

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, SEPTEMBER 17, 2009**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, September 17, 2009, 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 Board member and the news media and posted.

Mr. Doody called the meeting to order at 9:30 a.m. and led in the pledge of allegiance.

PRESENT:

Timothy P. Doody, President
Stradford A. Goins, Vice President
Stephen Estopinal, Treasurer
David P. Barnes, Jr.
Thomas L. Jackson
Ricardo S. Pineda
Louis E. Wittie

ABSENT:

George Losonsky, PhD, Secretary
John M. Barry

OPENING COMMENTS:

Mr. Doody advised that he attended the Coastal Protection and Restoration Authority (CPRA) meeting yesterday. A portion of the CPRA meeting dealt with the outfall canals. The U.S. Army Corps of Engineers (USACE) will provide a presentation to the Board today on the outfalls canals. Some of the members of the Board have made specific requests to the USACE concerning the outfall canals, and with those specific requests being met, the Board will need to provide guidance on a path forward. He added that the Authority is still in the battle to try to obtain authorization for Option 2. The Board adopted resolutions in support of Option 2 and in support of the CPRA's resolution asking for a comparison of the three options (Options 1, 2 and 2a). Mr. Doody stated that he learned in yesterday's CPRA meeting that a study is being commissioned that he understood would compare the three options. A copy of the scope of the study is being obtained and would be sent to the Board members for input. He asked that the Authority participate in the study being commissioned by the State through the CPRA, Jefferson Parish and the Sewerage and Water Board of New Orleans. The study is estimated to cost over \$200,000 and would be completed in 60 to 90 days. He commented that a time would come soon when the Board would have to provide some leadership. If no decision is made, there is a risk by keeping a temporary solution for a longer period of time.

Mr. Jackson commented that everyone involved in the decision making process was released in the Katrina litigation and that the only parties left were the Authority and the levee districts. An article appearing in this morning's Times Picayune concerned the CPRA's refusal to sign off on proceeding with Option 1. He stated that the Board has no input and no authority on the decisions being made by the USACE and the State of Louisiana; however, after the decisions are made, the Authority and levee districts will bear the responsibility and liability. He added that he did not disagree with the actions being taken by the State. He suggested that the East and West Flood Protection Authorities should be made State agencies so that they could receive immunity from litigation. He reiterated his concern that the Board has little or nothing to say about what actually happens and the direction taken. He stated that he informed the Chair of the Selection Committee when he agreed to serve a second term that he would serve only until he thought the Board was not making a difference and his engineering talent and experience was no longer serving a purpose other than approving such things as insurance renewals. He stated that he was having serious doubts about the value of his continued service on the Board and that he would make a decision soon about whether he would remain on the Board.

Mr. Doody stated that although the Board is still in its infancy in terms of longevity, it has the ability to make positive change. He explained that he is attempting to get a group of local levee district attorneys to address the liability issues associated with the construction of projects.

Mr. Jackson stated that he wanted the public to understand that the Board has no control over what is done by the USACE.

Mr. Pineda pointed out that the Authority is involved in the review of plans and specifications and has the opportunity to provide comment.

Mr. Doody brought up the example of the USACE's recent change in design from a sector gate to a stop log structure in the Caernarvon Canal. A stop log structure would be more difficult to operate and maintain. Although the Authority does not necessarily have the influence or ability to change a decision, it will provide input and work hard to effect a change.

Mr. Jackson responded that the USACE has made detailed plan review available on a continuing basis; however, they have totally eliminated the Board's participation in the planning process and project development stage. He stated that the Board members are not responsible for detailed plan review and that the Board should have been involved in the conceptual development of the system.

Robert Turner, SLFPA-E Regional Director, advised that the USACE has made every effort to keep the Authority in the loop for design submittals and reviews. He commented on the tremendous amount of project submittals that are being generated by the USACE and on the 60 to 70 meetings being held each week. The USACE has a

staff in the hundreds working on these projects. The Authority with its limited staff and resources must prioritize and can only look at things from a conceptual level, address operations, maintenance and reliability issues, and try to ensure that the final project can be maintained over the long term.

Mr. Goins recommended that a random sample of the submittals be reviewed by the ID-IQ contracted consultants in order to achieve a level of comfort. He asked whether the review of plans and specifications is creditable towards the 30 percent local cost share.

Mr. Turner responded that a meeting would be held in the next couple of weeks on the local cost share issues. Overhead factors would be calculated by the USACE and Authority accounting staffs in the morning session of the meeting. Specific examples of eligible items, how to obtain prior approval of eligibility and the data required to receive credit would be covered in the afternoon session.

Mr. Doody stated that the State has been petitioned to provide the Authority with engineers that would be funded by the State to assist with the review of plans and specifications. This would theoretically be part of the local cost share. In addition, Jerome Zeringue, Director of Planning and Programs - Governor's Office of Coastal Activities, is putting together a group of individuals to discuss the establishment of a set of parameters for the acceptance of completed projects. The issue of maintenance performed by levee districts before the USACE projects are accepted, and the creditability of that maintenance towards the local cost share, would be included in this discussion.

ADOPTION OF AGENDA:

The agenda was amended to include XIII.A.7 – a motion to consider participation in the study of Options 1, 2 and 2a for the outfall canals. A motion was offered by Mr. Barnes, seconded by Mr. Wittie and unanimously adopted by a roll call vote to adopt the amended agenda.

RESOLUTION #09-17-09-01 – APPROVAL OF MINUTES

On the motion of Mr. Wittie,
Seconded by Mr. Barnes, 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 held on August 20, 2009.

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

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

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

PUBLIC COMMENTS:

Robert Counce with the Bayou St. John Conservation Alliance advised that the State Bond Commission would be approving a letter of credit today for the \$250,000 appropriation requested by Senator Murray. A technical advisory committee comprised of academics will provide input to the Orleans Levee District on the scope of work.

PRESENTATIONS:

1. Update on Permanent Pump Stations at Outfall Canals – U.S. Army Corps of Engineers.

Dan Bradley with the USACE Permanent Pumps Branch advised that he would be providing an overview of Options 1, 2 and 2a and a status of the pump stations.

Mr. Bradley stated that Congress passed Public Law 109-234 in June, 2006, which gave the USACE authorization and appropriations to build the permanent pump stations at the outfall canals. The USACE believes that the authority also provides the ability to modify some of the canal bottoms to provide a lowered sump, which would be adaptable to an Option 2/2a environment.

The locations were shown of the Sewerage and Water Board (S&WB) Drainage Pump Stations (DPS) on the outfall canals: DPS 6 on the 17th Street Canal, DPS 7 on the Orleans Canal, and DPS 3 and 4 on the London Avenue Canal.

Mr. Bradley explained that the Interim Closure Structures (ICS) were built after Hurricane Katrina in order to block storm surge prior to the 2006 hurricane season. The ICS has a surface life of five to seven years. The barriers and pumps have a finite life span. He explained that a selected maximum footprint is provided in the Individual Environmental Report (IER) and that the design-build contractor will be shown an area where each permanent pump station can be built.

Mr. Jackson asked what specifically limited the useful life of the ICS. He commented that he had thought that the ICS provided some breathing room so that a decision could be made on the best solution.

Mr. Bradley responded that an independent engineering assessment was done looking at system vulnerability by Parsons Engineering on behalf of DoD IG. The February 27, 2009 final report concluded that, "as long as the permanent facilities proceed according to schedule and a thorough inspection and maintenance program is followed for the temporary facilities, there are no immediate vulnerabilities to catastrophic failures with the hydraulic pumping systems or their supporting systems." He added that the temporary pumps are built exposed.

Mr. Jackson stated that he had gone on record saying that if the Option 1 pump stations could fully accommodate Option 2, which included a sill that is low enough and a structure that could accommodate much larger engines and the equipment required, then the project should proceed.

Mr. Bradley reviewed the features consistent with an Option 1 adaptable, Option 2 and Option 2a Pump Station:

- The pump station substructure in-take sill elevation will be consistent in an Option 1 adaptable, Option 2 and Option 2a Pump Station.
- The pump station substructure will be sized for Option 2/2a modifications without need for removal.
- The pump station superstructure will be sized for Option 2 engines or motors.
- The general site development, access and pump station foot print will be the same for Option 1 adaptable, Option 2 and Option 2a.
- The canal transition will be the same for all three options.
- The pump columns and shafts will be the same for all three options.
- The generating station will be expandable. Acreage will be available to add generators for larger motors and larger loads.
- The bridge crane rails and supports will be estimated based on Option 2/2a weight requirements, although the motor of the crane will be sized for Option 1.

Mr. Bradley welcomed the participation of the Board and the CPRA in the design parameters in the Request for Proposal (RFP).

Mr. Estopinal commented on the size of the drainage canals and the conveyance of storm water under certain conditions. He asked that the expected cubic feet per second that would have to be handled in the canal in order to accommodate drainage for the adjoining properties be provided.

Mr. Bradley advised that the USACE plans to put in pump stations to match the current S&WB capacities, plus the expected capacity in the S&WB outlay plan for the next five years.

Mr. Bradley explained the conversion of Option 1 adaptable to an Option 2/2a Pump Station:

- The form suction intake would be added and the pump bell removed.
- The driver motor replaced with a larger size.
- The pump impeller type would be changed.
- The gear reducer would be replaced.
- The number of generators, number of fuel tanks, HVAC capacity and size of electrical switch gear would be increased.
- The gates would be permanently closed, since Option 2/2a is not a gated structure.

Mr. Goins asked how much savings would be achieved if Option 2 was constructed in the first place, instead of constructing Option 1 and then going to Option 2. Mr. Bradley advised that the USACE has the estimated costs for constructing Options 1, 2 and 2a,

as well as the transition costs. However, he did not have this information with him. Mr. Estopinal asked that Mr. Bradley include the savings for the ability to shut down some of the S&WB drainage pump stations and for the maintenance of the outfall levee system with the information to be provided.

Mr. Bradley showed conceptual depictions of the Option 1 and Option 2 structures. He noted about 150 to 200-ft from the structure that there is an extended transition from -37-ft. to -29-ft., which is the projected bottom of the canal in an Option 2 environment. A retaining wall will slope from -29-ft. to approximately -9 or -10-ft., the current bottom of the canal, for the Option 1 environment. The retaining wall will be removed for Option 2 and the floor elevation of the new canal would be matched. Modeling will take place in the design/build process. The RFP for a design-build contractor will provide Option 1 and Option 2 conditions. Contractors will be requested to provide a proposal on how the pumping station can be designed so that Option 2 can be accommodated. The best proposal will be selected. Mr. Bradley advised that the Commissioners are invited to the working meetings, PDT's and the meetings for the RFP.

The Board discussed the subsidence problems in the adjacent areas, which could potentially cause hydraulic problems. It was pointed out that the whole system should be evaluated.

Mr. Bradley reviewed the construction activities for the three options:

Option 1 adaptable with Pump Station

1. Build Pump Station
2. Remove ICS

Option 2 with Pump Station

1. Build Pump Station
2. Remove ICS
3. Deepen Canals
4. Bypass Drainage Pump Stations
5. Floodwall and Levee removal along Outfall Canals

Option 2a with Pump Station

1. Build Pump Station
2. Remove ICS
3. Deepen Canals
4. Construct Diversions and Pump Station at Hoey's Basin
(Hoey's Basin/Florida Ave)
5. Bypass Drainage Pump Stations
- 6 Floodwall and Levee removal along Outfall Canals

Mr. Bradley pointed out that the diversions are "a" in Option 2a:

Hoey's Basin

- Drains approximately 2500 acres
- Will divert rain water to the Mississippi River instead of the 17th St. Canal Florida Avenue

- Divert rain water from London Avenue Canal to the Inner Harbor Navigation Canal (IHNC)

Mr. Bradley reviewed the project schedule. The IER Decision Record was signed on June 30, 2009. The Project Description Document (PDD) was approved on August 24, 2009. The USACE had hoped to have the Project Partnership Agreement (PPA) signed in mid-August. The project completion has slipped from 2013 to sometime in 2014 as a consequence of not have the PPA signed.

Mr. Goins asked about the USACE's plan for maintaining the Interim Control Structures should there be additional slippage in completing the permanent project. Mr. Bradley replied that the USACE has a good maintenance program in place. The estimated annual cost of the ICS maintenance is approximately \$5 million, which increases each year. The maintenance costs are coming out of the project budget.

Mr. Jackson stated that he appreciated the work that the USACE put into the project. However, he would not give up the fight for Option 2 because justice has to prevail in terms of the responsibility for the I-walls that were constructed along the canals. He stated that the Federal government should continue to be responsible for the integrity of the interior levees.

Mr. Doody commented on the part that the Board played in achieving these changes. He hoped that with the answers to their questions, the Board could come to a resolution to ask the USACE to move ahead. Mr. Jackson indicated that the Board should be in a position soon to adopt a resolution with some caveats relative to Option 2 for the USACE to proceed immediately with the construction of the pump stations.

Mr. Goins pointed out that the public should be informed as soon as possible about the real estate needs for Option 2. Mr. Doody added that the Environmental Impact Study will disclose the real estate needs for Option 2 and that the public should be provided as much information as possible on what Option 2 will entail.

Mr. Doody thanked Mr. Bradley for the presentation. He also asked that the USACE provide a presentation at the Board's next meeting on armoring.

2. Mitigation funding and projects - U.S. Army Corps of Engineers.

Gregory Miller, USACE Senior Project Manager in the Protection and Restoration Office, introduced himself and Janice Exnicious, USACE Chief of the Environmental and Compliance Office. He advised that the presentation is on the environmental compensatory mitigation for the impacts of the levee systems that have been constructed. He explained that the need for mitigation is derived from the impacts of construction, which includes access to levee sites, borrow of materials for construction, the construction itself, and the operation of the structures affecting hydrology in area estuaries.

Mr. Miller stated that there are a number of Federal, State and local laws that require mitigation for impacts to habitat, including:

- Clean Water Act
- National Environmental Policy Act
- Fish and Wildlife Coordination Act
- Water Resources Development Acts (WRDA) of 1986, 1990 and 2007
- Executive Order No. 11990 – Protection of Wetlands
- Louisiana Coastal Zone Management laws

Mr. Miller explained that the basis for mitigation for USACE operations is defined in the Council of Environmental Quality NEPA Regulations. The regulations seek to avoid impacts, minimize impacts and compensate for impacts that are unavoidable.

Mr. Miller discussed how the USACE determines construction impacts. Footprints are mapped for potential levees and floodwalls, including obtaining borrow and access. The USACE teams then seek opportunities to avoid wetlands or other habitats or minimize impacts to these areas. Acreages are calculated of impacts to these areas once the design plans are in place. An interagency team staffed by individuals from Federal and State resource agencies and USACE representatives assesses the quantity of acreages, as well as the habitats units that are provided or values of these areas for fish and wildlife species. The ultimate result is that anything that is unavoidable is disclosed in Project Information Reports and Individual Environmental Reports (IER).

Mr. Miller showed a parish by parish breakout by habitat-type of the impacts of levee construction activities on the Mississippi River east bank. He pointed out that these numbers are working estimates and would change as design and environmental compliance work is completed. The total impacts estimated on the east bank from the Lake Pontchartrain and Vicinity Project 100-year level are 278 acres of swamp, 2,208 acres of bottomland hardwood wet, 1,238 acres of bottomland hardwood dry, 899.5 acres of marsh and 316 acres of open water. He stressed that the USACE teams have made every effort to minimize the impacts of construction of the 100-year level project. As a guideline the USACE would try to do mitigation as close to the area of impact as possible; however, it would take advantage of an opportunity to do a larger and more cost effective project and achieve a greater impact.

Mr. Miller discussed the habitat compensatory mitigation projects planning process. An open process will be used involving sponsors, the public, various agencies and local governments. Existing information will be used to the maximum extent possible. Opportunities will be sought for larger scale projects in order to obtain economy of scale. USACE teams will devise compensatory mitigation plans and will recommend restoration or habitat improvement projects. Mitigation plans will be available for public comment and input, and will be approved by the USACE District Commander. Projects will be constructed by partnership through local sponsors probably by private sector contracts.

Mr. Miller addressed the roll of the local sponsor in compensatory mitigation. The Authority is invited to public meetings and to provide suggestions about project types that could be implemented to mitigate for impacts. The Authority is responsible for providing the lands, easements, rights-of-way, relocations and disposal areas. The Authority will have the responsibility for accepting completed projects, performing operations and maintenance, conducting inspections and submitting reports on the performance of the mitigation put in place. In general, the USACE tries to plan restoration projects with the least amount of operations and maintenance activities; however, some potential projects may have pump stations or water level controls. The USACE will provide operations and maintenance manuals.

Mr. Jackson stated that as in-put into the planning process he would like the USACE to look carefully at the land bridge between Lake Borgne and Lake Pontchartrain. He explained that the State is using some of the I-10 twin span debris for rip-rap along the banks of Lake Borgne. He pointed out that there is severe erosion from winter storms on the Lake Pontchartrain shoreline. Mr. Doody added that the Board has adopted resolutions in support of the land bridge and at least two additional projects. He added that Robert Turner and Mark Schexnayder with the LSU AgCenter have met with the USACE mitigation team about the projects supported by the Authority.

Mr. Miller discussed the compensatory mitigation projects currently being developed by the USACE. Projects in development include:

- LPV Manchac Shoreline Protection – five miles of rock breakwaters to prevent shoreline erosion and provide protection to the Manchac Wildlife Management Area, with an option for marsh creation behind the breakwaters.
- Task Force Guardian Borrow – land acquisition near the Bayou Sauvage National Wildlife Refuge and invasive species control operations (control of tallow vegetation and reestablishment of desired wetland forest species).
- New Orleans East Borrow – land purchase and invasive species control operations, and tree plantings to reestablish non-wetland bottomland hardwood habitat.
- Plaquemines Parish Non-Federal Levees – marsh creation using dredged material to create 24 acres of intertidal wetlands.

Mr. Miller advised that four projects are currently identified and in development. The USACE is in the process of identifying additional acreage needs to determine the level of mitigation required in terms of project size. The USACE's intent is to complete the planning work for all mitigation in conjunction with the June, 2011, target completion for the 100-year system.

Mr. Miller explained that habitat mitigation costs are included in the programmatic cost estimates for the 100-year system. However, these estimates are changing as the USACE attempts to minimize footprints; e.g., the Chalmette Loop System going from an earthen levee to a T-wall design. Actual total costs for mitigation depends on the type of habitat that is impacted. He added that the USACE will be working with partners on other restoration programs and efforts. All estimates will be subject to independent review and verification. He expected to have a revised cost estimate for all of the

mitigation requirements available early next year, depending on the total amount and type of acres impacted.

Mr. Miller added that information is provided on each levee segment and the impact of the segment on the website: <http://www.nolaenvironmental.gov>. This website will also be used as a means of providing up-to-date information on mitigation planning.

Mr. Miller explained that some of the Mississippi River Gulf Outlet (MRGO) Closure Project funding was spent on the rock closure and on shoreline protection projects in the area. An Environmental Impact Statement (EIS) is being finalized that will show the projects to be accomplished with the remaining funds (approximately \$30 to \$40 million). The projects in the EIS are for additional shoreline protection work along Lake Borgne and complement some of the Breaux Act projects and work anticipated using the Coastal Impact Assistance funding.

The Board inquired about the funding that was previously appropriated to dredge the MRGO and the reason it was not used towards the cost of the rock closure. Mr. Goins asked whether the open borrow areas in St. Bernard were included in the mitigation.

Mark Schexnayder with the LSU AgCenter explained that the Board adopted a resolution in 2007 that supported three projects: the LaBranche Wetland Restoration Project, a Lake Pontchartrain shoreline protection concept, and a Central Wetlands/ Ninth Ward Wetlands Restoration Project. He advised that he brought these concepts to the USACE mitigation team. He commented on the issue of dry vs. wet delineation used by the USACE and on the disposal of dirt that is scrapped off of levees during a levee lift going into landfills instead of being used in areas where there is a need.

Mr. Schexnayder reported that seven monitoring stations will be installed by Friday in Bayou St. John (3), City Park (3) and Lake Pontchartrain (1). The monitoring stations will provide the baseline hydrology data in order to start determining whether the Bayou St. John sluice gates or Sector Gate can be exercised.

Bill Kappel advised that he represents Coastal Environments, Inc., which is the current environmental consultant for St. Bernard Parish. He expressed his appreciation for the work that is being done in developing mitigation ideas. He explained that St. Bernard Parish would like to develop zone mitigation ideas or strategies that can be integrated with the central wetlands plans that were discussed. He stated that the focus is on doing as much as possible in mitigation that can be directly related to flood control as well. He looked forward to working with the Authority to jointly develop ideas and for mutual support as the mitigation process evolves.

3. Presentation on the open meetings law – T. Robert Lacour.

Robert Lacour, Counsel for the Authority, reviewed the open meetings law. He advised that the open meetings law provides that all public bodies shall have open meetings, unless there is a reason set by statute where the meeting or parts of the meeting can be

conducted in executive session. This is liberally construed and the presumption is that every meeting will be public. The Board is a public body. A meeting is any five members getting together for the purpose of adopting business or hearing information that is pertinent to the normal business of the Board. Louisiana law requires that Board members must be personally present or the member is considered absent. All votes must be recorded. Proxies and secret ballots are not allowed. The statute does not apply to a chance meeting of members at a social function. There can be no pre-meetings. The open meetings law does not only apply to when the Board convenes for a meeting, but also when another entity has Board members convene to hear information pertinent to the Authority's jurisdiction. A disruptive individual can be removed from meetings.

Mr. Lacour advised that a two-thirds roll call vote of the Board is required for an executive session. A unanimous vote of the Board is required to amend the agenda. He pointed out that if a member abstains, it is considered a vote no. He stated that for an executive session there must be notice of the meeting, but not necessarily notice of the executive session. However, he pointed out that notice of an executive session should be provided. It is theoretically possible to amend the agenda to add an executive session. No binding vote or action can be taken in executive session. No minutes are kept in executive session. The motion to go into executive session must state the purpose of the executive session.

Mr. Lacour advised that there are basically two reasons for an executive session: (1) discussion of the character, professional competence or physical or mental health of a person, provided that such person is notified in writing in advance at least twenty-four hours before the meeting. This person may opt to have the discussion of himself in a public meeting. (2) Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written notice or litigation when an open meeting would have a detrimental effect on the bargaining or litigation position of the public body. The notice for executive session to discuss litigation should have the name of the case, the case number and jurisdiction. Investigative proceedings can be held in executive session. In addition, cases of extraordinary emergency, which shall be limited to natural disasters, spread of epidemics, civil disturbances, suppression of insurrections and the repelling of invasions or other matters of similar magnitude, can be held in executive session. The Board can exclude any non-commissioner from an executive session and can include anyone when his/her presence is required to complete the presentation at the executive session.

Mr. Lacour advised that the information provided on public meetings also pertains to Committee meetings. He cautioned the Board that five members constitute a quorum and a public meeting. Therefore, if five Board members are present at a Committee meeting, it becomes a public meeting of the Board and not the Committee. Committees are set up with a membership of no more than four members. He stressed that if another member is present and participates, this would present a problem. However, a Commissioner could participate like any member of the public. The Commissioner

could make a statement in the Committee meeting; however, this would not include a back and forth discussion.

Mr. Lacour advised that any action taken that does not follow the public meeting criteria is voidable by a court and civil penalties could be incurred.

A motion was offered by Mr. Estopinal, seconded by Mr. Witte, and unanimously adopted to amend the agenda to take the Executive Session as the next item of business.

EXECUTIVE SESSION:

1. Clayton Williams Energy, Inc. and Energyquest II, LLC vs. Orleans Levee District and Louis Cornay and Jeanne Cornay as Receivers for Southern Delta Land Company, USDC, Eastern District of Louisiana, No. 08-4742; Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East on behalf of/and the Orleans Levee District vs. Louisiana Department of Natural Resources, 19th Judicial Court, No. 562121, Div. D/21, Parish of East Baton Rouge, State of Louisiana; and Southern Delta Land Company, Inc. through its Court-Appointed Representatives vs. Orleans Levee District, 25th JDC, No. 55-383, Div. "B", Parish of Plaquemines.
2. Haspel & Davis Milling & Planting vs. Orleans Levee District, No. 31-357A 25th Judicial District Court.
3. United States District Court Eastern District of Louisiana in Re Katrina Canal Breaches Consolidated Litigation Civil Action No. 05-4182 Section "K"(2).
4. 17th Street Canal Coalition, et al, vs. Orleans Levee District No. 08-6979 CDC.
5. Early payment of O.L.D. bonds – legal liability.

A motion was offered at 12:05 p.m. by Mr. Estopinal, seconded by Mr. Wittie and unanimously adopted by a roll call vote, for the Board to convene in Executive Session to discuss the items listed on the agenda, which were read into the record by Mr. Doody.

A motion was offered at 2:05 p.m. by Mr. Estopinal, seconded by Mr. Wittie and unanimously adopted, for the Board to reconvene in regular session.

RESOLUTION #09-17-09-02 – LEGAL ACTIONS

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) directs Michael Botnick, Legal Counsel, to follow the recommendations made in the Executive Session in the legal matter of Clayton Williams Energy, Inc. and Energyquest II, LLC vs. Orleans Levee District and Louis

Cornay and Jeanne Cornay as Receivers for Southern Delta Land Company, USDC, Eastern District of Louisiana, No. 08-4742, and to authorize the SLFAP-E President to carry out the instructions of the Board.

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

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

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

RESOLUTION #09-17-09-03 – LEGAL ACTIONS

On the motion of Mr. Pineda,

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) directs the SLFPA-E President to determine with input from the Orleans Levee District Comptroller whether or not there are sufficient funds available to satisfy a portion of the litigation entitled Haspel & Davis Milling & Planting vs. Orleans Levee District, No. 31-357A 25th Judicial District Court.

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

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

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

RESOLUTION #09-17-09-04 – LEGAL ACTIONS

On the motion of Mr. Pineda,

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) directs the SLFPA-E President to follow the directions of the Board for early payment of bonds converted to fixed rate (December, 1995) Orleans Levee District Levee Improvement Variable Rate Refunding Bonds (Series 1986) and converted to fixed rate (December, 1995) Orleans Levee District Public Improvement Variable Rate Refunding Bonds (Series 1986).

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

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

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

COMMITTEE REPORTS:

Finance Committee: Chairman Estopinal reported that the Committee met on September 3rd and discussed the early payment of bonds. The Committee received a report on the FY 2009 Audit. The Auditor advised the Committee that there were no comments or major deviations. One minor comment was received concerning the control of the inventory of small items and steps have been taken to address this issue.

Operations Committee: Chairman Wittie reported that the Committee met on September 3rd and discussed the USACE annual inspection reports. The USACE agreed to submit inspection reports to the levee districts timely, identify the parties responsible for repairs and work towards a better grading system. The Committee also discussed soils testing for better grass growth on levees. Mr. Wittie advised that Dr. Lorenzo received information on the sites selected for seismic testing and the monthly status reports were provided by the levee districts.

Legal Committee: Chairman Goins reported that the Committee met on September 3rd and discussed and approved legal invoices. A report was provided by Robert Lacour at the Committee meeting on pending litigation and on Civil Code Article 665 relative to appropriation. The Committee was advised about an increase in the public bid law contract amount by the legislature and a recommendation will be brought back to the Committee concerning the Authority's policy.

Special Issues Committee: Chairman Jackson reported that the Committee met on September 3rd and discussed the application for the use of debris material from the I-10 Twin-Span on the Lake Pontchartrain side of the Lake Pontchartrain-Lake Catherine land bridge. Mr. Jackson stated that he told the Committee that he had been advised by Peter Hopkins that the Office of Coastal Protection and Restoration (OCPR) had determined the projects that would receive the twin-span material. Mr. Jackson recommended that Authority representatives meet with Garrett Graves, CPRA Chairman, to discuss whether OCPR is dealing with this issue and to stress the importance of preserving this land bridge. Mr. Doody recommended that the Authority take action to engage the appropriate professional consultant to do the engineering required for the project. Mr. Jackson pointed out that OCPR has the staff and resources to do this engineering work and suggested that the Authority wait until after the meeting with Mr. Graves to engage an engineering consultant.

The Committee received status reports on the development of safe houses for the levee districts. The Orleans Levee District is close to bidding the safe house build-out in the Franklin Warehouse. The East Jefferson Levee District has executed a contract with its consultant and issued a notice to proceed with the study. The Lake Borgne Basin Levee District safe house study is approximately 40 to 50 percent complete. The Committee will continue to monitor this work.

The Committee also received reports on the seepage at Lake Villa and the seepage at the 17th Street Canal.

REGIONAL DIRECTOR'S REPORT:

Robert Turner reviewed the Regional Director's Report (copy appended to minutes).

Mr. Turner advised that the USACE is considering using a stop log structure instead of a sector gate in the Caernarvon Canal as part of LPV 149 (Caernarvon Floodwall). He explained some of the reasons that the Authority opposes the use of a stop log structure. A minimum of two facilities require free and unhampered marine access in the canal. Stop logs cannot be installed safely and effectively in high rain and high wind conditions; therefore, a minimum of four to five days may be required to safely close a stop log structure before the arrival of a storm. Mr. Turner stated that a letter was sent to Colonel Sinkler and forwarded to the USACE St. Paul District regarding this issue, as well as memorandums sent to the local USACE staff.

Mr. Turner reported that the Bayou Bienvenue and Bayou Dupre control structures have been closed approximately 80 percent of this month. Mr. Jackson asked whether there would be an ability to get a tractor on the stretch of levee between the two future control structures. Mr. Turner replied that the USACE has taken the bridge out of the project. A temporary bridge will be built for construction purposes at Bayou Bienvenue. Mr. Doody recommended that a resolution be drafted for the next Board meeting concerning this significant operations and maintenance limitation. Mr. Turner pointed out that land access will also be needed to close the floodgates that will be incorporated in the future T-wall in this location.

RESOLUTION #09-17-09-05 – SERVITUDE AGREEMENTS WITH THE NORFOLK SOUTHERN RAILROAD AND CSX RAILROAD

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

WHEREAS, the U.S. Army Corps of Engineers requires rights-of-entry on a timely basis for the construction of the Lake Pontchartrain and Vicinity Hurricane Protection Project, 100-Year Protection; and

WHEREAS, servitude agreements will be required with the Norfolk Southern Railroad and CSX Railroad for the construction of certain projects; and

WHEREAS, Counsel to the Authority will review the final form of the servitude agreements.

BE IT HEREBY RESOLVED, That the Southeast Louisiana Flood Protection Authority-East approves and authorizes the execution of servitude agreements, as required, with the Norfolk Southern Railroad and CSX Railroad by the Executive Director of the Orleans Levee District, Lake Borgne Basin Levee District or East Jefferson Levee District, as appropriate, subject to the approval of the Counsel to the Authority.

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

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

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

RESOLUTION #09-17-09-06 - COMMUNITY DEVELOPMENT BLOCK GRANT

Mr. Doody advised that the resolutions before the Board relative to the Community Development Block Grant are for a potential \$900,000 grant for the study of the interior of the flood protection system. The adoption of these resolutions is the first step in the process and is required for the approval of an application for the grant. He pointed out that one of the Authority's major limitations is its lack of funding. The Authority is trying to gain access to funding in order to fulfill its mission and make a difference.

Wilma Heaton explained that the resolution templates were provided by the State's Grants Administrator. Due to the number of entities competing for these grant funds, the Louisiana Recovery Authority (LRA) and the Federal government want assurance by resolution that the Authority will comply with the required Federal regulations before proceeding with the application process. The resolutions were reviewed by Mr. Lacour. The Board will participate in the process as it goes forward. The letter from the Authority that was accepted by the LRA included three major areas, which are priorities of the Board, for consideration for the scope of the grant.

Mr. Pineda commented that this is the second potential Community Development Block Grant for the Authority. The Board had approved the application for a Grant in the amount of \$500,000. Ms. Heaton added that the application and work plan have been submitted and were accepted and approved by the Administrator for the LRA. The grant funding will be drawn down into a special account that is being established. The grants are specific to coastal restoration engineering services.

Mr. Pineda explained that a work session is scheduled for tomorrow for another potential grant opportunity. He stressed the need for a grants administrator. Ms. Heaton advised that the Authority is seeking administrative support through grants.

On the motion of Mr. Wittie,

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

A RESOLUTION AUTHORIZING THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST PRESIDENT TO ENTER INTO THE REQUIRED COOPERATIVE ENDEAVOR AGREEMENT WITH THE LA DIVISION OF ADMINISTRATION, OFFICE OF COMMUNITY DEVELOPMENT—DISASTER RECOVERY UNIT TO SECURE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DISASTER RECOVERY FUNDS; TO UTILIZE THE STATE'S ADMINISTRATIVE CONSULTANT, HUNT, GUILLOT & ASSOCIATES, LLC, TO ADMINISTER THE PROGRAM ON BEHALF OF THE AUTHORITY AND, TO AUTHORIZE THE PRESIDENT TO

SIGN ANY AND ALL DOCUMENTS REQUIRED IN THE SUBMISSION OF THE REQUIRED APPLICATION AND SUBSEQUENT ADMINISTRATION OF THE PROGRAM.

WHEREAS, the Southeast Louisiana Flood Protection Authority will submit the required application to the Louisiana Division of Administration, Office of Community Development—Disaster Recovery Unit to secure its appropriation of Community Development Block Grant (CDBG) Disaster Recovery funding; and

WHEREAS, implementation of the program requires completion of the required application and subsequent administration of the grant program in accordance with all CDBG regulations; and

WHEREAS, utilization of the State’s administrative consultant, Hunt, Guillot, & Associates, LLC, allows the Southeast Louisiana Flood Protection Authority to allocate 100% of its funding to the project, as opposed to funding administrative services from its allocation, if another administrator is selected; and

WHEREAS, submission of the application and subsequent administration of the grant program requires the execution of numerous forms and documents; and

WHEREAS, Counsel to the Authority shall review the final form of the Cooperative Endeavor Agreement.

NOW, THEREFORE BE IT RESOLVED by the Southeast Louisiana Flood Protection Authority, on behalf of the Authority that President Timothy P. Doody be hereby authorized to enter into the required Cooperative Endeavor Agreement with the LA Division of Administration, Office of Community Development—Disaster Recovery Unit, subject to the approval of the Counsel to the Authority, to secure Community Development Block Grant (CDBG) Disaster Recovery funds and to sign any and all documents required in the submission of the required application and subsequent administration of the program.

BE IT FURTHER RESOLVED that the Southeast Louisiana Flood Protection Authority will utilize the State’s administrative consultant, Hunt, Guillot & Associates, LLC, to administer the program on behalf of the Authority.

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

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

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

RESOLUTION #09-17-09-07

Ms. Heaton advised that a non-interest bearing account must be established for the grants. The resolution can be amended at a later date to designate other individuals for the functions that are listed.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority – East has been afforded the opportunity to participate in the State of Louisiana Community Development Block Grant (CDBG) Disaster Recovery Program administered by the Division of Administration; and

WHEREAS, it is necessary under the program regulations to authorize certain actions and individuals to perform certain designated functions by the State.

NOW THEREFORE BE IT RESOLVED, that the Southeast Louisiana Flood Protection Authority – East as legal recipient of the CDBG funds does hereby authorize the following actions:

SECTION I. **FINANCIAL MANAGEMENT**

WHEREAS, it is necessary under the Financial Management regulations of the LCDBG program to authorize certain individuals to sign for draw downs for request for payments and to authorize one certain individual to certify the correctness of each signature; and,

WHEREAS, it is further necessary under the Financial Management regulations of the LCDBG program to designate an official depository to hold LCDBG funds.

NOW THEREFORE BE IT RESOLVED, by the Southeast Louisiana Flood Protection Authority – East as legal authorized recipient of the LCDBG funds, in regular session convened, that Timothy P. Doody, Stephen Estopinal and Robert A. Turner, Jr. are hereby authorized to sign “Authorized Signature Card for Request for Payment;” and

BE IT FURTHER RESOLVED, that Timothy P. Doody, President, shall certify to the correctness of the signatures; and

BE IT FURTHER RESOLVED, that the Capital One Bank is the official depository for direct deposit into a non interest bearing account of grant funds for the CDBG project.

SECTION II **REQUISITION OF FUNDS**

WHEREAS, the State requires adequate financial management control over CDBG funds. The establishment of a Requisition of Funds policy is a vital tool to such control.

NOW THEREFORE BE IT RESOLVED, by the Southeast Louisiana Flood Protection Authority – East, that all invoices for work performed or materials used in relation to the CDBG Program, prior to payment, must have attached a signed pre-printed project requisition form. The form and invoice shall be approved in the following order:

1. Approval by the Project Administrator for budget control.
2. Approval by the Treasurer.
3. Approval by the President.

BE IT FURTHER RESOLVED, that Timothy P. Doody, Stephen Estopinal and Robert A. Turner, Jr., are hereby authorized to sign checks written on the CDBG account.

SECTION III
EQUAL OPPORTUNITY

WHEREAS, equal opportunity regulations of the CDBG program require the appointment by the recipient of an Equal Opportunity Officer (EEO Officer) to have the responsibility for maintaining all pertinent EEO files, submitting on a timely basis all reports, answer all related correspondence and monitor all EEO areas.

NOW THEREFORE BE IT RESOLVED, by the Southeast Louisiana Flood Protection Authority – East that Wilma Heaton is hereby appointed as EEO Officer for the life of the LCDBG program and as such is charged to faithfully execute all duties and responsibilities herein described.

SECTION IV
504 COORDINATOR

WHEREAS, the State requires Southeast Louisiana Flood Protection Authority – East to designate a responsible person to coordinate the Authority’s efforts to comply with Section 504 of the Rehabilitation Act of 1973, as amended.

NOW THEREFORE BE IT RESOLVED, that Wilma Heaton is appointed as Section 504 Compliance Officer.

SECTION V
RESIDENTIAL ANTI-DISPLACEMENT

WHEREAS, the LCDBG program requires that all grant recipients adopt by resolution A Residential Anti-Displacement and Relocation Assistance Pla.

NOW THEREFORE BE IT RESOLVED, that the Southeast Louisiana Flood Protection Authority – East adopts the attached Residential Anti-displacement Plan and does hereby appoint Wilma Heaton as the Residential Anti-displacement Officer.

SECTION VI
LABOR COMPLIANCE

WHEREAS, the Davis Bacon Act covers contracts that are directly funded by Community Development Block Grant Funds; and

WHEREAS, the Davis Bacon Act requires that workers receive no less than the prevailing wages being paid for similar work in a given location; and

WHEREAS, each local government receiving Community Development Block Grant funds is responsible for ensuring compliance with Labor Standards under the Davis Bacon Act; and

WHEREAS, the local government shall designate a Labor Compliance Officer who is delegated the tasks associated with compliance with Labor Standards.

NOW, THEREFORE BE IT RESOLVED by the Southeast Louisiana Flood Protection Authority – East that Wilma Heaton is hereby designated as the Labor Compliance Officer.

SECTION VII
SECTION 3

WHEREAS, the Southeast Louisiana Flood Protection Authority – East has been afforded the opportunity to participate in the State of Louisiana Community Development Block Grant (CDBG) Disaster Recovery Program administered by the Division of Administration; and

WHEREAS, the STATE requires Grantees, to the greatest extent feasible, to (1) provide opportunities for training and employment to lower income residents of the project area and, (2) award contracts for work in connection with the project area to eligible business concerns which are located in, or owned in substantial part by, persons residing in the area of the project in compliance with Section 3 of the Housing and Urban Development Act of 1968;

NOW THEREFORE BE IT RESOLVED, that the attached “Section 3 Plan” for the Southeast Louisiana Flood Protection Authority – East dated September 17, 2009, is hereby adopted.

SECTION VIII
FAIR HOUSING

WHEREAS, the Southeast Louisiana Flood Protection Authority – East has been afforded the opportunity to participate in the state of Louisiana Community Development Block Grant (CDBG) Disaster Recovery Program administered by the Division of Administration; and

WHEREAS, the State requires Grantees to take actions to affirmatively further fair housing in compliance with Title VIII of the Civil Rights Act of 1968, as amended and Executive Order 11063, as amended.

NOW THEREFORE BE IT RESOLVED, that Wilma Heaton is appointed as Fair Housing Coordinator.

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

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

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

RESOLUTION #09-17-09-08 - CITIZEN PARTICIPATION PLAN

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East has been afforded the opportunity to participate in the State of Louisiana Community

Development Block Grant (CDBG) Disaster Recovery Program administered by the Division of Administration; and

WHEREAS, the State requires Grantees to establish procedures to ensure adequate citizen participation with the program.

BE IT HEREBY RESOLVED, by the Southeast Louisiana Flood Protection Authority – East that the *attached policy entitled “Citizen Participation Plan”, dated September 17, 2009, is hereby adopted.

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

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

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

RESOLUTION #09-17-09-09 - PROCUREMENT POLICY

On the motion of Mr. Wittie,

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

WHEREAS, the Southeast Louisiana Flood Protection Authority - East has been afforded the opportunity to participate in the State of Louisiana Community Development Block Grant (CDBG) Disaster Recovery Program administered by the Division of Administration; and

WHEREAS, the State requires Grantees to establish procedures to ensure adequate citizen participation with the program.

NOW THEREFORE BE IT RESOLVED, by the Southeast Louisiana Flood Protection Authority – East that the *attached policy entitled “Procurement Policy”, dated September 17, 2009 is hereby adopted.

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

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

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

*Attached to minutes.

DISCUSSION OF APPROPRIATION – ARTICLE 665 OF THE CIVIL CODE.

Robert Lacour explained that methods for acquiring servitudes or lands for levees include the St. Julien Doctrine, expropriation, quick-take and appropriation. He quoted a portion of Article 665, “Servitudes imposed for the public or common utility relate to the space which is to be left for the public use by the adjacent proprietors on the shores of navigable rivers and for the making and repairing of levees, roads, and other public or common works.” When Louisiana joined the Union in 1812, a property owner with land

adjacent to a navigable river or stream had the obligation to build a levee. The State assumed that obligation, but took the right to use the property owners' land originally without any compensation. The State subsequently agreed to pay the assessed value of the land; however, the payment was termed a gratuity. The property was appropriated by a resolution of the levee district, since the State had the right to use the property. Therefore, the resolution was not only for the placement of a levee on the property, but also to use the property to build the levee and to get the spoil or borrow. The levee district only acquires a servitude through appropriation. The levee is owned by the levee district, but the land is still owned by the property owner. In the mid-1980's, the State decided to pay land owners the market value for property; however, this does not apply to batture.

Mr. Lacour explained that in 2006 the Legislature added the following verbiage to Article 665, "Such servitudes also exist on property necessary for the building of levees and other water control structures on the alignment approved by the U.S. Army Corps of Engineers as provided by law, including the repairing of hurricane protection levees." According to law, if the Board wishes to use the method of appropriation, it is only required to adopt a resolution. However, in order to provide due process, the Authority should adopt a resolution, provide notice to the land owner, place an advertisement in the newspaper and record the resolution. The property owner must be compensated within one year and the appraisal can be done after the appropriation. Therefore, appropriation is faster than quick-taking property. A large number of parcels can be appropriated at one time.

Mr. Lacour advised that in 1948 the Pontchartrain Levee District appropriated all the land for the lakefront levee in one resolution. A USACE map was attached to the resolution showing all of the property that was being appropriated. Land that is appropriated can be used immediately upon the passage of the resolution. The land owner can contest the necessity of the taking; however, he explained that if it is on a USACE alignment, the land owner has little chance of winning. The land owner can contest the amount of the compensation; however, there will be an appraisal. Mr. Lacour cautioned that the Authority should try to negotiate with land owners; however, if negotiation fails, then appropriation is available. Should the appropriation get bogged down, the Board could resort to a quick-take. The West Jefferson Levee District has used appropriation. Opinions have been received from State attorneys on the use of appropriation. Theoretically, an appropriation can be done without attorneys fees since only a resolution is required. An attorney must file suit for a quick-take.

Mr. Doody commented that the Board had discussed finding ways to speed up the acquisition of Lands, Easements, Rights-of-Ways, Relocations and Disposal Sites (LERRDs) and to limit the Authority's out of pocket expense. The Authority is required when using a quick-take procedure to deposit into the registry of the court the higher of two required appraisals. The levee districts cannot front the money because of the large amount of land that could potentially be required for the 100 year protection projects. The Authority will attempt to work out agreements through negotiation.

RESOLUTION #09-17-09-10 – PARTICIPATION IN OUTFALL CANAL STUDY

Mr. Doody explained that the State through the CPRA, Jefferson Parish and the Sewerage and Water Board of New Orleans have authorized a study relative to the outfall canals. The Authority must participate in the study in order to have input into the scope of the study. Participation in the study would involve a cost to the appropriate levee districts.

Mr. Jackson commented that a study addressing Option 2 is far in excess of \$300,000. He added that the USACE would not be able to take action based on the study unless it addresses the issues that the USACE must study. General Walsh had estimated that a study of Options 2 and 2a would cost \$17 million.

Mr. Doody explained that a question was raised on the cost differential between \$800 million for Option 1 and \$3.4 billion for Options 2/2a. The study is anticipated to be completed within 60 to 90 days and should provide guidance on how to proceed.

Mr. Jackson discussed the modeling that will need to be done of the entire Orleans system, as well Hoey's Basin in Jefferson Parish. He commented on the subsidence that has taken place in Orleans Parish. He stated that he suspected that the study may focus on Option 2a—Pump to the River, which is not a responsibility of the Authority.

Mr. Doody pointed out that the Authority should find out how the study is to be used when it is completed. The study may be used to lobby Congress.

Mr. Jackson stated that he could not vote for the participation in the study without looking at the scope.

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

WHEREAS, the State of Louisiana through the Coastal Protection and Restoration Authority, the Jefferson Parish Council and the Sewerage and Water Board of New Orleans have agreed to participate in a study of Options 1, 2 and 2a for the 17th Street Canal, Orleans Canal and London Avenue Canal; and

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) wishes to participate in the aforementioned study at a potential cost of one-fourth of its cost, subject to the review of the scope of the study by the SLFPA-E President to determine whether it will meet SLFPA-E's intended objectives; and

WHEREAS, it is the intent of the Board that the Authority not participate in a study that would solely support Option 2a.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the participation in the study of the Orleans and Jefferson Parish Outfall Canals, subject to the aforementioned provisions, and authorizes the

SLFPA-E President 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. Estopinal, Mr. Goins, Mr. Pineda and Mr. Wittie

NAYS: Mr. Jackson

ABSENT: Mr. Barry and Mr. Losonsky

RESOLUTION #09-17-09-11 – PERMANENT SERVITUDE AGREEMENT WITH U.S. FISHERIES AND WILDLIFE SERVICE

Gerry Gillen, Orleans Levee District (O.L.D.) Executive Director, advised that the adoption of this resolution would allow the O.L.D. to pay for the cost of the servitude with the U.S. Fisheries and Wildlife Service for LPV Projects 109.02a, 111.01 and 111.02. Counsel for the Authority would review the final form of the servitude. The estimated cost of \$300 per acre for the servitude is still under negotiation.

Mr. Estopinal stated that he would like to see the appraisal.

On the motion of Mr. Wittie,

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

WHEREAS, by Resolution No. 08-20-09-09 the Southeast Louisiana Flood Protection Authority-East approved and authorized the execution of permanent servitudes and rights-of-entry required from the U.S. Fish and Wildlife Service for the construction of Lake Pontchartrain and Vicinity Hurricane Protection Projects (LPV) 109.02a, Southpoint to CSX Railroad Floodgate, and LPV 111.01 and 111.02, extending from the CSX Railroad Floodgate to Pump Station No. 15 on the GIWW; and

WHEREAS, Counsel to the Authority will review the final form of the permanent servitudes; and

WHEREAS, it is necessary that the Orleans Levee District pay the cost of the aforementioned servitudes with the U.S. Fisheries and Wildlife Service and request reimbursement of said cost from the Louisiana Office of Coastal Protection and Restoration so that a right-of-entry can be given to the U.S. Army Corps of Engineers to proceed with the aforementioned projects; and

WHEREAS, the cost for the permanent servitudes with the U.S. Fisheries and Wildlife Service is estimated at \$300 per acre; and

WHEREAS, the final cost of the permanent servitudes with the U.S. Fisheries and Wildlife Service shall be subject to appraisal.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) approves and authorizes the Orleans Levee District to pay the cost of the Servitudes with the U.S. Fisheries and Wildlife Service upon

execution of the Servitude Agreements and to request reimbursement of said cost from the Louisiana Office of Coastal Protection and Restoration.

BE IT FURTHER RESOLVED, that the SLFPA-E President is authorized to sign the Servitude Agreement with U.S. Fisheries and Wildlife Service, and 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. Goins, Mr. Jackson, Mr. Pineda and Mr. Wittie

NAYS: Mr. Estopinal

ABSENT: Mr. Barry and Mr. Losonsky

**RESOLUTION #09-17-09-12 –
APPROVAL OF TASK ORDERS FOR BURK-KLEINPETER, INC.**

Mr. Estopinal asked whether Burk-Kleinpeter provided a breakdown of the costs for the task orders. Mr. Gillen advised that a breakdown was provided. Mr. Estopinal inquired about the consultant logging in the hours of work.

Mr. Gillen explained that the USACE's contractor would dewater the Bayou St. John structure and keep it dry while the O.L.D.'s contractor sandblasts and recoats the structure and replaces mechanical items as required. The O.L.D. will be responsible for dewatering the Bayou Bienvenue structure, which includes a fender system that requires major work.

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

WHEREAS, by Resolution No. 03-19-09-13 the Board approved an Indefinite Delivery-Indefinite Quantity (ID-IQ) contract with the firm of Burk-Kleinpeter, Inc., for Professional Engineering Consulting Services for Hydraulic Engineering and Hydraulic Structures, and

WHEREAS, there is a need to perform cycle maintenance on the Bayou St. John and Bayou Bienvenue Sector Gates; and

WHEREAS, proposals were submitted by Burk-Kleinpeter, Inc. for the design and construction management for the maintenance and repairs of the aforementioned sector gates.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the issuance of a Task Order under the ID-IQ contract with Burk-Kleinpeter, Inc., for the design and construction management for the maintenance and repair of the Bayou St. John Sector Gate for an amount not to exceed \$59,914 and for the Bayou Bienvenue Sector Gate for an amount not to exceed \$74,516.

BE IT FURTHER RESOLVED, that the SLFPA-E Regional Director is hereby to execute the two aforementioned Task Orders.

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

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

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

RESOLUTION #09-17-09-13 – O.L.D. TEMPORARY ACCESS SERVITUDE WITH SEWERAGE & WATER BOARD OF NEW ORLEANS

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

WHEREAS, a Temporary Access Servitude is required from the Sewerage and Water Board of New Orleans over a shell road located between Industrial Parkway and Pumping Station No. 15 for ingress, egress and access to the project work sites for and during the construction of the following Lake Pontchartrain & Vicinity (LPV) Hurricane Protection Projects: LPV 111.01 and 111.02, Extending from CSX Railroad Gate at B/L Station 1061+69 to LPV 11.02 IHNC Tie-End at B/L Station 1342+74, Orleans Parish, Louisiana; and LPV 110, Floodwall Reconstruction at CSX Railroad Crossing; and

WHEREAS, the final form of the Temporary Access Servitude shall be approved by the Counsel for the Authority.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the Temporary Access Servitude with the Sewerage and Water Board of New Orleans, as described above, and authorizes the Orleans Levee District Executive Director to execute the Temporary Access Servitude.

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

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

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

RESOLUTION #09-17-09-14 – LBBLD SPECIAL TAX ELECTION

Timothy Jarquin, Lake Borgne Basin Levee District Executive Director, addressed the Board concerning this matter. The Lake Borgne Basin Levee District was requested by the Clerk of Court to have this resolution adopted by the Authority since a high voter turnout is not expected.

Mr. Doody added that representatives of the Authority will provide information to the St. Bernard Parish Council at its next meeting concerning this ad valorem tax renewal and will also attempt to meet with the editorial board.

On the motion of Mr. Wittie,

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

SLFPA-EAST – A RESOLUTION REDUCING THE NUMBER OF ADDITIONAL COMMISSIONERS REQUIRED PER PRECINCT FOR THE SPECIAL TAX ELECTION OF THE LAKE BORGNE BASIN LEVEE DISTRICT TO BE HELD OCTOBER 17, 2009 IN ORDER TO RENEW A TEN YEAR 4.27 MILLS AD VALOREM TAX ON ALL PROPERTY SUBJECT TO TAXATION WITHIN SAID DISTRICT

WHEREAS, the Southeast Louisiana Flood Protection Authority - East (the “Governing Authority”) as the governing authority of the Lake Borgne Basin Levee District (the “District”) previously called and ordered a special election to be held on October 17, 2009 in order to renew a special ad valorem tax of four and twenty-seventh hundredths (4.27) mills on all property subject to taxation within the District for ten years beginning with the year 2011 and ending with the year 2020 (the “Special Tax Election”) pursuant to Title 18, Chapter 6-A of the Louisiana Revised Statutes of 1950 as amended for the purposes of constructing and maintaining necessary levees, levee drainage, flood protection, hurricane and flood protection projects and all other purposes incidental thereto; and

WHEREAS, the Governing Authority desires to reduce the number of additional commissioners required per precinct for the Special Tax Election pursuant to La. R.S. 18:425(A)(2); and

WHEREAS, the Governing Authority has received approval from the St. Bernard Parish Board of Election Supervisors to reduce the number of additional commissioners to two per precinct; and

WHEREAS, the Governing Authority is of the opinion that such a reduction in the number of additional commissioners required per precinct pursuant to La. R.S. 18:425(A)(2) is not detrimental to the conduct of the Special Tax Election and that such a reduction will result in cost savings to the Governing Authority.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST as the governing authority thereof that:

SECTION 1. Findings and determinations. The Governing Authority hereby finds and determines that reducing the number of additional commissioners required per precinct for the Special Tax Election is not detrimental to the conduct of the Special Tax Election and such a reduction will result in cost savings to the Governing Authority.

SECTION 2. Reduction in Number of Additional Commissioners Per Precinct. Pursuant to the provisions of La. R.S. 18:425(A)(2), with the approval of the St. Bernard Parish Board of Election Supervisors, the number of additional commissioners is hereby reduced to not less than two for each precinct for the Special Tax Election. In no event shall there be less than one commissioner-in-charge and two additional commissioners per precinct.

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

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

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

RESOLUTION #09-17-09-15 – LBBLD AUCTION

Mr. Jarquin advised that the auction was advertised four times in the newspaper. Mr. Turner noted that some of the monies received for vehicles that were flooded during Hurricane Katrina may go to FEMA.

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

WHEREAS, the Lake Borgne Basin Levee District intends to conduct an auction for the purpose of selling damaged and/or surplus moveable assets/equipment; and

WHEREAS, said auction is scheduled for September 23, 2009; and

WHEREAS, the items scheduled for auction are listed on “Exhibit A”, *attached and made part hereof.

BE IT RESOLVED, that the Lake Borgne Basin Levee District is hereby authorized to sell the damaged and/or surplus moveable assets/equipment listed on “Exhibit A” at an auction scheduled for September 23, 2009.

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

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

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

*Attached to minutes.

RESOLUTION #09-17-09-16 – LPV 149 – CAERNARVON CANAL FLOOD CONTROL (SECTOR GATE) STRUCTURE

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

WHEREAS, the U.S. Army Corps of Engineers’ recommended alternative to achieve 100 year protection for the Caernarvon Flood Wall (LPV 149) will re-align the protection system for this reach to the west of the exiting alignment; and

WHEREAS, the proposed re-alignment of protection will require the construction of a flood control structure across the Caernarvon Canal; and

WHEREAS, consideration is being given by the U.S. Army Corps of Engineers to construct a stop log structure instead of the long proposed sector gate across the continuously used navigable waterway; and

WHEREAS, a stop log structure is less reliable and requires more maintenance and a considerably longer time frame for closing than a sector gate, which places a greater burden on the Lake Borgne Basin Levee District's limited resources; and

WHEREAS, the Southeast Louisiana Flood Protection Authority-East supports the construction of the Caernarvon Canal sector gate.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) authorizes the President of the SLFPA-E to sign and submit a letter in support of the construction the Caernarvon Canal sector gate.

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

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

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

RESOLUTION #09-17-09-17 – LBBLD AUTHORIZED CHECK SIGNATORIES

On the motion of Mr. Wittie,

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

WHEREAS, Jason P. McCrossen is no longer the Executive Director of the Lake Borgne Basin Levee District; and

WHEREAS, Timothy L. Jarquin was appointed the Executive Director of the Lake Borgne Basin Levee District as of August 17, 2009, and

WHEREAS, the Lake Borgne Basin Levee District has funds on deposit with Gulf Coast Bank; and

WHEREAS, authorized signatories must sign a signature card with Gulf Coast Bank in order to execute transactions on behalf of the Lake Borgne Basin Levee District.

BE IT HEREBY RESOLVED, that Gulf Coast Bank is hereby authorized to remove Jason P. McCrossen from the referenced signature card.

BE IT FURTHER RESOLVED, that Gulf Coast Bank is hereby authorized to add Timothy L. Jarquin in his capacity as Executive Director of the Lake Borgne Basin Levee District to the signature card and Timothy L. Jarquin is hereby authorized to sign same.

BE IT FURTHER RESOLVED, that Peggy J. Sembera, in her capacity as Administrative Assistant of the Lake Borgne Basin Levee District, and Robert A. Turner, Jr., in his capacity as Regional Director of the Southeast Louisiana Flood Protection Authority-East, shall remain as authorized signatories on said signature card.

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

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

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

There was no further business; therefore, the meeting was adjourned at 3:48 p.m.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

REGIONAL DIRECTOR'S REPORT

September 17, 2009

100 Year Level of Protection

Inner Harbor Navigation Canal Hurricane Storm Surge Barrier:

Design work on the project continues. The overall design of the entire project is approximately 75% complete. Our emphasis continues to be Operation & Maintenance considerations and the necessity to "design in" reasonable O&M features early in the process.

About 81% of the 66" diameter concrete piles (1036 piles), 35% of the closure piles (890) and 21% of the batter piles (142) have been driven with no major difficulties. All 66" diameter concrete piles should be in place before the end of October 2009.

The support piles for the Barge Gate foundation have been driven. Work on the installation of the cofferdam sheet piles for the GIWW barge gate structure is continuing. Fill operations in the MRGO segment of the project are complete.

Bayou Bienvenue is now closed to all navigation at the Project site due to lift gate construction.

We requested the USACE to construct the Bayou Bienvenue Lift Gate towers using reinforced concrete to minimize long term maintenance costs. Despite our repeated requests, the Corps has decided to design the towers utilizing steel framing.

The Project Team continues to meet weekly to discuss hurricane preparedness and evacuation plans. There are more than 140 marine vessels working on the Project.

East Jefferson Levee District:

Reach 1:

The Construction Contract was awarded in August and the pre-construction meeting was held in early September.

Reach 2:

The contractor has begun work on this project. Silt fencing is in place, and clearing/grubbing operations on the existing levee section have begun. Pieces of debris (broken concrete, pieces of iron, etc.) have surfaced during these operations. The USACE is formulating a plan to address this issue.

Reach 3:

The Contractor has begun work on this project. He is mobilizing equipment and installing silt fencing.

Reach 4:

The Construction Contract should be awarded this month. The Contract will ultimately contain provisions to address the seepage areas along this reach.

Reach 5:

Work on this Reach continues. The Project is more than 50% complete. Scheduled completion is set for January 2010.

Bonnabel Breakwater Project:

Work is progressing and is approximately 30% complete. The scheduled completion is December 2009.

Duncan Breakwater Project:

The Construction Contract was awarded in August 2009.

LPV 017.2 (Causeway Crossing):

The OCPR and USACE are reviewing compensability issues for utility and facility relocations. Pile load testing will begin soon. Design is scheduled for completion in October 2009. Contract award is scheduled for February 2010. A CEA or MOU will be required at some point to define OMRR&R responsibilities for the various parts of the project.

West Return Levee (Airport Runway):

A meeting was held with the Airport and OCPR to discuss construction and safety issues associated with the reconstruction of the levee segment located at the west end of the east-west runway, and to develop a strategy to move forward. We are awaiting word from OCPR.

Orleans Levee District:

LPV 101.02 (17th St. Canal to Topaz Street):

A Construction Contract was awarded on July 31, 2009 and NTP was issued in August 2009. Work includes demolition of the existing floodwall and replacement with a new concrete T-Wall with a top elevation of +16.0 (NAVD88.2004.65). The Project is scheduled for completion in June 2011.

LPV 102.01, 103.01, and 104.01 Projects are 100% complete.

LPV 103.01 A1 (Bayou St. John):

The Construction Contract has been awarded and NTP was issued last month.

LPV 103.01 A2 (Rail Street and Lake Terrace Flood Gate):

65% Design Submittal is scheduled for November 2009.

LPV 104.01 A (Ramp Crossings – Lakeshore Dr.):

Solicitation for Construction Bids went out earlier this month.

LPV 104.02 (Seabrook West Side IHNC):

This project includes the construction of a new T-Wall. Plans and specs are scheduled for completion later this month.

LPV 105.01 (Lakefront Airport T-Wall West):

Plans and specs are scheduled for completion later this month.

LPV 105.02 (Lakefront Airport T-Wall East):

Plans and specs are scheduled for completion in November 2009.

LPV 106 (Citrus Lakefront Levee):

A stop design work order was issued because of an anticipated major change involving the location of the I-Wall on the levee crown.

LPV 107 (Lincoln Beach Floodgate):

Plans and specs are scheduled for completion in October 2009.

LPV 108 (New Orleans East Lakefront Levee):

The majority of the required construction (earthen embankment) is complete (96% complete). A design modification was required for the Collins Pipeline crossing. As a result, the scheduled completion date has been changed to January 31, 2010. The Project will bring the elevation of the levee to pre-Katrina authorized elevation, which is higher than the new 100 year elevation.

LPV 109.2a (South Point to CSX Railroad):

The Permanent Servitude Agreement with USFWS has been drafted and is still under review. Plans and specs are scheduled for completion in December 2009.

LPV 109.02a1 (South Point to CSX Railroad - Wick Drain Test Section):

The Contract has been awarded and the NTP has been issued. Anticipated time to completion is 60 days.

LPV 109.02b (South Point to CSX Railroad - I-10 Crossing):

Plans and specs are scheduled for completion in November 2009.

LPV 109.02c (South Point to CSX Railroad – Hwy 90 and Hwy 11 Floodgates):

Plans and specs should be completed this month.

LPV 110 (CSX Railroad Crossing):

Plans and specs should be complete in November 2009.

LPV 111.01 (North Side GIWW):

The USACE awarded a \$3.1 million pre-construction services contract (ECI Contract) in July. The contract includes three options for construction of levee sections, and a T-wall from the end of the earthen levee to the Inner Harbor Navigation Canal tie-in. These options, when exercised will account for the majority of the estimated \$295 million in project construction costs.

LPV 113 (NASA):

Construction has begun and is approximately 2% complete.

Lake Borgne Basin Levee District:

LPV 144 (Bayou Dupre Control Structure):

This project will replace the existing Bayou Dupre Control Structure (sector gate) with a new sector gate. The 95% design submittals are due in later this month. Per our request, the design was modified to include a secondary means for closure of the gate leaves without having to secure the services of a tug boat. A “portable” hydraulic power unit will be supplied along with the required attachment locations on the main structure.

LPV 145 (Bayou Bienvenue to Bayou Dupre):

The project includes approximately 6 miles of new T-Wall atop the existing earthen levee. An ECI Contract has been awarded for this reach. We are working with the Contractor to allow access to the site via an Orleans Levee District ROW and a road owned by the New Orleans Port Authority. A temporary bridge across Bayou Bienvenue and an aggregate surfaced access roadway the length of the project will be constructed in the next few months.

LPV 146 (Bayou Dupre to Verret):

The project includes approximately 8 miles of new T-Wall atop the existing earthen levee. An ECI Contract has been awarded for this reach.

LPV 147 (LA Hwy 46 and LA Hwy 300 Flood Gates):

The project includes a new set of floodgates at LA Hwy 46 and the replacement of the existing floodgate at LA Hwy 300. An emergency by-pass ramp will be constructed at the LA Hwy 46 location. The designs and specifications are scheduled for completion in November 2009.

LPV 148.02 (Verret to Caernarvon):

The Project includes approximately 9 miles of new T-Wall atop the existing earthen levee. An ECI Contract is scheduled to be awarded before the end of this month.

LPV 149 (Caernarvon Floodwall – Lake Borgne Basin Levee District):

The project design requires a realignment of the Caernarvon levee/floodwall to a location east of the Caernarvon Canal. The new alignment necessitates the construction of a new Control Structure in the Caernarvon Canal.

The original concept and design of the new closure structure was a sector gate. The USACE is now considering use of a stop log structure instead of a sector gate at this location. We have strongly objected to the use of a stop log structure for numerous reasons, including reliability operability, and safety. We expect Colonel Sinkler to make a final decision on this important matter in the very near future.

The new alignment requires construction of a section of the project outside of the jurisdiction of Lake Borgne Basin Levee District. We are still working with Plaquemines Parish officials to develop and execute an agreement between Plaquemines Parish Government and Lake Borgne Basin Levee District that will allow for that portion of the project located in Plaquemines Parish. The agreement would allow for construction of the project on the proposed alignment and would place the responsibility for operation and maintenance of the project with LBBLD. Draft language for the agreement was developed by Mr. Lacour and Mr. Hanna, and has been forwarded to Plaquemines Parish for review and comment.

Permanent Pump Stations and Outfall Canals:

According to the USACE, they are authorized and funded to design/construct perimeter protection only (Option 1). They are authorized but not funded to do an engineering study, which would include modifying the outfall canals to allow for gravity flow to the new pump stations at the lake and removing the existing upstream pump stations (Option 2/2a). This study would include a risk assessment of Option 1. Funding for the study would probably have to be included in the Corps' Federal Works Appropriations Budget.

According to USACE, design and construction Option 2/2a is neither authorized nor funded. All agree, however, that Option 2/2a is technically superior to Option 1 alone. In any case, it is imperative that the new pump stations be designed and constructed with deep sills to accommodate construction of Option 2/2a. Failure to do at least this would make conversion of the outfall canals to gravity flow low level interior drainage channels impracticable.

Development of the RFQ for design/build is continuing with input from stakeholders.

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 2009. The map can be found at the following web address:

http://www.mvn.usace.army.mil/hps2/pdf/100-Year%20Status%20Map_051209_Final.pdf

Coastal Protection and Restoration

Lake Borgne Basin Levee District:

The Violet Freshwater Diversion siphon is shut down due to low river conditions. LBBLD is preparing specs for the purchase of a new vacuum pump. LBBLD will be reimbursed by DNR for the cost of the pump.

The MRGO closure at Bayou La Loutre ridge is complete. More than 340,000 tons of rock were used to complete the closure.

Additional Coastal Restoration projects in the MRGO area scheduled to begin during the next 12 months. The projects will be designed and constructed through the USACE and will be funded with the \$75 million dollars in federal appropriations provided after Hurricane's Katrina and Rita.

Flood Fight

There are no active flood fight activities at this time. The Mississippi River is below 4' at the Carrollton Gage in New Orleans. We are monitoring the tropics for possible tropical storm/hurricane development.

The Bayou Bienvenue and Bayou Dupre Control Structures have been closed for a good part of this month due to higher than normal tides.

Design and Construction

East Jefferson Levee District:

It has been determined that the source of the seepage noted in Reach 4 is from rain water finding its way into the levee section probably via shrinkage cracks and/or fissures. The USACE will develop a plan and address this problem during the upcoming Reach 4 construction project.

Orleans Levee District:

Work is complete on the LPV 101.01 Advance Measures sheet pile contract. The USACE is awaiting the revised set of As-Builts from the contractor before turning this project over to Orleans Levee District for O&M.

Construction on LPV 117 Project (East Side IHNC) is complete. The project involves the installation of approximately 20 relief wells.

Murray Architects is proceeding with the Safe House plans and specification for Orleans Levee District. The project is scheduled for advertisement in October 2009.

Lake Borgne Basin Levee District:

LPV 148.01 (Verret to Caernarvon) is 99% complete. The project brings the earthen levee up to the pre-Katrina authorized elevation.

The Construction Contract for the fabrication and installation of new trash screens at Drainage Pump Stations 2, 3, and 5 has been executed and the NTP has been issued. A pre-construction meeting was held earlier this month. The Contractor estimates that the screens will be fabricated and ready for installation in about 30 days.

The bids for the Bluebird and Artillery Canal Cleaning Project have been evaluated and LDOTD is proceeding with Notice of Award to the lowest bidder, Regency Construction.

Work is continuing on the Taintor Gate Repairs at P.S. Nos. 1 & 4. The project is on schedule for completion in late September 2009. A punch list has been developed and we are working some issues regarding available air pressure and the pneumatic cylinders.

An auction is being planned to dispose of vehicles and equipment destroyed by Hurricane Katrina.

Internal Affairs

The end of the year audit is complete.

The contract for the Safe House in EJLD has been executed and work has begun.

Work on the Contract for Safe Rooms at selected LBBLD pump stations is well underway. Digital Engr. has developed some conceptual plans for the safe rooms located in the selected pump stations, and they will provide a cost analysis for the proposed safe rooms vs. stand alone safe houses in the final report. The report should be completed before the end of October 2009.

The USACE will issue new reports on computed Safe Water Elevations for the three outfall canals in Orleans Parish. The London Ave SWE report is undergoing peer review. Review comments will be addressed before any of the reports are completed and released. The London Ave Report is scheduled for completion in November 2009.

Data is being collected for the Levee Information System Pilot Project and will be forwarded to the Dutch Group. The Dutch will conduct a second series of meeting here in New Orleans to finalize the scope in late October.