

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, DECEMBER 18, 2008**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, December 18, 2008, at the St. Bernard Public School Board Building, 200 East St. Bernard Highway, 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 9:40 a.m. and led in the pledge of allegiance.

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

Present:

Timothy P. Doody, President
John M. Barry, Secretary
David P. Barnes, Jr. (left meeting at 2:15 p.m.)
Stephen Estopinal
Stradford A. Goins
Thomas L. Jackson
Sara Lee St. Vincent
Louis E. Wittie

Absent:

Ricardo S. Pineda
George Losonsky, PH.D., Treasurer
Abril B. Sutherland, Vice President

OPENING COMMENTS:

Mr. Doody announced that the order to proceed was issued on the Mississippi River Gulf Outlet rock closure and that the first pile was driven on December 4th for the Inner Harbor Navigation Canal (IHNC) Surge Barrier project. Mr. Doody advised that he is recently back from a trip to the Netherlands. He commented that much can be learned from the Dutch and possibly applied in this region.

ADOPTION OF AGENDA:

A motion was offered by Mr. Barnes, seconded by Mr. Barry and unanimously adopted, to adopt the agenda as presented.

RESOLUTION #12-18-08-01 – APPROVAL OF MINUTES

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East hereby approves the minutes of the Board Meeting and Public Hearing held on November 13, 2008.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Estopinal, Mr. Jackson and Mr. Wittie

NAYS: None

ABSENT: Mr. Goins, Mr. Losonsky and Mr. Pineda

PUBLIC COMMENTS:

None.

PRESENTATIONS:

- 1. U.S. Army Corps of Engineers - Presentation on right-of-entry request for survey work to determine any possible encroachments on the west side of the Inner Harbor Navigation Canal and on the west side of the 17th Street Canal (Jefferson Parish side).**

Steve Finnegan, U.S. Army Corps of Engineers (USACE) Project Manager for Tree Removal, explained that the USACE is requesting right-of-entry for surveying on two reaches; i.e., the west side of the IHNC in the Gentilly Woods area and the west side of the 17th Street Canal. The surveys will state the documented right-of-way and/or the toe plus six foot line and will identify encroachments along the two reaches of the Lake Pontchartrain and Vicinity Project. The tree removal program on the Lake Pontchartrain Project is nearly complete. The final reach will be LPV 109, which is currently being studied. Notice to property owners will be sent in the next few weeks by certified letter by the Orleans Levee District for the IHNC reach and by the East Jefferson Levee District for the west side of the 17th Street Canal. The surveys are expected to begin in mid-January and be completed within about a week. The details, consisting of an inventory sheet with the toe, toe plus six foot line and inventoried items on each property, will be communicated to individual property owners in February.

Mr. Finnegan explained that State law (R.S. 38:225) gives the levee districts the right to remove encumbrances without compensation to property owners within the toe plus six foot area. The USACE is working for the levee districts in this effort.

Mr. Finnegan explained that a tape measure distance would be obtained from the base of the wall to the right-of-way or toe plus six feet, whichever is greater. The distance at each property corner from the base of the wall to the toe plus six feet will be turned over to the levee districts. The USACE will place white stakes at the toe, blue stakes at the toe plus six feet and orange stakes at the right-of-way. Marking of the toe plus six feet for property owners for the future and for maintenance purposes is the responsibility of the levee district. The Orleans Levee District has chosen to mark the toe plus six feet

with blue sign posts at 1,000 foot intervals along the Orleans side of the 17th Street Canal.

Robert Lacour, SLFPA-E Interim General Counsel, advised that R.S. 38:225 provides that no one can place an obstruction within six feet of any part of the levee and that every property owner should be aware of this setback. He stated that this statute was enacted in about 1890.

Mr. Estopinal recommended that notice of this State statute be provided to the Clerk of Court and recorded in the Conveyance Office on every property affected, so that title examiners in the future can pass this information on to land surveyors.

Mr. Finnegan stated that the USACE would return to the Board in March and request right-of-entry for tree and fence removal. Tree and fence removal is anticipated to commence in April, 2009, and should be completed in approximately one month.

Mr. Finnegan explained that the tree encroachment problem on the west side of the IHNC was identified when the floodwall stability concerns were under investigation. There are approximately 39 residential properties in this reach located in the Gentilly Woods area. The potential impact would be the removal of trees and fences to a maximum of two to six feet in back yards. New Orleans City Councilmember Cynthia Hedge-Morrell has been briefed on this activity. Removal of the encroaching trees is required for levee integrity and to insure that levee inspections are not impaired. The intrusion of tree roots can cause stability problems and the shading from trees can result in poor grass cover.

Mr. Finnegan explained that the tree encroachment problem on the west side of the 17 Street Canal was identified in 2006; however, the first priority was the east side of the 17th Street Canal, which has been completed. The west side reach includes several commercial properties, consisting mostly of condominiums and apartment complexes, between Veterans Boulevard and Rosebud Street and approximately 17 residential properties between pump station 6 and the I-10/I-610. The impact would be the removal of trees and fences about two to six feet into residential back yards or edges of commercial properties. In some locations where right-of-way is available removal would extend 15 feet from the levee toe. Jefferson Parish elected officials have been briefed on this removal effort. Roots up to one-inch in diameter would be removed and the hole compacted with levee building clay. Vegetation would also be removed. The right-of-way was obtained from previous USACE documents and will be staked upon confirmation of its accuracy by the East Jefferson Levee District (EJLD).

Robert Turner, SLFPA-E Regional Director, clarified that the EJLD has a set of right-of-way plans for this reach of floodwall and levee. The USACE is depending upon the Authority and EJLD to confirm that the right-of-way plans are valid. The EJLD has contracted with GCR and Associates and is working with Mr. Lacour to verify the existence of the right-of-way.

Mr. Lacour explained that the Pontchartrain Levee District had appropriated the right-of-way on the west side of the 17th Street Canal in 1948 or 1949. Several cases went to the Louisiana Supreme Court and the Court ruled that an appropriation cannot take place unless the property is riparian (i.e., on a navigable river or stream). The cases were then converted to expropriation cases. Every land owner who came forward was paid for his/her right-of-way; however, some land owners did not come forward. The Courts have held that in the cases where the land owner did not come forward that the levee district has a St. Julien servitude, which is not recorded.

RESOLUTION #12-18-08-02 – USACE ROE WEST SIDE IHNC AND WEST SIDE OF 17TH STREET CANAL FOR SURVEY WORK

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

WHEREAS, at the Board's meeting of December 18, 2008, the U.S. Army Corps of Engineers presented information and requested rights of entry for survey work to determine any possible encroachments on the west side of the Inner Harbor Navigation Canal and on the west side of the 17th Street Canal (Jefferson Parish side).

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes permitted rights of entry on rights of ways and areas under the control of the Orleans Levee District and East Jefferson Levee District for the purpose of survey work on the west side of the Inner Harbor Navigation Canal and on the west side of the 17th Street Canal (Jefferson Parish side).

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Estopinal, Mr. Jackson and Mr. Wittie

NAYS: None

ABSENT: Mr. Goins, Mr. Losonsky and Mr. Pineda

2. Ivor van Heerden - Presentation "New Data and Its Relevance for Flood Protection".

Ivor Li. van Heerden, Ph. D., with the LSU Hurricane Center advised that he would be sharing new data that has been developed over the past 18 months. In October, 2005, Dr. van Heerden was asked by the State to put together a team (Team Louisiana) to perform a forensic investigation of the levee failures. Dr. van Heerden explained that he also runs a Hurricane Public Health Center, which was funded for the five years prior to Hurricane Katrina by the Louisiana Board of Regents through one of its health excellence fund programs to look at the Greater New Orleans area to try to understand the impact of major hurricanes. Detailed data bases were developed and the ADCIRC storm surge model was acquired and set up to do storm surge predictions for the State starting in 2002. Funding was also obtained from the McKnight Foundation, partially to supplement the Team Louisiana effort and partially to do public outreach and provide speakers locally, nationally and internationally about Coastal Louisiana. He pointed out that some subsequent funding was obtained from the Mississippi River-Gulf Outlet

(MRGO) Levee Litigation Team and that some of the modeling that was done by the Dutch was funded by the MRGO Litigation Team. The presentation would look at tools that are now available to understand the impacts of levees, coastal restoration, etc.

Dr. van Heerden explained that the data that would be presented today has been peer reviewed by experts outside of the involved teams and was also presented by invitation at a national conference on modeling held in Las Vegas. The focus of the presentation is on modeling as it relates to surge dynamics, waves and the influence of man's activities, and what this data could mean for future flood protection in Coastal Louisiana.

Dr. van Heerden explained that there are five important aspects of a surge event:

- The surge height or elevation.
- The duration – how long the surge event will last and the duration at different elevations.
- Surge discharge or delivery via man-made or natural channels – what happens with a canal or bayou that becomes an efficient conduit for moving water.
- If there is overtopping, how long does it occur and what is the discharge rate – how much water will come over a levee per event.
- If waves are present, it is important to understand the size, the orientation and duration because of two important aspects (1) the physical erosion of structures and (2) wave run up, which adds a component to the surge.

In the Power Point presentation Dr. van Heerden demonstrated the simulation that was done for the Hurricane Pam exercise in 2004, which was funded by FEMA. He explained that the exercise looked at a Category 3 storm passing west of the City of New Orleans with the levee system as it existed in 2004 and resulted in everything being flooded in the Greater New Orleans area. This caused concern about Hurricane Katrina, which missed New Orleans by about 30-plus miles. He pointed out the very high water that backed up against the artificial levees on the Mississippi River that were built to offer protection from river flooding. He explained that when a barrier is placed anywhere in the coastal area that is at 90 degrees to a surge, the surge will pile up against the barrier. This is called the reservoir effect. He stated that this happened in Hurricane Katrina and that the eye of the storm came up and picked up the dome of water and drove it into Mississippi. Mississippi had very high surges; however, in actuality the doming that occurred in Louisiana was picked up and driven into Mississippi. Had there been a spillway at that location, the dome would not have developed and the surge event would have been significantly different.

Dr. van Heerden explained that at the time the Louisiana Legislature was discussing what should be done with the levee boards, the Hurricane Center was requested to do a number of different model runs. One of the runs for a Category 3 storm similar to Katrina was shown. An important lesson learned from this storm was that it was a long way away and floods in the scenario of the west bank and Houma–Morgan City area. He commented that this demonstrates the super susceptibility of the region.

Dr. van Heerden discussed wave action next, showing slides of the MRGO levee after Katrina and the breaching, overtopping and gullyng that had occurred. He explained

that four important levee attributes must be considered: (1) soil, (2) armoring, (3) grass cover and (4) elevation. The Hurricane Center looked at the modeling that was being done locally and by IPET. It then teamed up with the Delta Hydraulics Lab in the Netherlands. This aspect of the work was wave modeling using the SWAN model and hydrodynamics modeling using the FINEL model, which was mostly funded by the MRGO/Levee Litigation Group. He explained that this would specifically be looking at the waves at Reach 2 and the dynamics of the surge on Reaches 1 and 2. A slide was shown of a grid that was developed using several different data sources for the SWAN model, which was then given to the Dutch.

Dr. van Heerden explained that it was found that the IPET study had over estimated the water depths in Lake Borgne and the Chandeleur Sound. Wave height is dependent on the fetch (the distance over which the wind blows), wind strength and water depth. Therefore, if the water is over deepened, the dynamics are changed. The U.S. Army Corps of Engineers (USACE) did its model using ST WAVE, which is based on the same physics as the SWAN model. The ST WAVE is mostly a USACE model, whereas the SWAN model is used nationally and internationally. Two different versions of the ST WAVE model can be run: (1) a full plane model, which looks at winds and waves from all directions, and (2) a half plan model, which only looks at waves coming towards a chosen shoreline. The USACE used a half plane model for this area in the IPET report. The MRGO is basically at 90 degrees to the shoreline. Therefore, the study was not taken far enough to capture all of the real wave dynamics. He noted that for this reason the Hurricane Center used the SWAN model, which has also been extensively used to look at wetlands and vegetation impacts on reducing wave energy.

A slide was shown with a panel of the wind field hourly from 4 a.m. to 9 a.m. local time. Dr. van Heerden pointed out that the arrows showing wind direction most of the time are at 90 degrees to the MRGO. Therefore, the waves generated by the wind would basically be at 90 degrees to the MRGO. He stressed the importance of understanding what happens to the water level as the waves are being generated. A slide was viewed illustrating the surge from 4 a.m. to 10 a.m. and the development of the dome and its track to Mississippi. A higher resolution print of one of the panels showed large waves in the Gulf, the Chandeleur Islands and wind bands knocking down the waves, and some regeneration of the waves in the bays. This demonstrates the value of the wetlands in reducing waves.

Dr. van Heerden explained that a number of different scenarios were used in the modeling (1) with the MRGO and (2) had the MRGO not been built and the wetlands loss associated with the MRGO not occurred, but with the levees in their existing location. He noted that the energy increases by the square of the height of the waves. At this point Professor Bea and his team at Berkley became involved, funded by the MRGO/Levee Litigation Group. A slide was shown with a timeline from 3 a.m. to 8 a.m. with a line showing the model erosion of the levee with the constructed MRGO. Using this data, the dynamics from the waves as currently understood and some off the shelf models in terms of understanding wave erosion, Dr. van Heerden stated that it can be shown that the levees, no matter how good the grass quality, would have eroded. If, however, the MRGO had not been built and some of the wetlands that were lost due to

salt water intrusion still existed, no matter what the condition of the grass cover, the levees would not have breached from the wave action. He commented that if there had been no MRGO, overall there would have been 80 percent less flooding in Greater New Orleans.

Dr. van Heerden explained that the FINEL model that was set up was developed by the Dutch and produces a fine mesh grid to better understand the dynamics of the flow conveyed by the channels or bayous. He commented that various reports state that the MRGO had no impact on the Katrina surge; however, this statement only refers to elevation. He showed a slide of panels of the “MRGO” vs. “no MRGO”, and explained that there is not much difference in the water elevation at Reach 2; however, there is some difference in the Industrial Canal because if there is no MRGO, then the GIWW is much smaller. Another important aspect is duration. In a hydrograph for a location at the Industrial Canal locks, not only is the surge a little lower in the “no MRGO” scenario, but the duration is much shorter. If a levee is overtopped, duration is the key as to how much souring will occur and the potential for failure. The discharges in MRGO Reaches 1 and 2 were examined by looking at cross sections and volumes of water from 4 a.m. to 9 a.m. (Scenario 1 is with the MRGO and Scenario 2C is without the MRGO). At 8 a.m. (the peak of the storm) in Reach 1 there is 430,000 cubic feet per second (cfs) of water shooting into the City; however, in the “no MRGO” scenario, that volume drops to 157,000 cfs.

Mr. Barry pointed out that 430,000 cfs is almost exactly the entire Mississippi River in Iowa in the 1993 flood and more than double the amount of water going over Niagara Falls in flood. The Mississippi River flood at New Orleans is about one million cfs.

Dr. van Heerden discussed how these discharges relate to overtopping and looked at the west floodwall of the Industrial Canal. A graphic slide showed the curve of the amount of water (a total of 302,000 cubic feet per linear foot of levee) going over the levee under Scenario 1 with the MRGO and had no breaches occurred. However, under the “no MRGO” scenario, the total drops to 61,000 cubic feet per linear foot of levee or about one-fifth of the discharge per linear foot into the metro bowl. He stressed the importance of duration and conveyance, in addition to surge elevation.

Dr. van Heerden explained that in an attempt to understand how the science and engineering has improved over time, and as part of his Team Louisiana work, he went through the Design Memorandums for the MRGO, which relied on the Shore Protection Manual (TR-4). The original designers determined the actual elevation to build the levees by calculating the still water height (how high the surge would get from a particular hurricane) and then adding the wave run up (the component of the water coming from the wave). It was discovered that in the Design Memorandums when the wave calculations were done, the original designers forgot to add the surge. In essence, the designers took the water depths in five mile fetches and in a 25 mile fetch at Lake Borgne, forgetting to add the surge, and did modeling on 5 to 10 feet of water instead of about 20 feet of water. Wave height was under estimated by a factor of 2. Therefore, five foot waves were used instead of nine foot waves. Levee height along Reach 2 was determined at 17 feet instead of 24 feet. An additional factor is that the

levee is on the shoreline and attached to land when there is no surge; however, when there is surge the levee becomes an island. The Shore Protection Manual specifically states that structures built in coastal areas need to be armored in this type of scenario.

Dr. van Heerden explained that in order to understand the value of wetlands, a model was run using Hurricane Katrina and with placing a delta in Breton Sound. The impact was a surge of 7 feet of water with the delta vs. 13 feet of water without the delta. The delta significantly changes the dynamics of the surge and also lowers wave energy. He commented that healthy wetlands can reduce surge by about one foot per mile and that Cypress swamps are even more efficient.

A model was also run using the Category 3 storm that flooded the west bank with the existing barrier islands made six feet higher and wider with the results shown on a slide. Dr. van Heerden discussed mining sands for barrier island restoration and reestablishing the natural process of sand moving along shore from island to island.

Dr. van Heerden advised that prior to Hurricane Gustav he was asked by the Governor's Office to put together a document listing all levee concerns. One area of concern that was based on the initial work done with Team Louisiana was just north of the CSX Railroad. He stated that after Hurricane Gustav this levee sunk probably by six inches because of piping under the levee.

Mr. Doody asked Dr. van Heerden his opinion on the restoration of the Chandeleur Islands, which the State's master plan had indicated are too far out to afford any protection. Dr. van Heerden responded that when it comes to surge duration, the Chandeleur Islands can have an impact on reducing the volume of water that can come in, and can filter out the waves generated in the Gulf of Mexico. The waves generated in the Gulf of Mexico during a hurricane have a period of 14 to 16 seconds. The longer the period, the more aggressive and dangerous the wave. The waves that hit the MRGO were about 5 to 7 seconds. If the Chandeleur Islands were not there, the Gulf of Mexico waves would have come into Lake Borgne with some filtering in the wetlands, and on top of that would have been the wind generated waves, which would have been a far more destructive scenario.

Dr. van Heerden was asked his opinion on the funnel effect. He explained that IPET stated that the MRGO navigational channel and the funnel had no impact on the surge that impacted New Orleans. IPET did a model run where it closes the MRGO at Bayou LaLoutre, which cuts off the surge coming up from the Mississippi Sound and Breton Sound into Lake Borgne; however, this is not a true test. Data shows that MRGO Reach 2 during Katrina was a very efficient conduit for bringing water from Breton Sound into Lake Borgne. That flow then joined with water from Lake Borgne and was squeezed down Reach 1. The water flowing down Reach 1 during Katrina flowed at the maximum velocity and could not flow any faster. Therefore, the closure at Bayou LaLoutre had a small impact. The surge elevation at Reach 2 during Katrina would have been basically the same whether or not there was a MRGO. However, the difference is the conveyance of water into the heart of the City and the fact that that water cannot get into Lake Pontchartrain.

There was a brief discussion concerning the construction of spillways and the value of wetlands.

3. Presentation and continued discussion of draft SLFPA-E Strategic Plan.

Dr. Christel Slaughter presented an update on the Strategic Plan and Organizational Study. SSA personnel have worked with the levee district staffs and gathered additional information and data in order to finalize some of the recommendations. The intention is to distribute the final strategic plan to the Board by January 5th, provided SSA is able to review the plan with the Regional Director prior to that date. She offered to discuss the plan individually with Commissioners, if they wish, after it is distributed. SSA is in the process of working on the One and Five Year Smart Goals and is attempting to get the Organizational / Operational Study pieces together so that they are consistent with the Strategic Plan. The detailed findings and recommendations on the Organizational / Operational Study will be presented at the January Board meeting.

Dr. Slaughter presented an overview of the key observations on this part of the organizational scan. There are funding issues that need to be addressed in the Strategic Plan and will need to be addressed in order for the Board to go forward. Resources are concentrated at the district level; however, functions are going on at the Authority level. An example is the public information officer. One individual performs legislative and public information work. Staff is needed in order to communicate and partner with political entities.

Dr. Slaughter pointed out that some of the Authority's most talented personnel are engineers who are heavily involved in administrative functions. Additional engineering resources are needed. A preliminary recommendation is that at least two full time engineers are required. The Authority should not overstaff; however, between now and 2010, while in a very heavy design phase, additional in house and contract resources are needed. Dr. Slaughter stated that the Authority has a strong argument to go back to the State and reinforce the dedicated resources coming from the State. Estimates need to be obtained on operations and maintenance costs for the projects under construction by the U.S. Army Corps of Engineers and a work up done by staff on what this will mean in terms of on going operations and maintenance, such as supplemental personnel or outside assistance necessary to fulfill the Authority's obligations.

Additional key observations concerned the bleed between the roles and responsibilities of the Board, the Authority and the Districts. SSA will offer recommendations on defining these roles and responsibilities; however, the Board's guidance and approval will be required. A consistent approach is needed for finance and accounting, including software packages, audits, etc. Dr. Slaughter noted that a number of observations and issues concern staffing.

A snapshot of the current organizational structure was shown and reviewed. SSA approached the organizational structure as though the organization was just put in place and two models were presented for reaction and comment. Dr. Slaughter presented a

potential organizational structure with decentralized engineering. In this model, there is decentralized engineering, which may or may not be the executive director. She stated that SSA feels very strongly that operations and maintenance must be done at the district level. A potential organizational structure with centralized engineering was also shown. In a centralized engineering situation engineers would not be reporting to the executive directors of the Districts; however, there would be dedicated engineers. She pointed out that caveats should be placed on any of the models presented. Some engineers would be needed who would be knowledgeable of and specialize in specific districts; however, there would be more efficient use of this engineering resource with this model. Dr. Slaughter stated that there is a slight hybrid of this structure that includes administrative functions. A combination of decentralized and centralized functions are needed.

Recommended legislative changes would be included in the Strategic Plan. Dr. Slaughter indicated that SSA could discuss how things could be done more effectively in the interim within the boundaries of the law with the representatives of the Attorney General's office or other appropriate individuals.

An expansion of the SSA contract would be brought to the Board at its next meeting.

COMMITTEE REPORTS:

Finance Committee: The Finance Committee did not meet in December.

Operations Committee: The Operation Committee did not meet in December; however, Mr. Wittie advised that he reviewed the levee districts' monthly status reports. He also advised that next month the Committee should receive a report on the 17th Street Canal seepage issue. Mr. Wittie reported that the Orleans Levee District has received and is reviewing Statements of Qualifications from three firms for the construction of the Safe-house/IT/EOC Build Out in the O.L.D. Franklin Facility. The Lake Borgne Basin Levee District will publish its Request for Qualifications tomorrow for safe houses with Statements of Qualifications due on January 23rd.

Fran Campbell, East Jefferson Levee District Executive Director, reported on the pursuit of a possible build out of a safe house in a high rise building that Jefferson Parish anticipates constructing in the Fat City area.

Legal Committee: Mr. Goins advised that Ms. Sutherland requested that the status of the Request for Qualifications (RFQ) for legal services be sent to Committee members. Mr. Jackson noted that the Legal Committee meeting would be held immediately after the Board meeting to address the approval of legal invoices.

Special Issues Committee: The Special Issues Committee did not meet in December. Mr. Goins reported concerning the twin span demolition project and opportunities for coastal erosion and wetland restoration projects. He advised that he has met with the Lake Pontchartrain Basin Foundation (LPBF), which has identified and recommended projects based on the amount of material available from twin span demolition. He

recommended that in a joint effort between SLFPA-E and the LPBF, that the Board adopt some of the recommendations of the LPBF, with SFLPA-E paying for the engineering. Mr. Doody commented on the need to perform the engineering for potential coastal restoration and wetlands projects that are priorities within the Authority's jurisdiction prior to the allocation of available resources. He also stressed the importance of communicating potential plans with the various entities involved in coastal and wetlands restoration. Mr. Spencer reported that a RFQ was advertised yesterday for consulting coastal engineering services for Indefinite Delivery-Indefinite Quantity (ID-IQ) contracts.

EXECUTIVE SESSION:

1. Theodore Lange v. O.L.D., State Civil Service Commission No. S-12650.
2. Resolution to grant a servitude to SST Meraux, LLC. for properties abutting the 20 Arpent Canal.

A motion was offered at 12:00 p.m. by Mr. Barry for the Board to convene in Executive Session to consider the items listed on the Agenda. The motion was seconded by Mr. Goins and unanimously adopted.

A motion was offered by Mr. Jackson, seconded by Mr. Estopinal and unanimously adopted, for the Board to reconvene in regular session at 1:47 p.m.

REPORT BY SLFPA-E REGIONAL DIRECTOR:

Robert Turner, SLFPA-E Regional Director, reviewed the highlights of the Regional Director's Report (appended to minutes).

Mr. Barry reported that in accordance with communications with Admiral Whitehead and Capt. Stroh with the U.S. Coast Guard, a meeting will be set up to institutionalize SFLAP-E's representation in the Coast Guard's Port Planning and Storm Planning.

RESOLUTION #12-18-08-03 – LEGAL ACTION

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes action to be taken as discussed in Executive Session in the case of "Theodore Lange v. O.L.D., State Civil Service Commission No. S-12650".

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

RESOLUTION # 12-18-08-04 - ACQUISITION AND EXCHANGE WITH USF&W FOR INNER HARBOR NAVIGATION CANAL PROJECT; TRACT 108E-1.

Mr. Estopinal commented concerning the deficiencies in the surveys and legal descriptions that were provided for this and the next Agenda Item, and on the need to record proper boundary surveys.

Mr. Turner explained that in this situation, since the U.S. Fish and Wildlife Service cannot sell the property that is required, the Authority will purchase a piece of private property which can be exchanged for the Fish and Wildlife Service property needed for the IHNC Project. He advised that he would have Larry Marino contact Mr. Estopinal relative to the surveys.

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

WHEREAS, the Coastal Protection and Restoration Authority (“CPRA”) and the United States Corps of Engineers (“USACE”) entered into a Project Partnering Agreement dated April 1, 2008 for the Design and Construction of the Inner Harbor Navigation Canal Hurricane Protection Work, Louisiana” (the “IHNC Work”), to be constructed by USACE in Orleans and St. Bernard Parishes in order to improve the hurricane protection of the Greater New Orleans area; and

WHEREAS, the Southeast Louisiana Flood Protection Authority - East (“SLFPAE”) and CPRA entered into a Cooperative Endeavor Agreement dated November 5, 2008, whereby SLFPAE agreed to operate and maintain the IHNC Work upon its completion and to acquire land, easements, and rights-of-way required for the construction, operation, and maintenance of the IHNC Work; and

WHEREAS, the IHNC Work furthers the levee purpose of flood and hurricane protection, and the IHNC Work 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 IHNC Work, specifically Tracts 108E-1, as set forth on the plats and legal descriptions attached hereto as Exhibit A, which is in Orleans Parish (the “Required Property”); and

WHEREAS, Tract 108E-1 must be acquired by Exchange with United States Fish and Wildlife Service, in exchange for certain property that must be acquired by the Orleans Levee District from Louisiana Eco Tours, Inc., specifically a 2.7635-acre tract as set forth on the plats and legal description attached hereto as Exhibit B, which is in Orleans Parish (the “Exchange Property”); and

WHEREAS, pursuant to Louisiana Revised Statutes 38:306 and 38:351, the Orleans Levee District and the Lake Borgne Levee District may acquire and/or expropriate land, easements, and rights-of-way needed for levee purposes, including for flooding and hurricane protection purposes, within their territorial jurisdictions;

THEREFORE BE IT RESOLVED that the Orleans Levee District, by its Board of Commissioners of the Southeast Louisiana Flood Protection Authority - East, by its President, Timothy Doody, is hereby authorized and directed to acquire

the Exchange Property, and to exchange the Exchange Property with United States Fish and Wildlife Service for the Required Property, for the public purpose of improving the hurricane protection of the Greater New Orleans area through construction, operation, and maintenance of the IHNC Work. 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, Timothy 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, including but not limited to making or accepting wire transfer or other transfer of funds for the actions authorized herein.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky and Mr. Pineda

RESOLUTION # 12-18-08-05 – ACQUISITION AND/OR EXPROPRIATION FOR INNER HARBOR NAVIGATION CANAL PROJECT; TRACTS 101E, 105, 106, AND 107.

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

WHEREAS, the Coastal Protection and Restoration Authority (“CPRA”) and the United States Corps of Engineers (“USACE”) entered into a Project Partnering Agreement dated April 1, 2008 for the Design and Construction of the Inner Harbor Navigation Canal Hurricane Protection Work, Louisiana” (the “IHNC Work”), to be constructed by USACE in Orleans and St. Bernard Parishes in order to improve the hurricane protection of the Greater New Orleans area; and

WHEREAS, the Southeast Louisiana Flood Protection Authority - East (“SLFPAE”) and CPRA entered into a Cooperative Endeavor Agreement dated November 5, 2008, whereby SLFPAE agreed to operate and maintain the IHNC Work upon its completion and to acquire land, easements, and rights-of-way required for the construction, operation, and maintenance of the IHNC Work; and

WHEREAS, the IHNC Work furthers the levee purpose of flood and hurricane protection, and the IHNC Work 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 IHNC Work, specifically Tracts 101E, 105, 106, and 107, as set forth on the plats and legal descriptions attached hereto as Exhibit A, all of which are in Orleans Parish (the “Required Property”); and

WHEREAS, pursuant to Louisiana Revised Statutes 38:306 and 38:351, the Orleans Levee District may acquire and/or expropriate land, easements, and rights-of-way needed for levee purposes, including for flooding and hurricane protection purposes, within their territorial jurisdictions;

THEREFORE BE IT RESOLVED that the Orleans Levee District, by its Board of Commissioners of the Southeast Louisiana Flood Protection Authority - East, by its President, Timothy Doody, is hereby authorized and directed to acquire any and all of the Required Property, for the public purpose of improving the hurricane protection of the Greater New Orleans area through construction, operation, and maintenance of the IHNC Work. 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, Timothy 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, including but not limited to making or accepting wire transfer or other transfer of funds for the actions authorized herein.

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

RESOLUTION #12-18-08-06 – BOARD AND COMMITTEE MEETING SCHEDULE FOR CALENDAR YEAR 2009

Mr. Doody clarified that the Board would be adopting a resolution to accept all of the changes that were recommended and highlighted in the draft schedule provided, including the rescheduling of the November, 2009 regular monthly Board meeting.

Mr. Barry explained that Board's Bylaws state that the regular monthly meeting in the month of November would be held on the second Thursday of the month. This was done in order to prevent a potential conflict with Thanksgiving. In order to address this matter after calendar year 2009, Mr. Barry provided notice of the intent to amend the Board's Bylaws to state that the regular monthly meeting for the month of November would be held on the Thursday prior to Thanksgiving. The amendment of the Board's bylaws would be placed on the agenda for the next regular Board Meeting.

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

WHEREAS, changes were required to the regular monthly committee meetings dates for January, May and December due to conflicts with holidays or the Association of Levee Board's Workshop and Annual Meeting; and

WHEREAS, the Board's Bylaws provide that the Board shall hold its regular monthly meeting on the third Thursday of every month, except that November meetings will be held on the second Thursday; and

WHEREAS, the Bylaws further provide that a regular meeting may be held on another day of the month as determined by a majority vote of the total present voting membership of the Board; and

WHEREAS, the Board wishes to change date for the regular monthly meeting for November, 2009, to the third Thursday in November (November 19).

BE IT HEREBY RESOLVED, that the Schedule of Regular Monthly Board Meetings and Committee Meetings for Calendar Year 2009 is hereby approved.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky and Mr. Pineda

RESOLUTION #12-18-08-07 – DELEGATION OF APPOINTING AUTHORITY

Mr. Doody explained that the Regional Director had never been provided Appointing Authority. This resolution would allow the Regional Director to hire personnel and take other necessary actions.

Mr. Turner clarified that the resolution would delegate the President's Appointing Authority, in accordance with Civil Service rules, to the Regional Director, and the Regional Director would then delegate Appointing Authority to the Executive Directors of the levee districts.

Mr. Jackson stated that he would be against delegating the appointing authority for the districts' Executive Directors to the Regional Director, which he considered should be a decision of the Board. Mr. Barry agreed with Mr. Jackson that the decision on hiring an executive director should remain with the Board. The Board concurred with striking the last bullet in the draft resolution. It was noted that the authority to delegate appointing authority should a vacancy occur in the position of Executive Director at a levee district would reside in the President.

On the motion of Mr. Wittie,

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

“A resolution delegating appointing authority to the Southeast Louisiana Flood Protection Authority-East Regional Executive Director”

WHEREAS, pursuant to La. R.S. 38:330.5(A), 38:330.5(B) and Article X of the Louisiana Constitution, the Board of Commissioners of the Southeast Louisiana

Flood Protection Authority East is the appointing authority for the Southeast Louisiana Flood Protection Authority-East (SLFPA-E), Orleans Levee District, East Jefferson Levee District and Lake Borgne Basin Levee District; and

WHEREAS, the Board desires to delegate its appointing authority to the SLFPA-E Regional Executive Director; and

WHEREAS, the SLFPA-E Regional Executive Director has the authority to assign appointing authority to each of the levee districts, as follows:

- Appointing authority for all employees assigned to the Orleans Levee District to the Orleans Levee District Executive Director.
- Appointing authority for all employees assigned to the East Jefferson Levee District to the East Jefferson Levee District Executive Director.
- Appointing authority for all employees assigned to the Lake Borgne Basin Levee District to the Lake Borgne Basin Levee District Executive Director.

BE IT RESOLVED that the Board hereby delegates its appointing authority to the Southeast Louisiana Flood Protection Authority-East Regional Executive Director.

BE IT FURTHER RESOLVED that all previous resolutions in conflict with this resolution are hereby rescinded.

BE IT FURTHER RESOLVED that the President or SLFPAE Regional Executive Director are authorized to sign any and all documents necessary to accomplish the above.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky and Mr. Pineda

RESOLUTION #12-18-08-08 – EJLD INSURANCE COVERAGE RENEWALS

Hardie Edgecombe with Arthur J. Gallagher Risk Management Services explained that Louisiana Workers Compensation Corporation has reduced its rates. The estimated savings in premium is about \$10,000; however, the EJLD payroll has been raised. The premium rate for Law Enforcement Liability coverage has been reduced by approximately 20 percent. Inland Marine coverage will be procured from Great American Insurance Company at a better rate and with better coverage than previously provided; i.e., replacement cost in lieu of actual cash value.

On the motion of Mr. Goins,

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

WHEREAS, certain insurance coverages for the East Jefferson Levee District (EJLD) will expire on January 1, 2009, and quotations for renewal were received through Arthur J. Gallagher Risk Management Services; and

WHEREAS, Louisiana Workers Compensation Corporation has offered to renew Workers Compensation coverage at an estimated annual premium of \$101,323; and

WHEREAS, Indian Harbor has offered to renew Law Enforcement Liability coverage at an annual premium of \$44,106; and

WHEREAS, Great American Insurance Company has offered to provide Inland Marine coverage at an annual premium of \$12,053.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of the aforementioned insurance coverages as stated above for the EJLD effective January 1, 2009 through January 1, 2010.

BE IT FURTHER RESOLVED, that the EJLD Executive Director is hereby 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. Estopinal, Mr. Goins, Mr. Jackson and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes, Mr. Losonsky and Mr. Pineda

RESOLUTION #12-18-08-09 – LBBLD WORKERS COMP

Mr. Edgecombe advised that the renewal of Workers Compensation coverage for the LBBLD is at a reduced premium rate.

On the motion of Mr. Goins,

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

WHEREAS, Lake Borgne Basin Levee District's (LBBLD) Workers Compensation insurance coverage will expire on December 31, 2008; and

WHEREAS, Louisiana Workers Compensation Corporation has offered to renew said coverage at an estimated annual premium of \$107,809 through the Arthur J. Gallagher Risk Management Service, Inc.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) authorizes the procurement of Workers Compensation insurance coverage for the LBBLD from Louisiana Workers Compensation Corporation for the period December 31, 2008 through December 31, 2009.

BE IT FURTHER RESOLVED, that the LBBLD Executive Director or the SLFPA-E Regional Director are hereby 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. Estopinal, Mr. Goins, Mr. Jackson and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes, Mr. Losonsky and Mr. Pineda

RESOLUTION #12-18-08-10 – LBBLD AGREEMENT WITH U.S. DEPT. OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE TO REMOVE DEBRIS

Jason McCrossen, LBBLD Executive Director, explained that under the original agreement with the Natural Resources Conservation Service (NRCS), design, construction and construction management was done by the NRCS and its contractor. However, the work for these last two canals (i.e., Blue Bird Ditch and Artillery Ditch) will be performed as a locally let option. The plans, specifications and bid documents have completed and the project will be turned over to the LBBLD for advertisement, contract award, construction and management, all of which is reimbursable through the NRCS and estimated at \$140,000. The LA Dept. of Transportation and Development will lend support to the LBBLD for this project.

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

WHEREAS, by Resolution No. 03-15-07-024, the Board granted authority to the Lake Borgne Basin Levee District (“LBBLD”) to enter into Project Agreement Number 68-7217-07-013 with the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) (the Agreement) to remove debris from various canals in St. Bernard Parish; said canals being public drainage channels and subject to a 100-foot servitude on either side of the canal, in accordance with the terms and conditions set forth in the Agreement; and

WHEREAS, by Resolution No. 08-21-08-14, the Board authorized execution of Amendment No. 2 to the aforementioned agreement to add the Blue Bird Ditch (DSR No. 087-05-054K) and the Artillery Ditch (DSR No. 087-05-058K); and

WHEREAS, a new agreement is required with the NRCS, in lieu of an amendment to the previous agreement, for the Blue Bird Ditch and Artillery Ditch sediment and debris removal work.

BE IT HEREBY RESOLVED, that the Executive Director for the Lake Borgne Basin Levee District, the Regional Director for the Southeast Louisiana Flood Protection Authority-East, and/or the President of the Southeast Louisiana Flood Protection Authority-East, are hereby authorized and instructed to execute any and all documents necessary in order to accomplish the Blue Bird Ditch (DSR No. 087-05-054K) and the Artillery Ditch (DSR No. 087-05-058K) work, including but not necessarily limited to the following:

1. Amendment No. 3 to United States Department of Agriculture, Natural Resources Conservation Service Agreement Number 68-7217-07-013 to delete the Blue Bird Ditch (DSR No. 087-05-054K) and the Artillery Ditch (DSR No. 087-05-058K) from said agreement.
2. United States Department of Agriculture, Natural Resources Conservation Service Agreement No. 68-7217-09-001 to perform the Blue Bird Ditch (DSR No. 087-05-054K) and the Artillery Ditch (DSR No. 087-05-058K) projects.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes, Mr. Losonsky and Mr. Pineda

RESOLUTION #12-18-08-11 – AUTHORITY TO ENTER AGREEMENT TO GRANT OF RIGHT TO SST MERAUX, LLC TO BUILD WALGREENS PHARMACY ABUTTING TWENTY ARPENT CANAL WITHIN LBBLD SERVITUDE PURSUANT TO LA R.S. 38:113

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

WHEREAS, the SST Meraux, LLC proposes to build a Walgreens Pharmacy at the northwestern intersection of East Judge Perez Drive and DeBouchel Boulevard in St. Bernard Parish, State of Louisiana;

WHEREAS, portions of the proposed construction would fall within the 100' servitude abutting the Twenty Arpent Canal afforded to the LBBLD pursuant to La. R.S. 38:113;

WHEREAS, SST Meraux, LLC acknowledges the servitude and agrees that the LBBLD or the SLFPA-E or their officers, board members, employees, agents or contractors shall have right of passage with reasonable notice, except in emergency, to exercise full use of the servitude except for that portion which is to be occupied by the Pharmacy;

WHEREAS, SST Meraux, LLC shall be solely responsible for the expense of constructing, installing and maintaining the Pharmacy and other customary appurtenances or structures and shall hold harmless the LBBLD or the SLFPA-E or their officers, board members, employees, agents or contractors in connection with any damage, injury or death to any person or property in connection with said construction, installation and maintenance;

WHEREAS, SST Meraux, LLC has agreed to remove, with reasonable notice except in emergency, at its own expense any fences, guardrails or other customary appurtenances or structures in order for the LBBLD to conduct maintenance, cleaning or other work on the Twenty Arpent Canal;

WHEREAS, SST Meraux, LLC has agreed to save, indemnify and hold harmless the LBBLD or the SLFPA-E or their officers, board members, employees, agents or contractors in connection with any damage, injury or death to any person or property that may result from the use of the servitude by SST Meraux, LLC, its successors, assigns and affiliated companies, and their respective customers, employees, invitees, agents and contractors, except in the case of damage to the actual Pharmacy resulting from the LBBLD or SLFPA-E's gross negligence or intentional acts;

WHEREAS, the LBBLD and SLFPA-E shall hold harmless and indemnify SST Meraux, LLC, its officers, members, employees, agents and tenants from claims for damage, injury or death to persons or property, including persons or property associated with or acting for the benefit of the LBBLD or SLFPA-E, arising from construction, remediation, maintenance or other related activities while being performed on the Property pursuant to the Servitude by contractors, employees or agents for the LBBLD or SLFPA-E, except for such claims for damage, injury or death resulting from the intentional acts or gross negligence of SST, its officers, members, employees, agents and tenants.

BE IT HEREBY RESOLVED, that the LBBLD, through its governing authority, the Board of Commissions of the Southeast Louisiana Flood Protection Authority-East, is authorized to enter into a written agreement fully memorializing the terms and conditions agreed to by and between the LBBLD, through the SLFPA-E, and SST Meraux, LLC for the purpose of allowing the latter to construct a Walgreens Pharmacy to abut on the Twenty Arpent Canal;

BE IT FURTHER RESOLVED, that the President of the SLFPA-E, Timothy P. Doody, is hereby authorized to execute the aforementioned agreement, on behalf of the LBBLD, with SST Meraux, LLC.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes, Mr. Losonsky and Mr. Pineda

RESOLUTION #12-18-08-12 - EXTENSION OF RIGHT OF ENTRY AUTHORIZATION IN CONNECTION WITH THE RISK REDUCTION VIA MODIFICATION TO THE CAERNARVON FRESHWATER DIVERSION PROJECT, MARSH CREATION, ST. BERNARD PARISH, LOUISIANA

Mr. Turner explained the purpose of the Caernarvon Freshwater Diversion Project and that the USACE is trying to establish better operational procedures and parameters for the structure.

On the motion of Mr. Goins,

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

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; and

WHEREAS, by Resolution No. 11-08-07-25, dated November 8, 2007, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) granted the United States Army Corps of Engineers (USACE) a right-of-entry for a period of 12 months for the purpose of conducting surveys, soil borings, environmental and cultural resource investigations, and hazardous, toxic and radioactive waste investigations (HTRW) in connection with the risk reduction via modification to the Caernarvon Freshwater Diversion Project, Marsh Creation, St. Bernard Parish, Louisiana, in accordance with USACE letter dated November 7, 2007; and

WHEREAS, the USACE has requested a six month extension of the right of entry in order to complete the aforementioned work.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority - East grants the United States Army Corps of Engineers a six month extension of the right-of-entry as approved by Resolution No. 11-08-07-25 in order to complete the surveys, soil borings, environmental and cultural resource investigations, and hazardous, toxic and radioactive waste investigations (HTRW) in

connection with the risk reduction via modification to the Caernarvon Freshwater Diversion Project, Marsh Creation, St. Bernard Parish, Louisiana.

BE IT FURTHER RESOLVED, that the SLFPA-E President, SLFPA-E Regional Director 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. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes, Mr. Losonsky and Mr. Pineda

The next regular monthly Board Meeting will be held on January 15, 2009 and hosted by the East Jefferson Levee District.

There was no further business, therefore, the meeting was adjourned at 2:28 p.m.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

REGIONAL DIRECTOR'S REPORT

December 18, 2008

100 Year Level of Protection

Inner Harbor Navigation Canal Hurricane Storm Surge Barrier:

Design work on the project continues. Many components have been submitted for 30% and 60% design review and comment. Our emphasis continues to be Operation & Maintenance considerations and the necessity to "design in" reasonable O&M features early in the process.

The USACE issued the "Notice to Proceed" for construction of the Project on November 4, 2008. The Contractor began driving test piles earlier this month. Dredging operations are scheduled to begin before the end of December 2008.

Bayou Dupre Control Structure:

The USACE has awarded a contract for the preparation of Plans and Specifications for the new Bayou Dupre Control Structure. The new structure is proposed to be built nearly 15' higher than the existing structure. The new structure will be constructed just north of the existing structure.

Reach 5 – East Jefferson Levee District:

Construction will begin on January 5, 2008 (280 day duration). According to the USACE, the upcoming work for Reach 5 will bring that stretch of levee up to 100 year level of protection design requirements. The work will be done at 100% Federal Cost (no local matching funds required).

LPV 145, 146, and 148 – Bayou Dupre to Caernarvon Levee/Floodwall:

It appears that the USACE will recommend a T-Wall floodwall atop a levee section for this entire 22 mile reach.

LPV 149 Caernarvon Floodwall – Lake Borgne Basin Levee District:

It appears that the USACE will recommend reconstruction of a new wall along the existing floodwall alignment. This project still has to be vetted through the IER process. The Parish Government and the general public (particularly residences and businesses near the existing floodwall alignment) favor shifting the alignment to a location east of the Caernarvon Canal (in Plaquemines Parish). This would require a new Control Structure in the Caernarvon Canal.

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 June 13, 2008. The map can be found at the following web address:

http://www.mvn.usace.army.mil/hps2/pdf/2008_Storm_Vulnerabilit_Elev_ed_1_1.pdf

Coastal Protection and Restoration

The USACE and the state of Louisiana's Coastal Protection and Restoration Authority (CPRA) signed a cost share agreement that will initiate several studies that are part of the recent Louisiana Coastal Area (LCA) authorization. The studies will evaluate how to increase organic deposits and improve the productivity of the marsh while working to prevent further deterioration. The total cost for the studies is approximately \$27 million. The studies will culminate in a report the State and Corps will release in December 2010.

Submittals

Copies of the following major submittals are available for review in the SLFPAE office:

- IHNC Storm Surge Barrier (new reviews daily)
- Williams Floodwall and Gate (95% Design)

Flood Fight

There are no Flood Fight activities underway at this time. Debris removal associated with Gustav and Ike is continuing in EJLD.

Construction

East Jefferson Levee District:

The USACE issued a NTP on November 3, 2008 for the Causeway Crib Wall Repairs and West Return Wall Jet Grouting. Work on the West Return Wall has begun. Work on the Causeway Crib Wall will begin around the first of the year.

Orleans Levee District:

LPV-103, Lake Front levee raising is 96% complete

LPV-101, Lakefront Levee Advanced Measures Project is 100% complete. The project involved the construction of a sheet pile wall on a levee section near West End (Coconut Beach).

Lake Borgne Basin Levee District:

Reconstruction/Renovation of Drainage Pump Stations 2, 3, and 5 is scheduled for completion in early 1Q 2009.

LBBLD Office Building Repairs are on schedule and should be completed in early 2009.

LPV 148.01, Verret to Caernarvon Reach is 49% complete. The project is scheduled for completion in April 2009.

Placement of aggregate on the all weather access road atop the Mississippi River Levee is complete.

Internal Affairs

The Contract with GCR is ready for execution.

We have advertised for and are accepting Statements of Qualifications for the following specialized engineering disciplines for indefinite delivery indefinite quality (ID-IQ) engineering services:

Coastal and Environmental Restoration Engineers
Geotechnical Engineers
Hydraulic Engineers

Deadline for submission of Qualification Statements is January 14, 2009.

The Strategic Plan/Organizational Study is progressing.

The USACE has issued the NTP for the MRGO Closure Structure. The construction of the Closure Structure at the La Loutre Ridge is scheduled for completion in May 2009.

The USACE has been collecting data from the piezometers installed at the 17th St. Canal seepage site on. The data is being transmitted to Ray Martin and Bob Bachus for analysis and comment.

The USACE has hired a consultant to review the analysis and make recommendations for the fortification of a 2000' +/- section of existing I-Wall along the west side of the IHNC. All necessary work must be completed prior to the 2009 Hurricane season. We are closely monitoring the progress of this work. The HESCO baskets installed before Hurricane Gustav are being removed.

We need to continue to work with our legislative delegation to revise some of the language in existing Authorizations. We need language to make the Federal Government responsible for the OMRR&R of the proposed GIWW gated (navigation) structures that are a part of the IHNC Storm Surge Barrier. We also need changes to allow the USACE to properly complete the Permanent Pump Station Projects in the Outfall Canals (**including decommissioning of internal pump stations and reconstructing the drainage canals to provide for gravity drainage to the proposed new Permanent Pump Stations**).

Upcoming Events

- Jan 8 Public Meeting – IER 13
7:00 pm to 9:00 pm
St. Paul’s Benevolent Assoc. Hall
128 E. St. Peter St.
Oakville, LA 70037
- Jan 9 SELA Sponsor’s Meeting
9:300 am to 11:00 am
Room 125
USACE N.O. District Office
- Jan 22 – 23 Levee School Meeting
Details to follow
- Feb 12 Facility/Utility Quarterly Meeting
9:00 am to 11:00 am
DARM A
USACE N.O. District
- April 6 – 10 2009 31st Annual National Hurricane Conference
Austin, Texas
- May 7 – 8 24th Annual ALBL Workshop
Holiday Inn Select
Baton Rouge, LA