

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
SPECIAL BOARD MEETING
THURSDAY, NOVEMBER 6, 2008**

A Special Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, November 6, 2008, at 514 Belle Terre Boulevard, LaPlace, 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 3:15 p.m. The roll was called and a quorum of the Board was present.

Present:

Timothy P. Doody, President
Abril B. Sutherland, Vice President
George Losonsky, PH.D., Treasurer
Stephen Estopinal
Stradford A. Goins
Sara Lee St. Vincent
Louis E. Wittie

Absent:

John M. Barry, Secretary
David P. Barnes, Jr.
Thomas L. Jackson
Ricardo S. Pineda

OPENING COMMENTS:

Mr. Doody commented that today's meeting concerns the effecting of the closure of the Mississippi River Gulf Outlet (MRGO). The closure structure will be constructed on the MRGO south of Bayou La Loutre. The State through the Coastal Protection and Restoration Authority (CPRA) presented offers on the two parcels of property required for this project. One property owner has accepted the offer; however, the second property owner has declined unsatisfied with the compensation offered. The Authority must exercise its quick take authority, which would leave the remedy in terms of compensation in the hands of the Courts. Unless the Authority takes this action, the U.S. Army Corps of Engineers will not award the contract for the project and the closure of the MRGO could potentially be delayed another year.

ADMINISTERING OATH OF OFFICE TO NEW COMMISSIONER:

The Oath of Office was administered by Mr. Robert LaCour, Interim General Counsel, to Mr. Stephen Estopinal.

MOTION TO ADOPT AGENDA:

A motion was offered by Mr. Losonsky, seconded by Mr. Goins and unanimously approved, to adopt the agenda as presented.

PUBLIC COMMENTS: None.

EXPROPRIATION FOR MRGO STONE CLOSURE AT BAYOU LA LOUTRE PROJECT

Mr. Doody explained the project will effect a full closure of the MRGO and is anticipated to be completed before the next hurricane season, if the project remains on schedule.

The Board briefly discussed the acquisition process.

On the motion of Mr. Wittie,
Seconded by Mr. Goins, the following resolution was offered:
November 6, 2008

RESOLUTION # 11-06-08-01 - EXPROPRIATION FOR MRGO STONE CLOSURE AT BAYOU LA LOUTRE PROJECT.

WHEREAS, the Coastal Protection and Restoration Authority (CPRA) and the United States Corps of Engineers (USACE) entered into a Memorandum of Agreement on October 31, 2008 for the construction of the Mississippi River Gulf Outlet Stone Closure at Bayou La Loutre Project, State Project No. PO 38SF (the "Project"), to be constructed by USACE in St. Bernard Parish in order to close the Mississippi River Gulf Outlet (MRGO) and thereby improve the protection of the St. Bernard Parish and the Greater New Orleans area from coastal erosion, degradation, and loss, hurricanes, and flood; and

WHEREAS, the Louisiana Legislature has declared by statute that "it shall be the position of the Southeast Louisiana Flood Protection Authority – East (SLFPAE) that "the Mississippi River Gulf Outlet navigability is no longer necessary and the value associated with it remaining open is far outweighed by the danger it poses to the citizens of St. Bernard Parish, the Lower Ninth Ward of Orleans Parish, New Orleans East and surrounding areas"; and

WHEREAS, the Southeast Louisiana Flood Protection Authority - East (SLFPAE) may assist the CPRA in ensuring the timely closure of MRGO by assisting construction of the Project through exercise of its statutory authorities, in conjunction with CPRA, to acquire land, easements, and rights-of-way required for the construction, operation, and maintenance of the Project; and

WHEREAS, CPRA, pursuant to its agreement with the USACE, will be responsible for operation and maintenance of the Project upon its completion; and

WHEREAS, the Project furthers the purpose of flood and hurricane protection, will greatly enhance the protection of persons and property within the territorial jurisdiction of SLFPAE; and

WHEREAS, certain lands, easements, or rights-of-way are required for the construction, operation, or maintenance of the Project (the Required Property); and

WHEREAS, CPRA is unable to acquire the Required Property amicably, despite good faith negotiation with the owners thereof; and

WHEREAS, The Congress of the United States has deauthorized the MRGO as a navigable waterway from the Gulf of Mexico to Mile 60 at the southern bank of the Gulf Intracoastal Waterway; and

WHEREAS, pursuant to Louisiana Revised Statutes 38:306 and 38:351, the Lake Borgne Basin Levee District ("District") may acquire and/or expropriate land, easements, and rights-of-way needed for flooding, hurricane protection, and coastal protection projects within their territorial jurisdictions;

THEREFORE BE IT RESOLVED that the Lake Borgne Basin Levee District, by its Board of Commissioners of the Southeast Louisiana Flood Protection Authority - East, by its President, Timothy P. Doody, is hereby authorized and directed to acquire any and all of the Required Property in St. Bernard Parish identified in the files of USACE as being necessary for the Project, as described in those files and as the descriptions thereof may change from time to time through the date of such acquisition, for the public purpose of improving the protection of St. Bernard Parish and the Greater New Orleans area from coastal erosion, degradation, and loss, hurricanes, and flood through construction of the Project. The District is hereby authorized to acquire said properties in fee simple less minerals, as a temporary or permanent servitude, or through right of use. The District is hereby authorized and directed to acquire said properties by any due and lawful means, either amicably by offer and acceptance or if necessary by expropriation pursuant to La. R.S. 38:351, et seq.

BE IT FURTHER RESOLVED that the President of the Board of Commissioners of the Southeast Louisiana Flood Protection Authority - East, Timothy P. Doody, is hereby authorized and directed to execute any and all documents and to take any and all actions necessary to carry out the foregoing.

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

YEAS: Mr. Doody, Mr. Estopinal, Mr. Goins, Mr. Losonsky, and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes, Mr. Barry, Mr. Jackson, Mr. Pineda

This Resolution was declared adopted this 6th day of November, 2008.

There was no further business, therefore, the meeting was adjourned at 3:35 p.m.