

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, FEBRUARY 17, 2011**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, February 17, 2011, in the Geohegan Grand Ball Room in the Homer L. Hitt Alumni Center, University of New Orleans, 2000 Lakeshore Drive, New Orleans, 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 9:35 a.m. and led in the pledge of allegiance.

PRESENT:

Timothy P. Doody, President
John M. Barry, Vice President
Louis E. Wittie, Secretary
Stephen Estopinal, Treasurer
David P. Barnes, Jr.
Thomas L. Jackson
George Losonsky, PhD
Ricardo S. Pineda

ABSENT:

Stradford A. Goins

OPENING COMMENTS:

Mr. Doody advised that the U.S. Army Corps of Engineers (USACE) has tentatively scheduled its quarterly bus tour on March 18th and will schedule a helicopter tour of the system in the near future. Additional information will be provided on these events.

Mr. Doody reported that the SLFPA-E is working on legislation that would bring the USACE and the State's requirements on permitting distances from the Mississippi River levee toe in line with each other.

Mr. Doody advised that he will request that the USACE provide a presentation to the Board at its next meeting on the status of completion of the Hurricane and Storm Damage Risk Reduction System (100-year protection) projects projected for June 1st.

Mr. Doody reported on several issues concerning USACE projects. The emergency beam for the gate that crosses the roadway that was originally included in the plans and specifications for LPV 147 was subsequently removed because it was determined by an attorney to be an operations and maintenance feature. The emergency beam was to be utilized in the event the permanent beam was struck and damaged. The SLFPA-E is working with the USACE to provide some level of protection for the beam. The USACE plans to utilize a bridge near the St. Mary's Pump Station for project LPV 148.02. The

SLFPA-E plans to inventory the bridge before and after the USACE's use in order to document for repair any damage that may be caused. Cracks have developed in the base slab of LPV 145 and in some instances are projecting into the monoliths. The USACE has been requested to provide information to the SLFPA-E on how this issue will be addressed.

Mr. Jackson commented relative to a recent television news report with respect to certain issues dealing with USACE designs. He stated that it is important for the public to know and fully understand that the contract with the USACE is not with the SLFPA-E. The contract is between the USACE and the Louisiana Coastal Protection and Restoration Authority (CPRA). The contract does not contain a provision for the SLFPA-E to legally dispute or force issues with the USACE. The SLFPA-E Board has been dealing for quite some time with the issue of uncoated steel in St. Bernard Parish and first addressed the issue when the USACE started driving the uncoated sheetpile. The issue of using uncoated sheetpile has now been taken up by the CPRA. The CPRA is the entity with the legal authority to challenge the USACE's design and is in the process of doing so. A member of the staff for the CPRA participates in the Engineering Advisory Committee's monthly meetings in order to discuss such issues.

Mr. Jackson explained that the SLFPA-E has been pursuing the design and protection for the outfall canals since he became a member of the Board. The outfall canals represented a serious danger to the people of Orleans Parish. The Board has pushed the USACE to make some changes, perform detailed surveys and soil borings to determine the stability of the existing canal levees/floodwalls and to do remediation. Plans were developed and the construction of the remediation is currently taking place. In addition, at the recommendation of the Engineering Advisory Committee the firm of Halcrow, Inc. was retained by the SLFPA-E to confirm the computations by the USACE's engineers on the safety factor and stability of the outfall canal levees/floodwalls. Halcrow was retained by the SLFPA-E to advise at what elevation the levee/floodwall would become unstable (a factor of safety of 1 or the point of imminent failure) in the areas along the outfall canals where no remediation work is being done. This elevation has been identified as approximately +10-ft. or two feet above the safe water elevation of +8-ft. The SLFPA-E is in the process of scheduling a meeting with the USACE to discuss a number of issues concerning the outfall canals. One of the issues that has been discussed by the Board and Engineering Advisory Committee and will be discussed with the USACE is investigating the consideration of lowering the height of the outfall canal levees/floodwalls to a safe and stable containment level. The levees and floodwalls along the outfall canals provide water containment to an elevation of +12 to +12-1/2 feet; however, the spot computations performed by the SLFPA-E's consultant (Halcrow) show that many sections of the levees reach failure at around elevation +10-ft. The SLFPA-E's consultant only performed spot computations and not a complete survey due to the cost. An overspill of the levee/floodwall would be far better than a disastrous breach should an extreme high water situation result from a failure in the coordination between the Sewerage and Water Board's interior pump stations and the lakefront pump stations. A disastrous breach would not only severely impact adjacent homes, but could also shut down the pumping station during the height of a storm and possibly for several days thereafter.

Mr. Jackson advised that the SLFPA-E has issued a task order to Taylor Engineering, Inc. to review the hurricane surge frequency analysis. A question had been brought up concerning the initial evaluation of peak surges from storms and about the storms used in the analysis. These issues are currently being reviewed and the SLFPA-E will take the appropriate action when the review has been completed.

Mr. Jackson explained that, in conjunction with the other issues relative to the outfall canals, the SLFPA-E requested that the USACE provide a clean out template. The template would indicate the depth, width and shape to which the canals could be cleaned out in the future when a clean out becomes necessary because of silting. An official request will be made at the upcoming meeting with the USACE. The template will ensure that any future clean out of the canals by the Sewerage and Water Board will not violate the stability of the levees on either side of the canals.

Mr. Jackson advised that at its last meeting the Engineering Advisory Committee requested and received a presentation from the USACE on the design of the project along Hayne Boulevard because of an e-mail from a former Commissioner. The Committee was satisfied with the design that was presented. The design cuts off the sand layer beneath the levee that continues across the roadbed. Only an additional height of two to four feet is required above existing levee. The base of the existing levee cannot be expanded because the levee is situated between the railroad and Hayne Boulevard and the levee toe is currently at the roadway curb. The Committee agreed with the USACE's approach relative to the Hayne Boulevard Levee.

Mr. Jackson stressed that the Board continues to pursue the review of the USACE's works and to work through them to satisfy the requirements set by the Board for the safety of the public. The Board does not rubber stamp. He reiterated that the SLFPA-E is not a contract party with the USACE and that the Board continues on a very aggressive basis to review all of the issues with the USACE. The Board has for the most part received cooperation. He stated that it was only because of this Board's pursuit relative to the outfall canal levees/floodwalls that the remediation work is being done. Initially, the USACE refused to look at remediation. The Board was concerned that the USACE patched the failure points after Hurricane Katrina; however, the remainder of the outfall canal levees were left untouched, unchanged and potentially vulnerable. The Board did not know that the outfall canal levees/floodwalls were absolutely vulnerable until the computations were made with the additional soil borings and additional surveys.

Mr. Pineda advised that he participated by teleconference in a USACE meeting that was attended by Stevan Spencer, SLFPA-E Regional Chief Engineer, concerning the USACE Levee System Evaluation Report (LSER). This was the first meeting of the LSER group. The USACE has taken the lead in putting together a certification report for the Hurricane and Storm Damage Risk Reduction System (HSDRRS). He explained that the local community, levee maintenance agency or appropriate federal agency must certify to FEMA that the structural flood control system that would contain the flood waters in a one percent annual chance event (100-year event) meets all of the federal requirements and regulations. In the past the process allowed grandfathering of systems. However, even prior to Hurricane Katrina, FEMA advised that there would no

longer be grandfathering and that documentation must be provided. Certification reports must now be more technically sound and founded on science and engineering. LSER meeting participants included a large gathering of representatives from the State, the USACE, the consulting community and the local levee districts. He added that this is a complex process that requires the gathering of a large amount of engineering and science information and data that has already been put together. When this process is completed, the USACE will certify to FEMA that the levee system provides at least one hundred year protection. According to the new USACE guidance, this certification process will be good for ten years. After this ten year period, the entity that will have to resubmit certification information to FEMA will need to be determined. Mr. Doody added that the certification to FEMA ties into National Flood Insurance Program rates. Usage of the USACE's LSER certification process has been reviewed by the CPRA, who must ultimately make the decision. Mr. Pineda explained how the certification to FEMA allows the community to purchase flood insurance at affordable rates.

Mr. Estopinal pointed out that meeting the FEMA requirements for certification for insurance should not be confused or equated with protection against flooding. FEMA will allow payment for insurance at subsidized rates if certain criteria are met. He stated that just meeting the FEMA 100-year criteria is not anywhere close to being safe. The FEMA 100-year criteria should not be a goal for flood protection. Mr. Doody stressed the importance of evacuation when ordered even after the HSDRRS is completed. Mr. Pineda pointed out that the goal of a 500-year system was included in the SLFPA-E's original Strategic Plan, as well as the plan updates that will be considered by the Board in March. Taylor Engineering, Inc. is working with the Engineering Advisory Committee to develop information relative to a 500-year water surface elevation surge and to determine whether anything can be done by the USACE, the State or the levee districts to make the system perform robustly against a 500-year event. Mr. Doody stated that the SLFPA-E is working on public outreach to ensure that risks are communicated adequately to the public.

Mr. Doody explained that the Levee Information Management System (LIMS) was developed through a joint venture of the SLFPA-E and a group of Dutch engineering firms through a grant from the Dutch government. The LIMS developed through the Grant provided an example for potential development throughout the system. The SLFPA-E had additional work performed to expand the LIMS to provide technical information on floodgates and the status of the opening and closing of floodgates. The Southeast Louisiana Flood Protection Authority-West (SLFPA-W) has been in contact with the SLFPA-E concerning its inclusion in the expanded LIMS.

Mr. Turner further explained that the Emergency Module of the LIMS was completed about two months ago by Royal Haskoning under a contract with the SLFPA-E. The module was originally put together for use by the three active levee districts under the SLFPA-E's jurisdiction. The SLFPA-W has expressed an interest in using the LIMS emergency module and has joined with the SLFPA-E in an attempt to obtain regional support in order to make the Emergency Module of the LIMS a web based tool that could be used by other levee districts. The Office of Coastal Protection and Restoration (OCPR) and the Pontchartrain Levee District have expressed interest in using this tool

and are willing to pay a portion of the costs. Interest has also been expressed by the USACE.

ADOPTION OF AGENDA:

The Agenda was amended to include the following additions or revisions:

- To add Item XII.B.1 to approve the addition of a chain link fence for safety purposes to the contract for the Lakeshore Linear Park Erosion Protection Project.
- To defer Item XII.A.3 relative to the issuance of a task order for engineering services.
- To add Item XII.D.3 to approve the execution of a contract with Waldemar S. Nelson for engineering services to address seepage issues at Pump Stations #2 and #3.
- To add Item XIII.18 under Executive Session - Haspel & Davis Milling & Planting Co., Ltd., Jean Mayer Connell, Joseph Jean Torre, Sr., Bohemia Planting Co., Inc., Leonie Davis Rothschild and Arthur Q. Davis, for Themselves and on Behalf of all Others Similarly Situated vs. Board of Levee Commissioners of the District, No. 31-357, Division "A" 25th Judicial District Court for the Parish of Plaquemines.

A motion was offered by Mr. Barry, seconded by Mr. Jackson and unanimously adopted by roll call vote, to approve the amended agenda.

**RESOLUTION NO. 02-17-11-01 –
APPROVAL OF THE JANUARY 20, 2011 BOARD MEETING MINUTES**

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the minutes of the Board Meeting held on January 20, 2011.

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

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

NAYS: None

ABSENT: Mr. Goins

PUBLIC COMMENTS:

Amy Sins, a resident along the 17th Street Canal, read some of the comments made by Judge Kern Reese in the Proceedings in the matter of the 17th Street Canal Coalition, et al versus Orleans Levee District, et al, consolidated with Terry and Nina Lonatro, et al versus Orleans Levee District and Southeast Louisiana Flood Protection Authority-East, CDC Nos. 2008-6979 and 2011-0097. She quoted Judge Reese' statements, as follows: "I hold to my belief that a new servitude was created in 2006. They were not compensated for that servitude, that constitutes an unpermitted taking without just compensation. And as a consequence I think that if that is born out at trial with

sufficient evidence presented then damages may be owed. That remains to be seen. And it remains to be seen whether that will be tried in this court or in another court. But I think that is the issue that's present." "And one final thing I'll say to these property owners, you know, one of my favorite subjects was Civics, and I learned a long time ago that there are three branches of government, executive, legislative and judicial, and I only represent one aspect, on the federal side you have a couple of branches of government that you may petition, and I strongly urge you to do that as citizens, to make your voices heard loud and long about this situation. We have a duty to take care of ourselves in this part of the world and we love living here, but we also have a duty to stand up as citizens. So I urge you to do that." Ms. Sins stated that the residents along the 17th Street Canal will be standing up and will be taking this issue to Federal Court.

Carol Byram, a resident along the 17th Street Canal, commented that she provided volumes of information on the reason why a separate vote should have been taken on the property in Lakeview South and that the USACE did not provide any information. However, a separate vote was not taken by the Board and she called this action a rubber stamp. She commented on the impacts of this vote.

Mr. Doody stated that the Board wrestled with this issue for well over a year. He could not comment further since the matter is still in litigation.

Craig Berthold, a resident along the 17th Street Canal, provided a copy for the record of the transcript of the hearing from which Ms. Sins quoted. He commented that the decision was overturned at appeals, but by only one vote. He read the dissent of Fourth Circuit Court of Appeal Judge McKay, "I would deny this writ. I believe that genuine issues of material fact exist as to if, when, and how the Orleans Levee District acquired the levee servitude. Accordingly, it is questionable whether La. R.S. 38:225 gave it the right to clear the area adjacent to the levee. As such, the Orleans Levee District's motion for summary judgment is not appropriate." He noted that in the July 15, 2010 Board meeting minutes that Mr. Doody stated that one of the most discussed topics at an Association of Levee Boards' meeting was the 2010 Legislative Session and House Bill 1324, which dealt with the acquisition of property. The July 15th minutes went on to say, "The version of HB 1324 that was finally passed repealed a portion of the current State law that had allowed levee districts to acquire land for projects without having money appropriated and paid into the registry of the court." He stated that the main topic of conversation was not the issue of Option 1 versus Option 2, but dealt with the acquisition of property without payment. Therefore, he felt that the acquisition of property is one of the major focuses of this Board. He stated that he saw the recent WWL news article and that the statement relative to rubber stamping made by a former Vice President of the Board was a scathing indictment. He stated that the residents have brought up valid issues. He added that there are other judges that have the same belief as Judge Reese and that this case will be brought to Federal Court.

Mr. Doody advised that the Association of Levee Boards of Louisiana (ALBL) is a forum that deals with issues affecting all levee districts in the State and not the issues that affect a single levee district, such as the Option 1 versus the Option 2 issue.

Mr. Berthold reiterated that the focus of the levee boards around the State was the acquisition of property.

Mr. Pineda pointed out that the impacts of encroachments on levee integrity and operations and maintenance, as well as property rights adjacent to a levee where encroachments like vegetation and fences may exist, is a national issue. The USACE and local agencies are attempting to deal with this issue in proactive ways throughout the country. He explained that the organization that he works with in California is responsible for 1,600 miles of Federal levees. A number of those levee reaches have been kicked out of the USACE's Emergency Assistance Program because of unauthorized vegetation. An interim agreement allows California not to totally remove all of the vegetation; however, incremental progress must be made. Most of the variants are on the wet side of the levee and provide the environmental habitat for endangered species. He reiterated that every levee organization in the country is struggling with this national issue.

Mr. Berthold commented that the minutes of past Boards meetings discussed appropriations and compensation. At that time there was no knowledge of a servitude along the London and 17th Street Canals. He stated that the servitude under the St. Julien doctrine was not enforced until 2008 and that the enforcement in 2008 had property owners losing ten to twenty percent of their property without compensation.

Mr. Doody stated that this is the heart of the litigation; therefore, he could not discuss the issue.

Mr. Barry stated that the Board dealt a very long time with this issue and that he personally thought that this was the most difficult vote that he had cast. He explained that from the Board's perspective, when the Board is told by its attorneys that the SLFPA-E does not owe the money and that this position is supported by law, then it would not be appropriate for the Board, even if it wanted, to hand out taxpayer money. The reason this was such a big issue for the ALBL was the statewide implications and the enormous expense. Changing the law would have cost hundreds of millions, and possibly billions, of dollars statewide. Eventually, this would have meant either taxes would go up for everybody or flood protection would go down for everybody. He stated that he had sympathy for the residents; however, he also has a fiduciary responsibility not to spend money when it is not necessary. The attorneys have said not only that the Board does not have to spend the money, but that it should not spend the money. He added that this issue is in court and that the court will make a decision.

Roy Arrigo, a resident along the 17th Street Canal, stated that his comments were not directed at all of the Board members, but primarily focused on the Board members who were present and voted to take the residents' property in 2008 and fought so long to block compensation. He read from a prepared statement (copy attached to minutes).

Mr. Doody commented that the Board must represent everyone in the City and that the litigation must run its course.

Mr. Barry stated that when the residents talk about their property rights and the issue of compensation, he has a lot of sympathy for them even though he is obviously on the other side when in court. However, when it is said that this Board does things like rubber stamp Option 1, it only agitates everyone on the Board. He stated that he did not think that anyone in the State has worked harder to prevent that from happening than the members of this Board and commented on the hours that he, Mr. Jackson and Mr. Doody had put in. Therefore, when these things are melded together, it is not only a total misstatement of fact and distortion of reality, but it hurts the position of the residents both publicly and in his eyes and makes him lose the sympathy that he had.

Mr. Arrigo asked, did the Board vote to give the USACE the go ahead on Option 1? Mr. Barry responded that he was not going to go back and forth into exactly what the Board did or did not do. In order for construction to proceed, the Board did get the USACE to make sure that the construction that is on-going will be consistent with Option 2 should Option 2 ever be approved. This would not have happened without this Board.

Mr. Doody added that the action taken by the Board would allow all of the homeowners to be mapped into FEMA so that everyone could in fact purchase flood insurance. He pointed out that the Board is limited in what it can say and that it was difficult to respond to accusations because of the on-going litigation. He added that he was sympathetic to the residents.

Mr. Jackson stated that he has literally worked full time since before this Board was convened to do the proper thing on the outfall canals in Orleans Parish. He stated that he was selected as the representative for East Jefferson. However, he has spent countless hours at no compensation whatsoever to try to get the proper things done for the three outfall canals and the proper thing done for the pumping stations proposed at the lake end of the canals. He stated that it hurt to hear comments that the Board ignored the issue and approved Option 1. Mr. Jackson stated that he testified before the Senate Committee on Environment and Public Works three times on this issue. He stated that he attended the first meeting on the three outfall canals the Friday after the Board was sworn in and that he attended several meetings at the USACE at their invitation because of his expertise in drainage outfall and pumping stations. He stated that no one has fought harder on the outfall canals issues.

Mr. Arrigo commented that Mr. Jackson stated at the September, 2007 Board meeting that he was opposed to the taking of the property and felt that the homeowners should be compensated. However, in May of 2008 he voted to do exactly the opposite.

Mr. Jackson responded that if it was within the law for the Board to compensate the homeowners, then he would certainly vote to compensate the homeowners. However, the Board's attorneys have been to court, and the case went to the Court of Appeal and is now going to the Federal Court, which will decide whether or not the homeowners should be compensated. He commented that his expertise is engineering.

Mr. Arrigo stated that there is no law that would have prevented the Board from voting against moving forward without compensation, which he felt was the issue.

Mr. Barnes commented that he is a meteorologist and not an attorney, but that he would like to echo some of the comments presented by some of the members of the Board. He stated that the Board may not be right in every single issue; however, everyone on the Board works hard and is very much concerned about the issues and the taking of property. He stated that the Board has a lot of empathy for the homeowners who have lost or may not be able to use their property. He stated, however, let's look at the bigger issue. We're talking about a much, much smaller number of people that may justly or perhaps unjustly be hurt by the taking of this property and not being compensated, but we're also talking about what this Board is about, which is to provide better safety from storm surges from hurricanes for not just a few homeowners along canals or the lakefront, but for the entire region. He stated that we're talking about safety for thousands, and perhaps hundreds of thousands, of homes and businesses, as well as the residents that may be inconvenienced or may lose some of their property or the rights on the property. He stated that this is the Board's charge. Even though the Board feels sorry for people who are not being properly compensated for losing a small or modest portion of their property, it is doing what it thinks it is supposed to do and trying to follow the law. He reiterated that the Board is looking at trying to provide safety not just for the residents along the canals, but for hundreds of thousands of homes and businesses within the system. He stated that the Board may not be perfect, but it is working very hard to do what is in the best interest for the region as a whole.

Mr. Doody explained that the Board is working very hard and understood the frustration of the property owners with the Board and with what is happening. However, the Court will decide whether there is a taking, whether or not compensation is due and whether there is a restricted use of property. He stated that he did not want anyone to read into the minutes at some future point that the Board admitted anything because the Court will make that decision and not this Board.

Mr. Berthold commented that proper flood protection and proper compensation for acquired property rights are not mutually exclusive.

Mr. Doody explained that the Board has a responsibility to all of the taxpayers and cannot give money without direction to people who say that they are owed or due a certain amount of money. This is a question that will ultimately be decided by the Court. The Board does not and should not have that leeway.

Mr. Barry stated that when the vote was taken the USACE told the Board that they would decertify the levee if they were not allowed on it to do the work. Decertification of the levee would mean that no one within the flood plain of the outfall canals would be able to purchase flood insurance. This would also have affected home mortgages.

Carlton Dufrechou stated that he is the former Executive Director of the Lake Pontchartrain Basin Foundation (LPBF) and currently a member of the LPBF Board and that he was providing comment as a citizen of New Orleans. He commented that he has attended many meetings with members of this Board and that the Board is focused on storm protection and does not rubber stamp. The Board is placed in situations where it must make decisions. He added that this region is very much at risk and that construction of 100-year protection is still insufficient.

PRESENTATIONS:

1. Proposed Coastal Restoration Symposium – Dave Bindewald

Mr. Doody introduced Dave Bindewald. Mr. Bindewald was the first President of the Southeast Louisiana Flood Protection Authority-West (SLFPA-W).

Mr. Bindewald requested that the SLFPA-E provide sponsorship for a symposium entitled “Our Wetlands, Our Future: A Collaborative Teach In to Support the Next Five Years of Progress Towards Coastal Restoration”, which is scheduled to be held at Our Lady of Holy Cross College in Algiers, LA, on Friday, June 17, 2011. He explained that for many years our wetlands have been starved of the natural growth and replenishment of the Mississippi River. In the near future, Louisiana expects to have sufficient funding to begin a serious program of restoring our coastal wetlands and nurturing those areas so that they may continue to thrive. Too often we have almost finalized the planning of these projects before we address the fundamental impacts they may have on our communities, our estuaries and our livelihoods. This symposium proposes to address both the technologies involved in wetlands restoration and the societal impacts involved. Its purpose is to present the planners with an early review of numerous aspects to be considered in selecting the optimum approach to all concerns. It is time to find a balance in the dignity of both humankind and nature.

Mr. Bindewald stated that the public needs a better understanding of why we are where we are, the types of things that can be done and the consequences of each. The decision makers need a better understanding of how these changes affect the communities and industries that make their livelihood in these wetlands. Both need to better communicate their issues and come to a consensus on a way to move forward in bringing our wetlands back to life.

Mr. Bindewald explained that the symposium is anticipated to present the technical concepts involved in coastal restoration projects, the effects that each technology may have on estuaries, the social impacts that may be produced and a discussion on how a consensus may be drawn. Technical, sociological, economic, ethical and practical issues will be presented at the symposium to make it an effective teaching and learning opportunity for all concerned. Small group break-out sessions will provide a more intimate facilitated discussion on impacts on specific issues.

Mr. Bindewald clarified that the roll of the sponsor will be to publicize the event within its organization, assist in seminar planning activities and provide hosts for the seminar. The sponsor will be requested to provide its services and expertise, but no money. At this point in time sponsorship has been received from the Louisiana Engineering Society. Negotiations for sponsorship are being conducted with the Lake Pontchartrain Basin Foundation. The SLFPA-W, the University of New Orleans, Tulane University and representatives of the business community will be approached for sponsorship. He added that Our Lady of Holy Cross College is particularly excited about this symposium. The intent is to bring all of the right players, including the USACE, the CPRA, academia

and the communities that are most affected, to the planning table well in advance of the detailed plans being brought out for public comment.

Mr. Doody advised that information on the symposium was sent to the Coastal Advisory Committee and that he had requested John Lopez, PhD to discuss the SLFPA-E's ideas for coastal restoration with Mr. Bindewald in order to ensure that those ideas were in concert with the information and education to be provided at the symposium. He stated that he had been assured that there would not be a problem and that Dr. Lopez will be helpful in developing the information to be presented. He stressed the importance of education to coastal restoration. Mr. Losonsky commented that the symposium is an excellent idea to improve the flow of information and strengthen understanding. He stated that he enthusiastically supported the geological symposiums in the past and that he would volunteer to actively support the coastal restoration symposium.

A resolution authorizing the SLFPA-E sponsorship of the coastal restoration symposium will be presented for a vote at the next Board meeting.

2. MRGO Ecosystem Restoration Plan Draft Feasibility Report -- Review by Coastal Advisory Committee.

Carlton Dufrechou explained that the MRGO Ecosystem Restoration Plan Feasibility Report is one of the most comprehensive ecosystem reports to date. The plan proposes almost 50,000 acres of restoration and about 70 linear miles of shoreline protection. The plan also recognizes critical land forms. Coastal Advisory Committee recommendations included:

- The use of the existing Violet Canal for the proposed Violet Diversion. Mr. Dufrechou stressed the importance of a diversion that would reconnect the river to the coast. He added, however, that another cut is not needed.
- Sediments should be obtained from the Mississippi River, if at all possible, and not from offshore dredging.
- While some restoration should be done in the central wetlands, the magnitude of restoration should be done outside of the protection system. The central wetlands function as storm water discharge storage for seven pumping stations in St. Bernard and one pumping station in Orleans Parish.

Mr. Jackson requested that the SLFPA-E comments include the fact that the MRGO was constructed as a navigation channel and not for hurricane protection for St. Bernard Parish or any other community. Therefore, the ecosystem restoration project should be 100 percent federally funded and should not require a local cost share.

Mr. Doody advised that the comment period for the Draft Feasibility Report was extended to March 5th. He stated that the Coastal Advisory Committee's draft recommendations were circulated to Board members and requested that comments be provided as soon as possible. The SLFPA-E will provide an official response to the USACE. He added that the next big hurdle will be to obtain funding for the ecosystem restoration project. He thanked the members of the Coastal Advisory Committee for their hard work.

COMMITTEE REPORTS:

Finance Committee: Mr. Estopinal reported that the Finance Committee met on February 3rd. In addition to the items included on the Board agenda, the Committee considered the following items:

- The Committee reviewed the allocation of costs for the review of the hurricane storm surge frequency analysis and approved the equal allocation of the cost across the three levee districts.
- The draft budgets for Fiscal Year 2011-2012 were distributed.
- The Committee discussed and approved the Legislative Auditor's office proceeding with the selection process for an auditor for the next audit.

Operations Committee: Mr. Wittie reported that the Operations Committee met on February 3rd and discussed the proposed resolutions included on the Board's agenda.

Legal Committee: Mr. Barry advised that the Legal Committee did not meeting in the month of February. He noted, however, that a lengthy Executive Session is included on the Board agenda.

Engineering Advisory Committee: The Engineering Advisory Committee met on February 3rd. Mr. Jackson advised that the projects and issues being pursued by the Committee were discussed earlier in today's meeting.

CPRA/Governmental Affairs: Mr. Barry advised that he attended the February 16th CPRA meeting and that several items on the CPRA's agenda related either directly or indirectly to the SLFPA-E. A presentation was provided relative to the Levee Issues Alliance and focused on FEMA mapping. The Levees Issues Alliance is made up of several states. He explained that levees that do not meet the 100-year standard as judged by FEMA do not appear on FEMA maps. A levee that meets a 95-year level of protection has zero value on a FEMA map. However, roads, railroad embankments, buildings and other structures appear on FEMA maps and their impacts to water flow are registered. There is a great amount of resistance to this mapping methodology. Twenty-seven senators recently signed a letter to the Director of FEMA protesting this issue and Congressional legislation will be introduced to try to obtain some credit for levees below the 100-year standard. The Alliance will also be working on other issues. Mr. Barry pointed out the benefit of working with other states on issues such as flood protection. He commented on the potential in the near future for the redirection of water that leaks into the Bonnet Carre Spillway to the LaBranche Wetlands. The amount of water that could potentially be redirected would depend on the flow of the river; however, the estimate is 4,000 to 5,000 cfs. The CPRA also discussed the use of population density in its prioritization tool for projects.

Mr. Barry explained that the USACE did not receive the amount of money that it requested in the President's budget for things such as dredging and that no money was included for safe houses, SELA projects in St. Tammany Parish, the MRGO Ecosystem Restoration Project or storm proofing pump stations. He stated that his understanding

is that Speaker Boehner's office is advising legislators that anything that is being proposed must meet three standards: 1) reduce the size of government, 2) be budget neutral by saving money, costing nothing or having an offset in spending, and 3) create jobs. Mr. Doody pointed out that the SLFPA-E has pursued Congressional authorization to transfer of the operation and maintenance (O&M) of the IHNC surge barrier and the navigation gates to the USACE. The current budget situation makes the addressing of this transfer of responsibility in the national interest even more difficult. The GIWW extends from Florida to Texas. The SLFPA-E is currently responsible for the operation of the IHNC sector and barge gates and the Seabrook Complex gate, which are used for navigation. Mr. Barry pointed out that it unconstitutional to give a local entity, such as the SLFPA-E, control over interstate and international commerce. Mr. Pineda brought out the Homeland Security issues involved in the operation of these navigation gates. Mr. Barry noted that the justification provided for the SLFPA-E being responsible for the O&M of the IHNC surge barrier and the navigation gates is that the O&M for flood protection and flood protection structures must be provided by a local entity. He pointed out that the gates are holes in the flood protection system strictly for the benefit of navigation.

REGIONAL DIRECTOR'S REPORT:

Robert Turner, SLFPA-E Regional Director, reviewed the Regional Director's report (copy appended to the minutes).

Mr. Turner advised that OCPR is considering participation in the cost of the LIMS Emergency Module. The total projected cost to upgrade the system to a web based product and for including other levee districts is about \$98,000. At this time the cost share is anticipated to be about \$15,000 each for the SLFPA-E, Pontchartrain Levee District and SLFPA-W and that OCPR will pick up a larger share of the cost.

Mr. Turner explained that Royal Haskoning provided a presentation to the SLFPA-E concerning a potential grant through the Dutch government for a Hurricane Risk and Safety Module for the LIMS. Indications are that the grant will be approved and official notification is expected shortly.

NEW BUSINESS:

RESOLUTION NO. 02-17-11-02 – RENEWAL OF PUBLIC OFFICIALS LIABILITY INSURANCE COVERAGE

Mr. Doody commented that this matter was discussed at the Finance Committee meeting. Laurie Dominguez with Arthur J. Gallagher Risk Management Services advised that the agency shopped the market and recommended renewing coverage with the current carrier, ACE (Rated A+XV). The policy limit is \$10 million and the retention is \$100,000. There is no increase in the premium rate; however, the cost of coverage increased due to the increase in budget revenues.

Mr. Jackson noted that there has been a savings in premiums since Public Officials Liability Insurance Coverage was consolidated for the SLFPA-E and levee districts.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East's (SLFPA-E) Public Officials Liability and Employment Practices Liability Insurance Coverage is due to expire on March 16, 2011; and

WHEREAS, a quotation for renewal of said coverage has been received from ACE through Arthur Gallagher Risk Management Services at an annual premium of \$57,492.75.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of Public Officials Liability and Employment Practices Liability Insurance Coverage with ACE at an annual premium of \$57,492.75 for a period of one year through Arthur Gallagher Risk Management Services.

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

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

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

NAYS: None

ABSENT: Mr. Goins

RESOLUTION NO. 02-17-11-03 - APPROVAL OF LEGAL INVOICES

Mr. Barry advised that the invoices were reviewed and approved by the appropriate levee district Executive Director, the SLFPA-E Regional Director and the SLFPA-E General Counsel.

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

WHEREAS, the legal invoices submitted to the Southeast Louisiana Flood Protection Authority-East (SLFPA-E), East Jefferson Levee District, Lake Borgne Basin Levee District and Orleans Levee District listed on the spreadsheet entitled "Legal Invoices Approved on February 17, 2011", have been reviewed and approved by the appropriate levee district Executive Director, the SLFPA-E Regional Director and the SLFPA-E General Counsel, Robert Lacour; and

WHEREAS, the aforementioned invoices were submitted to the members of the Legal Committee for review.

BE IT HEREBY RESOLVED, that the legal invoices listed on the spreadsheet entitled "Legal Invoices Approved on February 17, 2011" are hereby approved.

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

Discussion of Levee Information Management System (LIMS) emergency module.

Mr. Turner advised that this topic was previously discussed in today's meeting.

Mr. Pineda explained that he and Mr. Turner discussed the issuance of a Request for Qualifications (RFQ) by the SLFPA-E for a long term, multi-year contract to pre-qualify several firms to assist with the LIMS. He stated that he would draft a scope of work for the RFQ over the next several weeks. He added that FEMA and the USACE have an interest in the LIMS and that the SLFPA-E is doing ground breaking work. A resolution will be placed on the next Board agenda concerning the issuance of the RFQ.

**RESOLUTION NO. 02-17-11-04 –
EJLD LAKESHORE LINEAR PARK EROSION PROTECTION PROJECT**

Fran Campbell, East Jefferson Levee District (EJLD) Executive Director, explained that the contractor is currently working on the Lakeshore Linear Park Erosion Protection Project. The fence that was originally included in the FEMA project worksheet (PW) is not sufficient to protect the public during the construction of the project. The EJLD requested the addition of a chain link fence for safety purposes. The Governor's Office of Homeland Security and Emergency Preparedness (GOSHEP) indicated that it saw no problem with adding this revision in the fencing specifications to the FEMA PW at its close out. The fence can be re-used after the construction project is completed.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority - East authorized the award of a contract to Hill Brothers Construction Company, Inc., in the amount of \$11,322,107.50 for the FEMA Lakeshore Linear Park Erosion Protection Project; and

WHEREAS, a revision is needed to the fencing specifications in order to protect the public during the period of construction; and

WHEREAS, the new fencing specifications include a six foot chain link fence topped with one foot of barbed wire at an additional cost of \$269,505.00; and

WHEREAS, the additional cost for the aforementioned six foot fence will bring the total cost of the contract to \$11,591,612.00.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) approves the revised fencing specifications for the FEMA Lakeshore Linear Park Erosion Protection Project at an additional contract cost of \$269,505.00.

BE IT FURTHER RESOLVED, that the SLFPA-E Regional Director and/or East Jefferson Levee District 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. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie
NAYS: None
ABSENT: Mr. Goins

RESOLUTION NO. 02-17-11-05 - FRANKLIN AVENUE ADMINISTRATION BUILDING

Gerry Gillen, Orleans Levee District (O.L.D.) Executive Director, advised that an RFQ was issued on the refurbishment and upgrade of the Franklin Avenue Administration Building. The Statements of Qualifications were reviewed and graded. A short list of firms was developed and interviews were conducted. He recommended the selection of RCL Architecture, LLC. Mr. Gillen described the work that would be accomplished under this contract. Mr. Wittie noted that this matter was discussed at the Operations Committee meeting and that the Committee recommended approval of the resolution.

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

WHEREAS, the Franklin Avenue Administration Building was occupied in the mid-1980's by the Orleans Levee District; and

WHEREAS, the building requires refurbishment and upgrades to the HVAC system, ceiling, walls, flooring and restrooms; and

WHEREAS, a Request for Qualifications (RFQ) for architectural services was advertised and Statements of Qualifications were received, evaluated, and a short list of four firms were interviewed by a selection committee; and

WHEREAS, the selection committee brought its recommendation to the Operations Committee at its meeting held on February 3, 2011 and the Operations Committee concurred with the recommendation of the selection of the firm of RCL Architecture, LLC.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the selection of the firm of RCL Architecture, LLC and authorizes the O.L.D. Executive Director to negotiate a contract with said firm for the subject design work.

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

**RESOLUTION NO. 02-17-11-06 –
AUTHORIZING EXECUTION OF SUPPLEMENTAL AND INCLUSIVE TEMPORARY
CONSTRUCTION EASEMENT, HOLD HARMLESS AND INDEMNITY AGREEMENT
BY AND BETWEEN LBBLD AND MERAUX FOUNDATION**

Stuart Williamson, Lake Borgne Basin Levee District (LBBLD) Executive Director, explained that the proposed resolution is required in connection with Phase 2 of the Violet Canal Maintenance Dredging Project, which is being paid for by OCPD. The local entity is required to enter into the Supplemental and Inclusive Temporary Construction Easement, Hold Harmless and Indemnity Agreement with the Meraux Foundation.

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

WHEREAS, on March 19, 2010, the Lake Borgne Basin Levee District (LBBLD) entered into “Temporary Construction Easement, Hold Harmless and Indemnity Agreement” (Agreement #1) with the Meraux Foundation relative to the use of certain property located on the south side of the Violet Canal in connection with the Violet Canal Maintenance Dredging Project allowing for the disposal of approximately 6,000 cubic yards of dredge material from the Violet Canal; and

WHEREAS, said Violet Canal Maintenance Dredging Project was completed on April 23, 2010; and

WHEREAS, the Supplemental and Inclusive Temporary Construction Easement, Hold Harmless and Indemnity Agreement (Supplemental Agreement) is being executed to address Phase 2 of the Violet Canal Maintenance Dredging Project; and

WHEREAS, the Supplemental Agreement revokes, reiterates and applies the terms of Agreement #1 and allows for the disposal of approximately 20,000 cubic yards of dredge material from the Violet Canal in the same location as identified in Agreement #1.

BE IT HEREBY RESOLVED, that the LBBLD Executive Director and/or the SLFPA-E Regional Director are authorized to execute the Supplemental Agreement by and between Lake Borgne Basin Levee District and the Meraux Foundation.

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

**RESOLUTION NO. 02-17-11-07 - COR01 STATE PROJECT NO. 579-44-0001,
VIOLET CANAL CLOSURE STRUCTURE IMPROVEMENTS (PHASE 7)**

Mr. Williamson explained that the contractor is unable to place the rip rap and temporary erosion control as required under the contract for the Violet Canal Closure

Structure Improvements (Phase 7) Project because of the on-going construction of the USACE Bayou Dupre Control Structure Project. A contract change order will be issued to remove the requirement to place temporary erosion control and rip rap and to add the requirement for additional seeding and fertilizer. When the canal is re-opened a project for placement of temporary erosion control and rip rap will be advertised and bid.

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

WHEREAS, Act 203 of the 2007 Regular Session of the Louisiana Legislature appropriated funding for the Hurricane Flood Protection, Construction and Development Program and designated the Louisiana Department of Transportation and Development (LADOTD) as the recipient of said funding; and

WHEREAS, a maximum of \$5,000,000 of this funding was designated for the Forty Arpent Levee Project and a Cooperative Endeavor Agreement setting forth the terms for administering the Project was executed between LADOTD and the Lake Borgne Basin Levee District (LBBLD) for the State Project No. 579-44-0001 Forty Arpent Levee; and

WHEREAS, the LBBLD advertised and received bids for State Project No. 579-44-0001, Violet Canal Closure Structure Improvements (Phase 7); and

WHEREAS, the Southeast Louisiana Flood Protection Authority-East by Resolution No. 07-15-10-06 authorized the award of a contract in the amount of \$793,793.00 to Barriere Construction Co., LLC the lowest responsive and responsible bidder pursuant to Louisiana law, for State Project No. 579-44-0001, Violet Canal Closure Structure Improvements (Phase 7) and authorized the SLFPA-E Regional Director and the LBBLD Executive Director to execute all minor change orders costing under \$20,000; and

WHEREAS, Barriere Construction Co., LLC is unable to place the rip rap and temporary erosion control as required by the contract due to the inability to transport the material to the project location because of the ongoing USACE Bayou Dupre Control Structure Project; and

WHEREAS, Barriere Construction Co., LLC was instructed to plant additional grass seed as a temporary measure to stop erosion; and

WHEREAS, Change Order No. 1 (COR01) to the aforementioned contract was submitted by Barriere Construction Co., LLC, which subtracts \$119,879.00 from the contract price for the temporary erosion control and rip rap, and adds \$4,608.00 to the contract price for the additional seeding and fertilizer; and

WHEREAS, the LADOTD Project Engineer & Administrator have approved said change order.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves Change Order No. 1 (COR01) submitted by Barriere Construction Co., LLC, for State Project No. 579-44-0001, Violet Canal Closure Structure Improvements (Phase 7), and authorizes the SLFPA-E Regional Director or the LBBLD Executive Director to execute said change order.

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

RESOLUTION NO. 02-17-11-08 - LBBLD- AUTHORIZATION TO EXECUTE CONTRACT WITH WALDEMAR S. NELSON AND COMPANY, INC. FOR CONSULTING SERVICES FOR PREPARATION OF PLANS AND SPECIFICATIONS TO ADDRESS SEEPAGE ISSUES AT PUMP STATION #2 AND #3 (PHASE ONE)

Mr. Williamson advised that the Board approved the selection of Waldemar S. Nelson and Company, Inc. for consulting engineering services to prepare plans and specifications to address seepage at Pump Stations #2 and #3 and authorized the negotiation of a contract with the selected firm. The LBBLD is close to negotiating a final scope and fee for the first phase of the proposed work, which includes investigation. He requested that the Board approve the execution a contract with Waldemar S. Nelson at a cost not to exceed \$42,000 for the phase one.

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

WHEREAS, the Lake Borgne Basin Levee District (LBBLD) issued a Request for Qualifications (RFQ) for engineering consulting services for the preparation of plans and specifications to address seepage issues at Pump Stations #2 and #3; and

WHEREAS, the selection committee recommended the firm Waldemar S. Nelson and Company, Inc. to provide the aforementioned engineering consulting services; and

WHEREAS, Resolution No. 12-16-10-14 authorized the LBBLD Executive Director to develop a scope of work and negotiate a contract with Waldemar S. Nelson and Company, Inc. for consulting engineering services for the preparation of plans and specifications to address seepage at Pump Stations #2 and #3; and

WHEREAS, it has been determined that due to the complexity of the work the design portions of this project should be divided into two phases; and

WHEREAS, the first phase will provide sound engineering parameters necessary to provide a robust and resilient design in an attempt to remedy the current seepage and eliminate future seepage problems in the levee section; and

WHEREAS, Waldemar S. Nelson and Company, Inc. has submitted a proposal for phase one, titled LBBLD Repairs Flowage PS #2 & 3.

BE IT HEREBY RESOLVED, that the LBBLD Executive Director is authorized to enter into a contract with Waldemar S. Nelson and Company, Inc. for consulting engineering services for the preparation of plans and specifications to address seepage issues at Pump Stations #2 and #3, Phase One at a negotiated amount not to exceed \$42,000.00.

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

EXECUTIVE SESSION:

1. Succession of Helen Katz, wife of/and Sam Mermelstein v. Board of Levee Commissioners of the Orleans Levee District of the State of Louisiana, No. 55-314, 25th Judicial District for the Parish of Plaquemines, State of Louisiana, Division "B"
2. Board of Commissioners of the Southeast Louisiana Flood Protection Authority – East on Behalf of the Orleans Levee District v. Louisiana Department of Natural Resources, No. 561-776, 19th Judicial District Court for the Parish of East Baton Rouge, State of Louisiana, Section 21
3. Succession of Carter Ursin and Charles Ursin (Eusan), Heirs of Joseph Eusan, Warren H. Eusan, Michelle Eusan, Ahmed Collins v. Board of Levee Commissioners of the Orleans Levee District, Docket No. 51-896, Division A, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana
4. Isabella Stevens Conner v. Board of Levee Commissioners of the Orleans Levee District, Docket No. 52-539, Division B, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana
5. Billie A. Breuille v. Board of Levee Commissioners of the Orleans Levee District, Docket No. 53-207, Division A, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana
6. Clarence F. Favret, III v. Board of Levee Commissioners of the Orleans Levee District, Docket No. 53-951, Division B, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana
7. Carolyn L. Graham v. Board of Levee Commissioners of the Orleans Levee District, Docket No. 54-144, Division B, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana
8. Paul Favret, III v. Board of Levee Commissioners of the Orleans Levee District, Docket No. 54-124, Division B, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana
9. Montgomery E. Favret v. Board of Levee Commissioners of the Orleans Levee District, Docket No. 54-135, Division A, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana
10. Gayle Gibson Thompson and Ernest Gibson, III v. Board of Levee Commissioners of the Orleans Levee District, Docket No. 54-375, Division A, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana
11. Board of Commissioners of the Southeast Louisiana Flood Protection Authority – East on Behalf of the Orleans Levee District v. Louisiana Department of Natural Resources, No. 563586, 19th Judicial District Court for the Parish of East Baton Rouge, State of Louisiana, Section 25

12. In re: Plaquemines Land Company, through its Successors in Interest, Carolyn C. LeBlanc, Nathan Carmadelle, Gustave W. Carmadelle, Jr., Lurnece C. Chantrey, Margaret C. Guidry, Trustees of the Arlene and Joseph Meraux Charitable Foundation, and Anne Pearson Potts v. Board of Commissioners of the Orleans Levee District, No. 55-774, 25th Judicial District for the Parish of Plaquemines, State of Louisiana, Division “B”
13. Union Title Guarantee Company, Inc. By and Through Its Court-Appointed Liquidators v. Board of Levee Commissioners of the District of the State of Louisiana, No. 52-856, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana, Section “A”
14. Board of Commissioners of the Orleans Levee District v. Louisiana Department of Natural Resources through its Secretary Scott A. Angelle and Union Title Guarantee Company, Inc. by and through its Court-Appointed Liquidators, Docket No. 537,924, 19th Judicial District Court for the Parish of East Baton Rouge, State of Louisiana. Section 24
15. Union Title Guarantee Company, Inc. by and through its Court-Appointed Liquidators v. Louisiana Department of Natural Resources, through its Secretary Scott A. Angelle, No. 561565, 19th Judicial District for the Parish of East Baton Rouge, State of Louisiana, Section 25
16. Board of Commissioners of the Southeast Louisiana Flood Protection Authority – East on Behalf of the Orleans Levee District v. Louisiana Department of Natural Resources, No. 562122, 19th Judicial District Court for the Parish of East Baton Rouge, State of Louisiana, Section 22
17. Discussion of Potential Litigation with Davie Shoring for Non-Permitted Activities on the Levee.
18. Haspel & Davis Milling & Planting Co., Ltd., Jean Mayer Connell, Joseph Jean Torre, Sr., Bohemia Planting Co., Inc., Leonie Davis Rothschild and Arthur Q. Davis, for Themselves and on Behalf of all Others Similarly Situated vs. Board of Levee Commissioners of the District, No. 31-357, Division “A” 25th Judicial District Court for the Parish of Plaquemines.

A motion was offered by Mr. Barry, seconded by Mr. Wittie and unanimously adopted, for the Board to convene in Executive Session to discuss the items listed on the agenda. The Board convened in Executive Session at 11:45.m.

A motion was offered by Mr. Barry, seconded by Mr. Wittie and unanimously adopted, for the Board to reconvene in regular session at 12:50 p.m.

RESOLUTION NO. 02-17-11-09 - LEGAL ACTION

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East hereby approves following the recommendation of legal counsel provided in Executive Session this date relative to the following litigation:

- Billie A. Breuille v. Board of Levee Commissioners of the Orleans Levee District, Docket No. 53-207, Division A, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana
- Clarence F. Favret, III v. Board of Levee Commissioners of the Orleans Levee

District, Docket No. 53-951, Division B, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana

- Carolyn L. Graham v. Board of Levee Commissioners of the Orleans Levee District, Docket No. 54-144, Division B, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana
- Paul Favret, III v. Board of Levee Commissioners of the Orleans Levee District, Docket No. 54-124, Division B, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana
- Montgomery E. Favret v. Board of Levee Commissioners of the Orleans Levee District, Docket No. 54-135, Division A, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana
- Gayle Gibson Thompson and Ernest Gibson, III v. Board of Levee Commissioners of the Orleans Levee District, Docket No. 54-375, Division A, 25th Judicial District Court for the Parish of Plaquemines, State of Louisiana

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSTAINED: Mr. Barnes

ABSENT: Mr. Goins

The next regular meeting of Board will be held on March 17, 2011 and hosted by the Lake Borgne Basin Levee District.

There was no further business; therefore, the meeting was adjourned at 12:52 p.m.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

REGIONAL DIRECTOR'S REPORT

February 17, 2011

100 Year Level of Protection

Inner Harbor Navigation Canal Hurricane Storm Surge Barrier:

The Contractor continues to make good progress. Overall design is approximately 100% complete. Major construction activities are about 80% complete. Our emphasis continues to be Operation & Maintenance considerations and the necessity to "design in" reasonable O&M features.

All of the 66" diameter concrete piles and closure piles have been driven. All of the batter piles (645) have been driven with no major difficulties. All precast caps (337) have been set and all sections of the parapet wall have been erected. Cast in place "gaps" have also been completed. The entire wall is now at final elevation.

The Barge Gate area has been flooded and all navigation traffic is being routed through the Barge Gate Structure (as of August 16, 2010). The concrete barge arrived on site last week. All remaining work on the barge will be done on site.

75% of the Sector Gate concrete sill sections have been placed. The steel sector gate leafs are in fabrication and progressing on schedule.

At the Bayou Bienvenue Lift Gate Structure, work continues on the formwork for the concrete decks and gate slots. The steel lift gate is in final painting. Placement of the gate is scheduled for mid March 2011.

Bayou Bienvenue will remain closed to all navigation at the Project site due to lift gate construction.

East Jefferson Levee District:

Reach 1:

The Work is substantially complete. Turf establishment issues still remain.

Reach 2:

The Work is substantially complete. Turf establishment issues still remain.

Reach 3:

The Work is substantially complete. Turf establishment issues still remain.

Reach 4:

The Work is substantially complete. Turf establishment issues still remain.

Reach 5:

The Work is substantially complete. Utility relocations at the Coast Guard Station have been completed by the USACE hired labor crews. Old utilities are being removed at the present time. The final inspection for this reach was canceled due to bad weather and will be rescheduled at a later date.

Bonnabel Breakwater Project:

The Notice of Construction Complete Letter for this Project has been transmitted by the USACE to CPRA, copied to EJLD.

Duncan Breakwater Project:

Work is substantially complete. Final inspection was conducted on October 27, 2010. USACE is scheduled to transmit Notice of Construction Complete soon.

Williams Blvd. Floodwall and Gate:

Work is substantially complete. The final inspection was held on January 24, 2011. We are awaiting the final punch list and resolution of a problem with the winch.

Bonnabel Floodwall and Gate:

Work is substantially complete. Final inspection was held on December 20, 2011. Minor grass issues remain.

Pump Station Fronting Protection:

The Work is approximately 23% complete. Work is ongoing at Elmwood and Suburban Pump Stations and Breakwaters.

LPV 017.2 (Causeway Crossing):

The Contractor is mobilizing on site. The Phase I Traffic Plan for southbound traffic has been implemented. Work is continuing on utility relocations (AT&T and COX).

West Return Levee/Floodwall - North:

Work is approximately 20% complete. H-pile driving operations continue on two headings. Pile driving hours have been extended (7:00am to 10:00pm).

West Return Levee/Floodwall - South:

The Pre-Construction Meeting was held on January 18, 2011. The Contractor has mobilized on the site. The contractor has cut two access openings through the existing floodwall, and work has begun on a construction access road on the flood side of the existing wall.

Foreshore Protection Reaches 1 and 2:

The Pre-Construction Meeting is scheduled for January 21, 2011. The Contractor is scheduled to begin mobilizing on site at the beginning of March 2011.

Foreshore Protection Reaches 3 and 4:

The Contractor is placing stone. Work is approximately 9% complete.

West Return Levee (Airport Runway):

Work is approximately 12% complete. The Contractor is working on the first lift.

Orleans Levee District:

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

Construction is approximately 71% complete. The aesthetic quality of the wall finish has been poor and we have requested the USACE to require the Contractor to make the appropriate repairs. Construction has been hindered by lake water seepage under the parking lot area.

LPV 102.01, 103.01, and 104.01

Projects are 100% complete. The Notice of Construction Complete has been transmitted to Orleans Levee District on LPV 102.01 and 103.01.

LPV 103.01 A1 (Bayou St. John):

Construction is now about 99% complete. The pre-final inspection was held on December 9, 2010. A Contract Modification was issued to address excessive I-wall stick-up on the Orleans Canal near Lakeshore Blvd. Final Inspection will be rescheduled within the next few weeks.

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

Construction is approximately 55% complete. Lakeshore drive is now closed at Rail St. and Lake Terrace. Pile driving operations are complete at Rail Street. Pile driving operations are progressing at Lake Terrace.

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

Construction is approximately 96% complete. All ramps are open to vehicular traffic. Contractor is working on sidewalks and utility relocations. Turf establishment is still required. A pre-final inspection was held on February 9, 2011, and we are still awaiting the official punch list from the Corps.

LPV 104.02 (Seabrook West Side IHNC):

Construction is approximately 70% complete. The UNO Ramp consolidation is complete and the Contractor is now working the embankment at this site.

LPV 104.02A (Retrofit of Wall and Floodgate South of W-40):

100% Plans and Specs were completed in mid June 2010. This Project will be completed as part of IHNC-01 (Seabrook). The ROE for the NS Railroad right-of-way has been granted.

LPV 105.01 (Lakefront Airport T-Wall West):

Construction is approximately 27% complete. The cofferdam at Downman Rd. has been removed and traffic lanes are reopened at this site.

LPV 105.02 (Lakefront Airport T-Wall East):

Construction is approximately 51% complete.

LPV 106 (Citrus Lakefront Levee):

Construction is approximately 52% complete.

LPV 107 (Lincoln Beach Floodgate):

Construction is approximately 73% complete.

LPV 108 (New Orleans East Lakefront Levee):

The Project is substantially complete. Some of the final punch list items have not yet been addressed.

LPV 109.02a (South Point to CSX Railroad – Levee Embankment):

Construction of the Project has been combined with LPV 109.02c (HWY 90 and HWY 11 floodgates). Construction is about 54% complete.

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

Construction is 100% complete.

LPV 109.02a2 (South Point to CSX Railroad – Drainage Blanket):

Construction is 100% complete.

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

Construction is approximately 74% complete. I-10 east bound traffic has been rerouted onto the temporary bridge and raised ramp.

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

Construction will be done under LPV 109.02a. Deep Soil Mixing operations are underway. Pile driving activities have begun.

LPV 110 (CSX Railroad Crossing):

Construction is approximately 26% complete.

LPV 111.01 – Deep Soil Mixing (North Side GIWW):

The contract includes construction of levee sections using deep soil mixing techniques. Work is progressing on schedule and is approximately 90% complete.

LPV 111.02 Pump Station 15 Fronting Wall:

Approximately 80% of the H-piles, 47% of the sheet piles and 70% of the pipe piles have been driven. 51% of the monoliths have been completed.

LPV 111.03 Tie-in to IHNC:

The Project consists of about 1000' of new T-Wall. 100% of H-piles have been driven. 100% of sheet piles have been driven. 26 of the required 27 monoliths have been completed. The overall Project is approximately 72% complete.

LPV 113 (NASA):

Construction is approximately 99% complete. Pre-final inspection was conducted in the first week of October 2010. The Contractor will begin work again in March 2011 to address all punch list items.

Seabrook Structure:

Final (100%) P&S were scheduled for completion on February 14, 2011.

Piles for the west side T-Wall continue to be driven. Sheet pile and H-pile driving operations have begun on the east side. The Contractor has completed filling the scour hole in the IHNC on the protected side of the proposed Seabrook Structure. A rock dam has been constructed completely across the Canal. The north cofferdam is approximately 70% complete. The IHNC is now completely closed to navigation at the construction site.

Outfall Canal Remediation to Raise SWE to +8.0:

Contracts have been awarded for construction of remedial work on all three Outfall Canals. Work is scheduled for completion on or before June 1, 2011. At least two more packages remain to be awarded. The Right of Entry has been granted for the London and 17th St. Canal Projects. Weekly progress meetings are being held on all projects under construction and our staff is attending the meetings.

IHNC Remediation:

A public hearing was held by the USACE on November 8, 2010 to discuss and accept comment on the IER for this Work. OLD is working on Right of Entries.

Lake Borgne Basin Levee District:

LPV 144 (Bayou Dupre Control Structure):

Overall, the Work is approximately 38% complete. Concrete was placed for the west wall of the Sector Gate Structure. Bayou Dupre will be closed to navigation at the existing Control Structure until April 2011.

LPV 145 (Bayou Bienvenue to Bayou Dupre):

The USACE has instructed the Contractor to use uncoated steel sheet piles and H-piles on this project in order to meet schedule demands. Construction is approximately 92% complete. The last 90 monoliths are scheduled for completion in mid March 2011.

The USACE has agreed to put the required swing bridge at Bienvenue back into the Project. We are still awaiting the issuance of the NTP from the USACE to the Contractor.

LPV 146 (Bayou Dupre to Verret):

The USACE has instructed the Contractor to use uncoated steel sheet piles and H-piles on this project in order to meet schedule demands. The Work is approximately 83% complete. The stem section of one of the T-Wall monoliths (#633) has been removed due to quality issues (bad concrete) and will be replaced by the Contractor.

The emergency by-pass ramp for LA HWY 46 will be constructed under the LPV 146 Contract.

LPV 147 (LA Hwy 46 Flood Gate):

The Work is approximately 78% complete. One of the lifting lugs on one of the trolley beams sheared off during lifting operations. The beam design is being reviewed and modified by the A/E and USACE Tech Support.

The USACE is considering the elimination of the emergency replacement beams for all Trolley Gate projects in the St. Bernard Polder.

The LA Hwy 300 Flood Gate will be constructed under the LPV 148.02 Project.

LPV 148.02 (Verret to Caernarvon):

The USACE has instructed the Contractor to use uncoated steel sheet piles and H-piles on this project in order to meet schedule demands. Construction is approximately 40% complete. There are now more than 100 cranes working this Project on 21 separate headings.

Contrary to St. Bernard Parish's objection, the USACE has determined that the Creedmore Drainage Structure is no longer needed and will be removed from the Project without replacing the Structure's drainage capacity.

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

The Work is approximately 71% complete.

Permanent Pump Stations and Outfall Canals:

The Phase II RFP has been issued and the short-listed firms have turned in their revised proposals. One-on-one interviews with the proposers have been

completed by the Corps. Award of the Design-Build Contract is scheduled for late April 2011.

All three Pump Stations will undergo Independent External Peer Review.

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 2010. The map can be found at the following web address:

<http://www.mvn.usace.army.mil/hps2/pdf/riskstatusmap.pdf>

Coastal Protection and Restoration

Lake Borgne Basin Levee District:

Only one of the two pipes at the Violet Freshwater Diversion siphon is flowing. Flow in one of the pipes stopped on January 19, 2011 because of low river stage.

Flood Fight

The Mississippi River is below 4' at the Carrollton Gage and is predicted to remain below 4' for the next 28 days.

Design and Construction

East Jefferson Levee District:

Work is continuing on the EJLD Safe House. We met with the Architect on February 16, 2011 to discuss the path forward. We will schedule a meeting within the next couple of weeks to develop a project management plan.

Orleans Levee District:

Seismic Investigations Study:

Dr. Lorenzo et al conducted additional field work in January 2011.

Construction of the OLD Safe House Project began in January 2010. The Project is approximately 90% complete.

The Bayou St. John Water Management Study is approximately 95% complete. This Project is being funded through State Capital Outlay.

The Orleans Levee District Benchmark and Organization Study is 100% complete. The final report has been released.

The Tier 2 Environmental Inventory is approximately 95% complete.

Lake Borgne Basin Levee District:

Work on the Violet Canal Closure Structure Improvement Project is nearing completion. LDOTD has recommended the execution of a change order to delete the installation of riprap erosion protection at this time due to temporary site access issues. Riprap will be installed under a separate contract after work on the Bayou Dupre Control Structure is complete and open to barge traffic.

FEMA has written a PW and has obligated funds for pump repairs at Pump Station #6 (\$360,000). LBBLD will sign an MOU with OCPR to utilize an ID/IQ Contract between OCPR and PBS&J to procure the professional engineering services needed to complete the documents necessary to bid this work.

The Emergency Work required to address the seepage issue at Pump Station #3 has been completed. Sheet piles were driven to construct a temporary cofferdam to isolate 2 of the three discharge tubes. Seepage stopped after the cofferdam was dewatered. W. S. Nelson was selected to provide engineering services required for the permanent work. A scoping meeting was held with Nelson on January 21, 2011. It was decided to conduct the work in two separate Phases. The first phase will involve site investigations to tie down the source of seepage. The second phase will involve the design of the required work to stop the seepage. Once complete, the Scope of Work with negotiated fee will be provided to the SLFPAE for approval.

LBBLD has entered into a Contract with W. S. Nelson for the preparation of plans and specs for a remote control system to operate the pumps at Pump Station 2 from Pump Station 6, and Pump Station 3 from Pump Station 7. The design phase of the work will be completed by mid March 2011.

LBBLD has executed a Contract with Burk-Kleinpeter for the Engine Replacement Project at Pump Station 4. The Preliminary Design Report has been received and is currently under review by LBBLD. Design Work is scheduled for completion in June 2011.

The USACE has issued a Contract to repair the right angle gear drives at Pump Station 8. The drives were improperly repaired by the USACE's Contractor post Katrina. All right angle gear drives should be back on line by February 18, 2011.

OCPR has begun preparation of Plans and Specifications for the Violet Canal Dredging Project (Phase II). LBBLD is working to secure the necessary right-of-ways.

OCPR has requested LBBLD to perform routine O&M on the Hopedale Gravity Drainage Structure. All O&M expenses would be reimbursed by OCPR. Major Maintenance would remain the responsibility of the OCPR.

Internal Affairs

The USACE intends to make modifications to the existing canal floodwalls to achieve a minimum safe water elevation of 8' in all three canals. Our ID/IQ Consultant, Halcrow Inc. continues to review the Safe Water elevation Reports and the designs for the remediation work proposed by the USACE.

We now have five inspectors working with us provided by OCPR. The additional inspector was added for the LPV 148.02 Project due to the accelerated pace of the construction (there are more than 100 cranes on this 8 mile stretch of levee). We have been getting additional technical assistance from OCPR staff, LDOTD staff, and PBS&J (through an ID/IQ contract with OCPR).

The SLFPA-E Emergency Module for Floodgate Management was completed several months ago. SLFPA-W, PLD, OCPR and the USACE have expressed a strong interest in modifying the module to make it "web based" so that it can be used on a regional basis. We have been meeting with USACE, OCPR, SLFPAW to explore opportunities to also use this tool for all aspects of gap closures required for the 2011 hurricane season.

SLFPA-W has expressed an interest in partnering with SLFPA-E on the Levee Information Management System development. We will be meeting with Royal Haskoning to develop a Strategic Plan for a path forward.

Royal Haskoning submitted a potential SLFPA-E Project for funding through Flood Control 2015. The Project is called "Hurricane Risk & Safety Module for New Orleans Levee System". If approved, the Dutch will provide 50% of the cost associated with the work. Indications are that the Project will be approved by the Dutch Government.

The Notice to Proceed has been issued to AECOM for the O&M Cost Study for all three levee districts. This work will be funded through a CDBG Grant.

New Contracts:

Hurricane Preparedness

The 2010 Hurricane Season officially ended on November 30, 2010. Preparations for the 2011 Season will begin in April 2011.