820,000	1,819,362
BEGINNING FUND BALANCES	3,868,899	8,183,250	12,052,149
ENDING FUND BALANCES	3,875,261	10,003,250	13,878,511

BE IT HEREBY RESOLVED, that the revisions to the East Jefferson Levee District Operating Budget for Fiscal Year ending June 30, 2008 are approved.

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 #03-20-08-10 APPROVAL OF LBBLD FY 2009 BUDGET

Mr. Turner advised there have been preliminary discussions with the State and should St. Bernard's revenue stream not return to acceptable levels, assistance will be sought from the State Legislature and the Louisiana Department of Natural Resources.

On the motion of Mr. Goins,

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFP AE) has reviewed financial projections for Fiscal Year Ending June 30, 2009 for the Lake Borgne Basin Levee District, including estimated revenues and expenditures; and

WHEREAS, funding in the following amounts is required as detailed by the line item budget for Fiscal Year Ending June 30, 2009:

**LAKE BORGNE BASIN LEVEE DISTRICT BUDGET
FOR FISCAL YEAR JULY 1, 2008 - JUNE 30, 2009**

	GENERAL FUND	DEBT SERVICE	CAPITAL PROJECTS FUND	TOTAL (MEMORANDUM ONLY)
REVENUES				
AD VALOREM TAXES	\$2,600,000	\$500,000		\$3,100,000
REVENUE SHARING	140,000	24,000		164,000
INT INCOME	185,000	5,000	\$3,000	193,000
OIL & GAS ROYALTIES	0			0
FEMA GRANTS	200,000			200,000
MISC. INCOME	2,000			2,000
TOTAL REVENUE	\$3,127,000	\$529,000	\$3,000	\$3,659,000
EXPENDITURES				
ADMINISTRATIVE & EXECUTIVE	\$491,800			\$491,800
PROFESSIONAL SERVICES	88,600			88,600
INSURANCE	250,000			250,000
LEVEE MAINTENANCE	935,800			935,800
PUMPING STATION EXPENSE	1,658,200		\$468,000	2,126,200
SHERIFF PENSION COST	80,000	\$20,000		100,000
CAPITAL OUTLAYS	518,000			518,000
DRAINAGE FEASIBILITY STUDY	150,000			
DEBT SERVICE:				
PRINCIPAL		640,000		640,000
INTEREST AND OTHER COST		17,600		17,600
TOTAL EXPENDITURES	\$4,172,400	\$677,600	\$468,000	\$5,168,000
EXCESS OF REVENUES OVER EXPENDITURES	(1,045,400)	(148,600)	(465,000)	(1,509,000)
FUND BALANCES AT BEGINNING OF YEAR	4,100,000	150,000	465,000	4,715,000
FUND BALANCES AT END OF YEAR	\$3,054,600	\$1,400	\$0	\$3,206,000

WHEREAS, the Lake Borgne Basin Levee District is mandated to submit an approved budget by April 1, 2008, to the Joint Legislative Committee on the Budget and other various oversight authorities.

BE IT HEREBY RESOLVED, that the SLFPAE approves the Fiscal Year Ending June 30, 2009 Budget for the Lake Borgne Basin Levee District.

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

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

NAYS: None

ABSENT: None

RESOLUTION #03-20-08-11 – IHNC PROTECTION

Mr. Doody explained the Project Partnership Agreement (IHNC Surge Reduction Project) may be between the USACE, CPRA and SLFPA-E, or may just be between the USACE and CPRA.

Col. Jeffrey Bedey, USACE Hurricane Protection Office Commander, restated the USACE's commitment to operate in an open and transparent manner throughout the process of meeting the commitment of the President of the United States and Congress to provide the 100 year level of protection, ensure the USACE is in a partnership and have the necessary and requisite external peer review. He felt it was critically important that that peer review be focused on the design criteria and the design, and when the construction phase is entered to assure the partners and stakeholders have a participatory roll in the actual execution of the work. LA DOTD and the Authority have been actively engaged in the IHNC project to this point. He cited the example of the London Avenue Load Test as a model of success for the future.

Mr. Jackson asked whether the USACE requested Congress to waive the requirements on peer review on the GIWW project. Col. Bedey replied, unless something happened outside of the knowledge base of anyone in the greater New Orleans area, the answer was no. He explained they are trying to understand what is needed to satisfy Congress and the Committees that wrote that particular WRDA language. He acknowledged the requirement to have an external peer review on the requisite work as described in that language. The USACE is trying to understand how it will execute and the overall intent of that law.

Mr. Barry commented at yesterday's CPRA meeting, USACE representatives provided pretty much the same statement; however, Garrett Graves advised that contradicted a telephone call from Senate staff informing him the USACE was asking for an exemption.

Col. Bedey reiterated they are, in fact, seeking to understand what they need to do in order to comply with the law and that past successes should be looked at and how those successes can be applied to all future work. He stressed peer review must happen earlier on and not after the project is completed. Quality Control and Quality Assurance measures are done as the work is executed. The USACE continues to offer to the signatories of the Project Partnership Agreement (PPA) the opportunity to be embedded into the staff on the IHNC project.

Mr. Jackson stated he appreciated Col. Bedey's concern relative to who would do this peer review in a design-build contract without holding up the project and felt the peer reviewers cannot be buried in the minutia because it would hold up the project and the design-build contractor will make claims about those holdups. Therefore, he saw the need for peer review to be defined on a design-build contract.

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

BE IT RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) hereby authorizes the SLFPA-E President upon completion to sign the Project Partnership Agreement (PPA) jointly, if required, with the U.S. Army Corps of Engineers, Coastal Protection and Restoration Authority and SLFPA-E, and/or a Cooperative Endeavor Agreement, or other document as required, with the State of Louisiana for the Inner Harbor Navigation Canal Protection Project (IHNC Surge Reduction Project).

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

Briefing by Assistant Attorney General Denise Fitzgerald on the Special Ethics Session of the Legislature.

Ms. Fitzgerald provided a copy of Act 1 of the LA Legislature First Extraordinary Session of 2008. She advised the Board that she did not feel that Act 1 applied to the Authority; however, the Ethics Board would have jurisdiction over this matter. She reviewed the list of individuals subject to financial disclosure under this act. The Board would not be included under §1124.2. A. ("and each member of a state board or commission which has the authority to expend, disburse, or invest one million dollars or more of funds in a fiscal year") because Section G of the same section provides (for the purposes of this section) that, "...State board or commission shall not include an entity created as a political subdivision of the state or of local government or as the governing body or an agency of a political subdivision." The Authority would be excluded as it is an entity created as the governing body of a political subdivision.

Ms. Sutherland reported a bill proposing to amend this statute to include levee districts has been pre-filed for the upcoming Legislative Session.

The Board recessed for lunch at 12:07 p.m. At 1:22 p.m. the Board reconvened in regular session.

RESOLUTION #03-20-08-12 HASPEL & DAVIS MILLING AND PLANTING COMPANY, LTD., ET AL. V. BOARD OF LEVEE COMMISSIONERS OF THE ORLEANS LEVEE DISTRICT, DOCKET NO. 31-357 IN THE 25TH JUDICIAL DISTRICT COURT FOR THE PARISH OF PLAQUEMINES

Mr. Lacour explained the Orleans Levee District owes a good deal of money on a judgment in the Haspel & Davis case. Since it cannot pay the entire sum, it was felt a partial payment should be made to show the District is trying and to show good faith.

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

WHEREAS, the Orleans Levee District ("District") entered into a Settlement Agreement dated December 11, 2000 in the matter entitled *Haspel & Davis Milling and Planting Company, Ltd., et al. v. Board of Levee Commissioners of the Orleans Levee District*, Docket No. 31-357, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana, which court, in accordance with the terms of the Settlement Agreement, entered a Consent Judgment dated December 11, 2000 in favor of the plaintiff class and against the Levee Board in the sum of \$21,085,408.98, less \$2,318,263.72 paid contemporaneously with that court's approval of the Consent Judgment, plus interest from July 31, 2000; and

WHEREAS, the Settlement Agreement further provided that the remainder of the Consent Judgment "will be paid as and if funds are appropriated therefor"; and

WHEREAS, pursuant to the Settlement Agreement and Consent Judgment, the District paid to the plaintiffs to date a total of \$5,545,818.89 in partial satisfaction of the Settlement Agreement and Consent Judgment (with \$2,318,263.72 paid on or about December 11, 2000, another \$371,532.00 paid on or about August 15, 2001, another \$1,906,023.17 paid on or about February 7, 2003, another \$600,000.00 paid on or about February 27, 2004, and another \$350,000.00 paid on or about January 4, 2005); and

WHEREAS, in June 2005, the parties entered into, and the court approved, a second Settlement Agreement, the terms of which provided that the plaintiffs would settle and compromise all outstanding obligations that the District owed under the Consent Judgment and original Settlement Agreement in exchange for a lump sum payment not exceeding \$10,076,559.41 (the exact amount of which would depend upon the total class members who approved and accepted the second Settlement Agreement); and

WHEREAS, the District approved, subject to further approval by the Louisiana State Bond Commission, a bond issue to fund the lump sum payment provided for under the second Settlement Agreement, which payment was to be made on before January 21, 2006, failing which the plaintiffs had the right to rescind the second Settlement Agreement; and

WHEREAS, on August 29, 2005, Hurricane Katrina devastated the New Orleans area. In its aftermath, the bond issue approved by the District to satisfy its obligations under the second Settlement Agreement was determined to be unfeasible and was never approved by the Louisiana State Bond Commission or thus never effected. Subsequently, the plaintiffs exercised their right to rescind the second Settlement Agreement and by Order dated May 31, 2006, the court declared the second Settlement Agreement "to be of no further force or effect allowing the plaintiffs to seek other remedies of collection against the Levee Board"; and

WHEREAS, there remains a substantial unpaid balance owed under the Consent Judgment and original Settlement Agreement; and

WHEREAS, after careful and deliberate consideration, the Southeast Louisiana Flood Protection Authority-East (the "Authority") desires to appropriate from the general funds of the District the sum of \$100,000.00 to be paid to reduce the balance owed by the District under the original Settlement Agreement and Consent Judgment, believing in good faith and in the Authority's discretion

that the Authority on behalf of the District cannot at this time afford to appropriate, and the District cannot at this time reasonably afford to pay, any greater sum at this time for this purpose in view of the District's current and future obligations to provide flood protection for the citizens of Orleans Parish and southeast Louisiana, as well as its current financial condition and limited resources.

BE IT HEREBY RESOLVED, that the Authority hereby appropriates the sum of \$100,000.00 from the general fund of the District to be paid to reduce the total amount owed by the District under the original Settlement Agreement and Consent Judgment rendered and approved in *Haspel & Davis Milling and Planting Company, Ltd., et al. v. Board of Levee Commissioners of the Orleans Levee District*, Docket No. 31-357, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana.

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 #03-20-08-13 - RIGHT OF ENTRY AUTHORIZATION IN CONNECTION WITH THE PROPOSED DESIGNATED STOCKPILE AREAS LOCATED IN ORLEANS PARISH, LOUISIANA

O.L.D. Executive Director Stevan Spencer advised the USACE has requested to perform surveys and testing in four potential staging and storage areas.

Mr. Kevin Wagner with the USACE explained this request has been discussed with the owners of the parking lot at Six Flags, which is one of the potential areas, and they seem to be in favor of its use. The Port is not in favor of using the west side of the IHNC at Seabrook as it would prefer to keep that area in commerce; however, the Port has offered a piece of property near the GIWW which will be investigated.

Mr. Joe Kopec with the USACE added, currently under the 4th Supplemental, it would be up to the individual levee districts to acquire lands, easements and rights-of-way, and explained how easements would be acquired.

On the motion of Mr. Wittie,

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

WHEREAS, by letter dated February 25, 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, hazardous, toxic and radioactive waste (HTRW) assessments in connection with the proposed designated stockpile areas located in Orleans Parish, Louisiana, with the limits of work as designated 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 March 21, 2008, with right-of-entry to remain valid until the completion of the 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, hazardous, toxic and radioactive waste (HTRW) assessments in connection with the proposed designated stockpile areas located in Orleans Parish, Louisiana, in accordance with USACE letter dated February 25, 2008 and maps attached thereto.

BE IT FURTHER RESOLVED, that the SLFPA-E President, SLFPAE Regional Director and/or Orleans Levee District Executive Director are 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. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: None

RESOLUTION #03-20-08-14 - RIGHT OF ENTRY AUTHORIZATION IN CONNECTION WITH THE LAKE PONTCHARTRAIN AND VICINITY, HURRICANE PROTECTION PROJECT IN RELATION TO IER-11, IMPROVED PROTECTION ON THE INNER HARBOR NAVIGATION CANAL, ORLEANS AND ST. BERNARD PARISHES, LOUISIANA

Mr. Spencer explained this request concerns IER-11 and involves four pieces of property located around the Highway 47 Paris Road Bridge. Part of this property is owned by the Port and the USACE is attempting to identify a second property owner.

Mr. Kopec explained the difficulty in identifying the second property owner and that should the owner remain unknown and the property ultimately be within the project area, then the right-of-way would have to be condemned.

On the motion of Mr. Jackson,

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

WHEREAS, by letter dated March 17, 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 Lake Pontchartrain and Vicinity, Hurricane Protection Project in relation to IER-11,

Improved Protection on the Inner Harbor Navigation Canal, Orleans and St. Bernard Parishes, Louisiana, with the limits of work as designated 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 March 31, 2008, with right-of-entry to remain valid for a period of one year or until the completion of 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 hazardous, toxic and radioactive waste (HTRW) assessments in connection with the Lake Pontchartrain and Vicinity, Hurricane Protection Project in relation to IER-11, Improved Protection on the Inner Harbor Navigation Canal, Orleans and St. Bernard Parishes, Louisiana, in accordance with USACE letter dated March 17, 2008 and maps attached thereto.

BE IT FURTHER RESOLVED, that the SLFPA-E President, SLFPAE Regional Director and/or Orleans Levee District Executive Director are 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. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: None

Mr. Spencer mentioned an additional right-of-entry request had just been received for surveys within the area of the Lakefront Airport to South Point and the middle of Hayne Boulevard to 3,000 feet into the lake for levee raising and dredging channels in from the lake to bring rock for rip-rap foreshore protection. This area falls within railroad property, State water bottoms, and the DOTD roadway, and discussions have started with the appropriate entities. However, letters will be required to be sent to about twelve Little Woods camp owners notifying them of this survey work.

RESOLUTION #03-20-08-15 – EJLD FUELING OPERATIONS

EJLD Executive Director Fran Campbell advised an inspection was done by the LA Department of Environmental Quality and certain issues needed to be cleaned up.

On the motion of Mr. Losonsky,

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

WHEREAS, there is a need for certain work to be done in order to bring the East Jefferson Levee District's fueling operations into compliance with the regulation guidelines of the Louisiana Department of Environmental Quality; and

WHEREAS, bids for the subject work will be requested and the work will be accomplished as soon as possible.

BE IT RESOLVED, that the Executive Director of the East Jefferson Levee District, is hereby authorized to request and accept bids, conduct the opening of said bids, and to award a contract to the lowest responsive and responsible bidder in an amount not to exceed \$40,000 for furnishing labor and materials to bring the fueling operation into compliance with the regulation guidelines of the LA Department of Environmental Quality.

BE IT FURTHER RESOLVED, that the Executive Director of the EJLD, is hereby authorized to execute a contract with the lowest responsive and responsible bidder for the aforementioned project, and 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. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: None

RESOLUTION #03-20-08-16 - RIGHT OF ENTRY AUTHORIZATION FOR THE LAKE PONTCHATRAIN AND VICINITY HURRICANE PROTECTION SYSTEM, IER-10, HIGH PROBABILITY AREAS, ST. BERNARD, LOUISIANA.

LBBLD Executive Director Jason McCrossen explained this request is similar to the prior request for IER-11. Basically, the USACE would like to go into areas identified as high probability areas to perform investigations and evaluations. Mr. Turner added, these areas are part of the continuing study on the back levee system and the possibility that the back levee system could be turned into a federal levee and used as part of the hurricane protection system to protect St. Bernard and the lower Ninth Ward.

On the motion of Mr. Jackson,

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

WHEREAS, by letter dated February 25, 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 assessments, cultural resources investigations, hazardous, toxic and radioactive waste (HTRW) site evaluations, and wetland investigations and delineations for the Lake Pontchartrain and Vicinity Hurricane Protection Project, IER-10, High Probability Areas, St. Bernard Parish, Louisiana, with the limits of work as designated 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 March 19, 2008, with right-of-entry to remain valid for a period of eighteen months; 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 assessments, cultural resources investigations, hazardous, toxic and radioactive waste (HTRW) site evaluations, and wetland investigations and delineations for the Lake Pontchartrain and Vicinity Hurricane Protection Project, IER-10, High Probability Areas, St. Bernard Parish, Louisiana, in accordance with USACE letter dated February 25, 2008 and maps attached thereto.

BE IT FURTHER RESOLVED, that the SLFPA-E President, SLFPAE Regional Director and/or Lake Borgne Basin Levee District Executive Director are 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. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. McKee, Mr. Pineda and Mr. Wittie
NAYS: None
ABSENT: None

The next Board meeting will be held on Thursday, April 17, 2008, and hosted by the East Jefferson Levee District.

There was no further business, therefore, the meeting was adjourned at 1:45 p.m.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

REGIONAL DIRECTOR'S REPORT

March 20, 2008

100 Year Level of Protection

Inner Harbor Navigation Canal:

The evaluation of the proposals for providing 100 year protection for the IHNC has been completed on schedule. Both the Authority and the DOTD were represented on the review team (not as "voting" members). The Design/Build Contract can be awarded as soon as the Project Cooperative Agreement is signed by all parties. 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. O&M costs will be substantial, particularly for gated structures.

The Project Cooperative Agreement for this project was scheduled to be signed before the end of this month. As of 5:30 pm yesterday, DOTD and the USACE were still trying to reach consensus on the language included in the Agreement.

We asked Senator Landrieu's Office to request the Corps to provide draft language to remove the requirement for the local sponsor to provide O&M and RRR on the large gated structure in the GIWW. Senator Landrieu made the request and the Corps has agreed to provide the draft language.

Right-of Way Acquisition:

On March 11, 2008 I met with Linda LeBure of the USACE Real Estate Division to discuss options to expedite the acquisition of ROW for the various projects. I received a revised Preliminary Property Owner's Map for the IHNC Project Area.

I also met with LDOTD to explore the possibility of utilizing the State's existing ID/IQ contracts for Abstracting Services, Title Search, Appraisals and ROW Mapping.

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 SLFPAE office:

- 95 % P&S LPV 109 (Phase 1) (Orleans Levee District)

New Construction Starts

None

Drainage Study

The revised Scope of Work has been submitted by the Consultant and will be placed on the agenda for the next Operations Committee Meeting.

Flood Fight

According to the National Weather Service, the Mississippi River is predicted to crest near 16.5' in New Orleans on April 9, 2008. Both the Corps and the levee districts have already increased surveillance on the river levees (First Stage Alert). When the River reaches 15' in New Orleans (Second Stage Alert), the USACE will be ordered into a Phase I Mobilization.

Internal Affairs

Proposed budgets for the Authority and each Levee District were submitted at the February Finance Committee Meeting. A thorough review of the budgets was conducted at the Lake Vista Community Center on March 4, 2008.

I attended the Levee Safety Summit in St. Louis at the end of February. The Summit was well attended (500 + registrants). Levee owners, the USACE, FEMA and State Flood Plain Managers were present. Much emphasis was placed on communicating risk to the people who live behind levees. The new buzz phrase in the industry is "residual risk" (the risk remaining to people living behind a levee after the levee is complete and certified). Levee certification was also a hot topic. Some feel the 100 year design limit required by FEMA for levee certification unintentionally encourages levees to be designed only for a 100 year event.

On March 6, 2008 Fran, Tim and I participated in a panel discussion at the USACE's Engineer's Week Function. The theme was "Partnering for a Successful 2011 Hurricane Protection System".

On March 10, 2008 we attended a presentation on the newly released Risk Maps. The new maps take into account pumping operations during a Hurricane. They now are available for viewing on the Corps' web site.

On March 11, 2008 we attended a Flood Fight exercise at the New Orleans District. The exercise was designed to review the various activities that take place during a flood fight associated with a rising river.

Upcoming Events

- March 24 LPV Chalmette Loop LPV 148 Partnering Meeting
New Orleans District
1:00 pm to 4:00 pm (DARM)

- March 28 View of Test Section for Levee Armoring
St. Francisville, LA

- March 28 Deadline for submitting proposals for the Actuarial Consulting
Services

- March 29 – Mississippi Valley Annual Spring Meeting
April 2 Washington DC

- March 31 Deadline for submitting proposals for the Organizational Study and
Strategic Plan

- April 8 Professional Development Exercise (ERDC)
(How levees work, fail, and are designed)
Engineering Research and Development Center
Vicksburg, MS

- May 1 – 2 Association of Levee Boards of Louisiana
23rd 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.