

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, JANUARY 16, 2014**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, January 16, 2014, in the Second Floor Council Chambers, Joseph Yenni Building, 1221 Elmwood Park Boulevard, Harahan, 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.

The roll was called by Secretary Wittie:

PRESENT:

Timothy P. Doody, President
Stephen Estopinal, Vice President
Louis E. Wittie, Secretary
Wilton P. Tilly, III, Treasurer
Jefferson M. Angers
Lambert J. Hassinger, Jr. (left meeting at 10:40 a.m.)
Kelly J. McHugh
G. Paul Kemp
Richard A. Luetlich, Jr.

ABSENT:

None

OPENING COMMENTS:

Mr. Doody reported that the U.S. Army Corps of Engineers (USACE) awarded the contract for the swing bridge over Bayou Bienvenue. The SLFPA-E worked hard for the construction of a swing bridge to access the floodgates in the newly constructed floodwall between Bayou Bienvenue and Bayou Dupre. The floodgates will remain open except during topical events. Without a bridge the floodwall and floodgates can only be accessed by barge.

Mr. Doody commented on the omnibus spending bill currently before Congress. The bill includes language that provides a temporary reprieve on the implementation of the Biggert-Waters Act by restricting the utilization of funding for its implementation. Senators Vitter and Landrieu are working hard to try to achieve an extension so that FEMA can perform an evaluation of the Biggert-Waters Act, which in its current form would substantially increase National Flood Insurance Program (NFIP) premium rates.

Mr. Doody advised that the Coastal Protection and Restoration Authority (CPRA) has objected to the USACE's turnover of the Hurricane and Storm Damage Risk Reduction System (HSDRRS) in a piecemeal fashion (i.e., by project in lieu of by polder). The

SLFPA-E has agreed to operate and maintain the system to preclude threats to residents within the system. The completion of the HSDRRS will trigger payment of the local cost share to the Federal government.

ADOPTION OF AGENDA:

A motion was offered by Mr. Wittie, seconded by Mr. Tilly, and unanimously approved to adopt the agenda.

**RESOLUTION NO. 01-16-14-01 –
APPROVAL OF DECEMBER 19, 2013 BOARD MEETING MINUTES**

On the motion of Mr. Wittie,
Seconded by Mr. Luettich, 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 December 19, 2013.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Angers, Mr. Estopinal, Mr. Kemp, Mr. Hassinger, Mr. Luettich,
Mr. McHugh, Mr. Tilly and Mr. Wittie
NAYS: None
ABSENT: None

PRESENTATION:

1. Presentation by Gladstone Jones on litigation entitled “Southeast Louisiana Flood Protection Authority-East, et al, v. Tennessee Gas Pipeline Company, LCC, et al, Civil District Court for the Parish of Orleans No. 13-6911”

Gladstone Jones with Jones, Swanson, Huddell and Garrison, LLC, advised that he attended the CPRA Board meeting held yesterday during which there was a spirited debate. The proceedings of the CPRA meeting were transcribed and he offered to make this information available to Board members. An abbreviated version of the presentation is being offered today. The three critical points are 1) the Delacroix case study demonstrating the stakes, 2) the SLFPA-E’s lawsuit is based upon sound science and undisputed fact, and 3) the SLFPA-E’s lawsuit will bridge funding gaps in coastal restoration and hold the oil and gas industry responsible for the harm it caused.

Mr. Jones addressed the buffer area and presented the following quote from the State Master Plan. “Barrier islands, marshes, and swamps throughout our coast reduce incoming storm surge, helping to reduce flood impacts. If we continue to lose these habitats, the vulnerability of communities, nationally important to navigation routes, and energy infrastructure will increase substantially. In addition, our flood protection systems will become more vulnerable as the land around them erodes.”

Mr. Jones discussed the Delacroix case study. A number of historic photographs were assembled. The first photograph taken in 1956 showed an intact marsh. Based on State records reviewed in preparation for filing the lawsuit, it was learned that the first canal was dredged in the area in 1961. A 1965 aerial photograph showed the first evidence of oil and gas activities in the area. A 1972 aerial photograph showed another canal running north and south, which according to records was dredged in 1971. An aerial photograph taken in 1989 showed a third canal, which according to records was dredged in 1983, and the extension of the second canal. A photograph showed the case study area as of 2008. One of the canals accessed a dry hole drilled by a vendor that no longer exists. The other two canals are the Murphy Oil canal and the Devon Energy canal.

Mr. Jones explained that a permit to dredge a canal was issued by the USACE to Devon Energy in 1983. The well was abandoned in 1994. The permit included the following language: "The dredged material shall be returned to the canal or spread adjacent to existing marsh ... to create marsh and encourage vegetation." A 1980 Coastal Zone Management regulation expressly provides that operators in the coastal zone shall do the following: "Mineral exploration and production sites shall be cleared, revegetated, detoxified, and ... restored as near as practical to their original condition." The 2008 aerial photograph shows breaches in the canal berm allowing water in the canal to flow into the previously intact marsh. The photograph also shows the area where the Murphy Oil canal is located as it looks today. The change in water color in the photograph indicates that a hydrological effect is taking place where silt is being pulled from one area into another area. It was noted that this is a protected case study since the area is located west of the Mississippi River Gulf Outlet (MRGO) and far east of the Mississippi River. Mr. Jones pointed that this is only one of many examples located within the buffer zone. In the last 57 years the Delacroix area has gone from a protected intact marsh to a very open water situation.

Mr. Jones stated that Garret Graves, the Governor's Executive Assistant for Coastal Activities and Chair of the CPRA, asked the following questions in his December 19, 2013 presentation to the Board: "So, why are we losing land"? What's going on here?" A presentation slide listed 35 studies that universally conclude that oil and gas activities have contributed to coastal loss. Mr. Jones commented that of particular note are the studies by the Louisiana Mid-Continent Oil and Gas Association dated 1985 and the American Petroleum Institute dated 1988. Dr. Robert Bea, Shell's former chief offshore engineer, stated "In several important cases, it was the loss of these natural defenses that contributed to the unanticipated breaches of flood protection facilities ...". An affidavit by Dr. Bea prepared for the State of Louisiana in 2006 states, "It was the loss of these natural defenses that contributed to the unanticipated breaches of flood protection facilities that protected the greater New Orleans area during hurricane Katrina and led to repeated flooding during hurricane Rita." He pointed out that the statement from Dr. Bea's affidavit matches the SLFPA-E's mission as identified in La. Revised Statute 38:330.2(G) "... the protection of the entire territory of the authority from overflow."

Mr. Jones cited the following quote by Mr. Graves in an article in the Advocate dated September 16, 2013: "I will be the first one to admit, there's liability there. I'm not an apologist for the oil and gas industry, I'll be the first to tell you that."

Mr. Jones explained that part of the firm's due diligence and the process of putting the lawsuit together on the SLFPA-E's behalf was to ensure that what the SLFPA-E was alleging was not inconsistent with what the CPRA had stated historically or inconsistent with the State's Master Plan. He addressed what the CPRA's position has been with regards to the contribution of oil and gas activities to coastal loss. He pointed out that three points must be made in any lawsuit: 1) did someone cause damage, 2) are they liable, and 3) what is the damage. A page on CPRA website on August 7, 2013 included a section addressing the cause of the crisis and presented three conclusions:

- "Canal dredging has had one of the most dramatic effects on wetland growth and regeneration. In addition to directly destroying marshes in the path of the canal, the plants are unable to recolonize, and thus the marsh is unable to regenerate itself. Once canals are dredged, most grow larger as the sustainable areas of marsh subsequently decrease."
- "INDUSTRIAL NEGLIGENCE: ... and in the early to mid-20th century, oil and gas exploration activities increased the dredging of canals."
- "As the century continued, oil and gas became prominent economic drivers and critical resources for our nation. Access to these was provided by navigation canals and pipelines which crisscrossed South Louisiana marshes. Unfortunately, in the process the coastal marshes were lost when spoil banks were left randomly throughout the area, disastrously altering the natural hydrology of the region."

Mr. Jones explained that this language had been on the CPRA website for a number of years and was a part of the due process in preparing the pleadings in going forward with the lawsuit. Considering the photographs, the CPRA's statements and statements by scientists, it became apparent that the horizon photograph of the test case area is a picture of disastrously altering the natural hydrology of the region. There is no other industrial activity occurring in this particular area. He stated that he was not suggesting that oil and gas activities have been the only cause of coastal loss and that other impacts have contributed to coastal loss. After the lawsuit was filed it was important to determine whether the CPRA would stand by the statements on its website on August 7, 2013. Mr. Graves reported yesterday that the CPRA's entire website had been revised in the August-October timeframe. The statements were deleted from the CPRA website and can no longer be found. Therefore, there is a question as to whether the CPRA still holds the same view with regards to oil and gas access canals dramatically impacting coastal loss. Mr. Jones pointed out that Mr. Graves stated yesterday that he stood behind the statements and still believes that the statements are accurate.

Mr. Jones listed the goals of the lawsuit:

1. Get the oil and gas industry to acknowledge its responsibility.
2. Convene a discussion with all interested parties.
3. Develop a fair solution to get coastal restoration funded.

Mr. Jones stated that another takeaway from yesterday's CPRA meeting is that Mr. Graves conceded that looking at the situation through a microscope, the lawsuit has merit. He noted that Mr. Graves takes the position that the other 98 percent of the consideration suggests that the lawsuit should not be pursued.

Mr. Jones explained that the critical issue is whether or not there is funding in this jurisdiction for eight to nine billion dollars of projects that are set forth in the State Master Plan. While there is some funding coming to the State of Louisiana, there is not nearly the 50 to 100 billion dollars articulated to be needed to go out and do substantive work to protect this particular area. Mr. Jones introduced Jim Swanson and requested that Mr. Swanson provide information to the Board on the budget and funding for the State Master Plan.

Mr. Swanson advised that the \$50 billion budget in the 2012 State Master Plan was the product of a series of compromises and will not stop coastal land loss. Two scenarios are included in the Master Plan: a moderate scenario and a less optimistic scenario. Plots included in the Master Plan show the square miles of potential land area change over the next 50 years. Under the moderate scenario the land mass declines and then stabilizes in about 2050. Under the less optimistic scenario the coastal land area declines through 2061. The figure of \$50 billion was decided upon as the minimum budget figure. Funding possibilities between \$20 billion and \$50 billion were considered. The State concluded that a \$20 billion Master Plan was not going to provide the resources necessary to significantly reduce coastal land loss nor did it adequately reduce storm surge risks. A \$50 billion assumption was decided upon and a series of products were developed based on this assumption. The possibility of a \$100 billion budget, which would arrest land loss and could allow the rebuilding of land by 2061, was discussed. Funding sources for a \$100 billion budget could not be identified; therefore, the \$50 billion figure was used. He commented that Mr. Graves has acknowledged, and the 2013 Annual Plan demonstrates, that the State does not have its eyes at this time on the \$50 billion needed for the Master Plan.

Mr. Swanson reviewed a page from the 2013 Annual Plan that outlined the revenues available to the CPRA over the course of Fiscal Years (FY) 2015, 2016 and 2017 totaling \$1.6 billion. Revenues in FY 2015 total approximately \$650 million and decline in FYs 2016 and 2017. The revenues include funding sources that have been available in the past few years that will no longer be available in FYs 2016 and 2017 [e.g., Coastal Impact Assistance Program (CIAP) and 2007-2009 surplus funds from the State budget] and several non-recurring funding sources (e.g., settlements of aspects of the BP case). The 2012 Master Plan estimated monies from the Gulf of Mexico Energy Security Act (GOMESA) at \$110 million per year; however, the 2013 Annual Plan estimates the GOMESA monies between \$100 million and \$200 million. The monies from GOMESA are insufficient to carry the plan forward.

Mr. Swanson reiterated that the Master Plan has \$50 billion of projects; however, it is a minimal plan and does not arrest land loss. An estimated \$1.2 billion of the \$1.6 billion available for FY 2015-2017 is from non-recurring funding sources. He pointed out that \$73 million per year for a 30 year period is included in the Master Plan budget beginning in FY 2016 to cover cost share costs. Therefore, there is a sizeable gap (approximately \$48 billion) in the funding for the \$50 billion budget, and \$98 billion of funding would have to be found in order to arrest land loss and rebuild land. The anticipated recovery in the Clean Water Act and other aspects of the BP case is not a realistic possibility to

fund the gap in the Master Plan budget. Discussions indicate that all of the states together are willing to consider a settlement of \$16 billion.

Mr. Swanson advised that the Master Plan lists a number of sediment diversion and marsh restoration projects that relate to the buffer zone in the SLFPA-E's area. The projects, which total approximately \$8 billion, would be funded with the proceeds of the lawsuit. The projects are estimated in increments of hundreds of millions of dollars. Most of the projects are not funded at this time and no funding source has been identified other than BP oil spill monies.

Mr. Swanson addressed the MRGO Ecosystem Restoration Plan. He pointed out that there is only a small amount of overlap between the MRGO Plan and the Master Plan. The MRGO Plan will not fund the Master Plan projects within the SLFPA-E's region to any significant degree. Therefore, the MRGO Plan is not a panacea for the SLFPA-E. The USACE has its own budgetary problems and there is a question as to whether the USACE will come up with \$3 billion to fund the MRGO Plan.

Mr. Swanson advised that one of the questions asked at the CPRA meeting yesterday was, "Why not make a stop at the oil and gas companies to ask them to contribute to the Master Plan?" Public opinion is in favor of making this stop. He reminded everyone that a suggestion was made after the lawsuit was filed that a task force be put together that would include representatives from the oil and gas industry to start a conversation, which is one of the goals of the lawsuit. Senator Mary Landrieu endorsed the idea that all funding sources must be considered.

Mr. Kemp commented that the \$50 billion figure in the Master Plan includes \$25 billion for structural flood control elements. Therefore, the amount of money in the Master Plan for restoration is only about \$25 billion. He pointed out that the moderate and less optimistic scenarios in the Master Plan relate to assumptions about sea level rise. He also noted that virtually none of the early BP penalty monies are slated for expenditure within the SLFPA-E's jurisdiction. He added that the SLFPA-E's jurisdiction does not stop with the levees and buffer area identified in the presentation. The SLFPA-E has some oversight throughout the Pontchartrain Basin area. The SLFPA-E commissioned a study on the New Orleans East Landbridge. He noted that after discussions with Mr. Graves that he offered a motion at the August 15, 2013 Board Meeting, which was unanimously adopted, to stand down the lawsuit in order to allow discussions with the Governor's Office regarding the establishment of a task force.

Mr. Jones pointed out that language in the Master Plan indicates that oil and gas activities have taken a toll on coastal loss. Language previously on the CPRA website included the phrases, "dramatic effects" "industrial negligence" and "disastrously altering".

Mr. Hassinger advised that he attended yesterday's CPRA meeting and that he was impressed by the collection of serious men and women who are serious about doing a serious job. Comments by CPRA Board members about the action taken by the SLFPA-E Board were not personal to any Board member. The comments were respectful of the SLFPA-E's role, but recognized the role that the CPRA plays in the

bigger picture. A point was made by several CPRA Board members that State law tasks the CPRA—not the SLFPA-E—with coastal restoration responsibilities. Several CPRA Board members asked, why didn't the SLFPA-E come and talk to the CPRA Board and bring in other stakeholders. There was repeated emphasis on strategy, coordination, comprehensive plan, working together and the big picture. Several CPRA Board members made the point repeatedly that a single levee board or flood authority has no responsibility in the big picture for the things that the SLFPA-E is trying to act on in the lawsuit – that's the CPRA's job. The fact that the SLFPA-E is independent and apolitical does not mean that the Board can do anything that it wants, whenever it wants and wherever it wants in disregard for where the SLFPA-E fits in the bigger picture. The fact that the Board is independent does not mean that it has the right to disregard other stakeholders in the process and act as though it operates in a vacuum. He commented that yesterday he heard significant disappointment expressed by people who historically have been supporters of the SLFPA-E and concern that the Board went outside of its authority and performed responsibilities that rest with the CPRA.

Mr. Jones responded that the CPRA Board's attorney disagreed with the position that the CPRA stands in the center of coastal restoration. It was concluded that the SLFPA-E Board, as an independent body, has standing and the ability to pursue the lawsuit. The central problem is that the State does not have the money or a plan to fund the Master Plan and the consequences are dire. The oil and gas industry has conceded that it has caused coastal loss, which depending on the scientific study being relied upon is 10 to 70 percent. The question is, how is the SLFPA-E going to fund and discharge its responsibility to ensure that what needs to get done, in fact, gets done. He added that the CPRA Board members are trying to do a good job; however, it has failed on the funding aspect.

Mr. Estopinal commented that the SLFPA-E is responsible for flood protection, the levees and their maintenance, and projecting protection against storm surge risks.

PUBLIC COMMENTS:

Craig Berthold commented that the property owners along the 17th Street Canal have not seen any evidence of the existence of a servitude on any surveys or title documents. He asked the location where he can find evidence that a servitude was established along the 17th Street Canal be provided.

Roy Arrigo commented that the 17th Street Canal servitude issue that is in litigation cannot be discussed in open meeting; however, the oil and gas litigation dominates the Board's discussions. He commented on statements that he said were made by members of the Board's informal committee regarding the inclusion of the poison pill provision in the Board's contract for legal services to counter elected officials if they chose to act within their rights, intentionally keeping plans secret from the legislature until it was too late for it to act and that the filing of the suit was timed in order to provide the longest amount of time before the legislature could act. He asked, where is the informal committee taking the Board?

John Barry commented in response to the comments offered by Mr. Hassinger. He stated that Mr. Graves attended a meeting held on December 4th and the Board's executive session in January. Therefore, the idea that Mr. Graves was not consulted is not accurate. The possibility of talking to the oil and gas industry was discussed at the December 4th meeting. He pointed out that Mr. Graves stated that he already did so and that "they are not there yet". He stated that Mr. Graves recognized the liability, went to the industry and asked them to voluntarily participate in a solution, and they refused. The EPA ranks Louisiana lowest in the enforcement of regulations. He added that the only way the oil and gas industry is going to respond is through litigation, which he hoped brings the industry to the table.

Sandy Rosenthal commented that she had a conversation with Mr. Graves regarding the responsibilities of the CPRA and the SLFPA-E. She stated that Mr. Graves told her that there is one local sponsor, the CPRA, but that the CPRA contracts responsibilities to the individual districts, including the SLFPA-E.

Carol Byram commented on the parallels between the 17th Street Canal litigation and the oil and gas litigation and on the experts available to provide information on the issues. She stated that surveys of the levee are being performed and asked that the questions included in the 2011 letter that she provided the Board be answered.

Jonathan Henderson with the Gulf Restoration Network commented that thousands of people have sent letters to the Governor and legislature supporting the Board's decision to file the lawsuit. He stated that knowing the actual cost for the Board to perform its job would be helpful in galvanizing public support.

COMMITTEE MEETINGS:

Finance Committee: Mr. Tilly advised that the Finance Committee did not meet during the month of January.

Operations Committee: Mr. Wittie reported that the Operations Committee met on January 9th. The Committee discussed the following items:

- A temporary work area servitude for the construction of the Mississippi River Levee (MRL) lift in Jefferson Parish – The temporary servitude covers approximately 1.5 acres of land and will be needed for a period of three years. The Committee recommended that the Board approve the temporary servitude.
- Servitudes along France Road and the Citrus Back Levee – Representatives from the Port of New Orleans discussed the servitudes that vary in widths from 32 to 62-feet. The servitudes were not recorded. Records must be researched in order to determine the areas needed for flood protection and the excess properties that can be returned to the Port.

Legal Committee: Mr. Doody advised that the Legal Committee did not meet during the month of January. A motion to approve the legal invoices has been placed on the Board's agenda.

CPRA/Governmental Affairs: Mr. Doody advised that the CPRA Board adopted a resolution at its meeting yesterday regarding the operation and maintenance of the HSDRRS. He pointed out that the CPRA is not officially accepting the turnover of HSDRRS projects on a piecemeal basis.

Mr. Tilly advised that he attended the CPRA Board meeting yesterday and reported that the CPRA Board adopted a resolution giving Mr. Graves the right to hire an attorney to review the SLFPA-E's contract for legal services concerning its validity. In addition, the CPRA Board will request that the SLFPA-E hire legal counsel to look into the validity of the contract.

Coastal Advisory Committee: Mr. Kemp advised that future Coastal Advisory Committee (CAC) meetings will be held on the third Friday of the month. The CAC will meet tomorrow morning and hear two presentations: 1) the effects of the closure of the MRGO on hydrology by Dr. Chris Swarzenski, USGS, and 2) new survey leveling needs and implications for levee management by Cliff Mugnier, LSU Center for Geoinformatics. Mr. Estopinal commented on the need for a reliable vertical datum in Louisiana and the adoption of a gravity based datum by NOAA. Mr. Doody suggested that the installation of fiber optics to monitor levee movement be considered.

REGIONAL DIRECTOR'S REPORT:

Robert Turner, SLFPA-E Regional Director, reviewed the highlights of the Regional Director's Report (copy appended to minutes). He provided the following comments:

- The complex structures, with the exception of the new Bayou Dupre Control Structure, have been turned over to the levee districts for operation and maintenance (O&M). The remaining work on the new Bayou Dupre Control Structure is anticipated to be completed by May of 2014.
- A delegation from New York and New Jersey toured the IHNC Surge Barrier and discussed post-Katrina challenges and flood protection.
- Foreshore Protection Reaches 1 and 2 – A meeting was held on site with USACE personnel. The SLFPA-E is expecting information from the USACE on a workable plan to make repairs and modify the design so that future problems do not occur.
- Floodwall tie-in to MRL at Caernarvon – Several monoliths are being removed and will be replaced with new monoliths constructed to a higher elevation. The MRL in this vicinity will be raised to meet the elevation of the wall. The work is scheduled to be completed in May, 2014.
- Armoring – The LARRR (Levee Armoring Research and Recommendations Report) has been certified by the USACE's technical review team. Major modifications were made to the original report. The report deals with the research that went into the development of a method to armor the levees. The Engineering Alternative Report (EAR) is scheduled to be completed in February, 2014, and will provide the armoring footprint. Preliminary indications are that a significant portion of the HSDRRS on the east bank will be armored. The first armoring projects are scheduled for award this summer. Mr. Turner pointed out that the SLFPA-E spent a significant amount of time reviewing the armoring documents and that the comments submitted by the

SLFPA-E during the review process helped change the direction of the armoring program. The SLFPA-E has made a positive difference in the armoring program and significantly increased the armoring footprint. Mr. Doody commented that a final determination has not yet been made on armoring the front and/or back sides of the floodwalls.

- Senate Concurrent Resolution (SCR 39) – SCR 39 was passed in the 2013 legislative session and requires a study of the levee districts throughout the State with a goal of efficiency and effectiveness. The CPRA retained ARCADIS U.S., Inc. to assist with the study. The SLFPA-E provided more than 450 pages of information in response to the questionnaire developed by ARCADIS.
- Levee certification – The CPRA Board adopted a resolution at its meeting yesterday that adopted Volume 1 of the HSDRRS O&M Manual prepared by the USACE. Volumes 2 and 3 of the O&M Manual have not yet been completed. An O&M Plan must be in place in order to meet levee certification requirements. The CPRA resolution also directed the levee districts and the Authorities with jurisdiction over the HSDRRS to adopt a similar resolution and to name within the resolution the individual with the authority to ensure that the O&M Plan is carried out. A resolution has been placed on the Board agenda to fulfill this requirement.
- Non-federal levee certification – Approximately \$2.5 million to \$3 million of work remains. The burn rate is approximately \$300,000 per month. An item has been placed on the Board agenda to approve a Cooperative Endeavor Agreement relative to funding this effort.

EXECUTIVE SESSION:

Mr. Doody advised that the Board would not be meeting in executive session today.

NEW BUSINESS:

RESOLUTION NO. 01-16-14-02 - APPROVAL OF LEGAL INVOICES

On the motion of Mr. Wittie,
Seconded by Mr. Tilly, 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 January 16, 2014”, 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 provided to members of the Legal Committee.

BE IT HEREBY RESOLVED, that the legal invoices listed on the spreadsheet entitled “Legal Invoices Approved on January 16, 2014” are hereby approved.

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

YEAS: Mr. Angers, Mr. Estopinal, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie
NAYS: None
ABSENT: Mr. Hassinger and Mr. McHugh

**RESOLUTION NO. 01-16-14-03 – INTERGOVERNMENTAL AGREEMENT
FOR NON-FEDERAL LEVEE CERTIFICATION**

Mr. Angers advised that Mr. Hassinger was unable to stay for the entire meeting and requested that several questions be posed: How is the Cooperative Endeavor Agreement (CEA) being funded? How much of this amount will be paid by the Orleans Levee District?

Mr. Turner explained that the SLFPA-E recognized before embarking on the program that the non-federal levee certification effort would cost an estimated \$4.5 million. If the non-federal levees are not certified, the Lower Ninth Ward in Orleans Parish and the vast majority of St. Bernard Parish would be remapped and the base flood elevation would rise to an extent that the significantly increased NFIP premiums seen in other parts of the State associated with the Biggert-Waters Act would be applied to this area. The remapping of this area would basically render properties uninsurable and remove them from commerce. Funding for the non-federal certification effort was sought from multiple sources, including grants and the Louisiana Capital Outlay Program. Meetings were held with the City of New Orleans Mayor's Office and the St. Bernard Parish President's Office to stress the importance of certifying the non-federal levees and to garner support for grants; however, the grants did not materialize. If the levee districts pay for only the portion of the non-federal levee within their districts, funding would not be available to complete the certification project. If the certification process is halted and the remapping occurs, it would dramatically affect both the Lower Ninth Ward and St. Bernard Parish.

Mr. Turner further explained that he met with representatives of the CPRA and brought this problem to their attention. He advised the CPRA that he had exhausted all available potential options to obtain funding for the effort and requested the State's assistance. The CPRA and Attorney General's office formulated a plan for the SLFPA-E to continue the project. State law allows adjoining levee districts to share in the cost of projects if the project benefits both levee districts. Therefore, a CEA was drafted between the Orleans Levee District, Lake Borgne Basin Levee District and the CPRA for the certification of the non-federal levee. Beaux Jones, Assistant Attorney General, concurred that a provision in the law allows the levee districts to share the cost of the project. He added that this is not the first time a situation such as this has occurred and that the CPRA provided oversight in those situations.

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

WHEREAS, the Federal Emergency Management Agency (FEMA) is in the process of updating its Digital Flood Insurance Rate Maps (DFIRMs) for Orleans and St. Bernard Parishes, which are used in the calculation of National Flood Insurance Program (NFIP) rates; and

WHEREAS, the Forty Arpent Levee located in the Lower Ninth Ward of Orleans Parish and in St. Bernard Parish must be certified in order to be accredited by FEMA for the NFIP and included in the DFIRMs; and

WHEREAS, subsequent to the request by FEMA for certification documents for the Forty Arpent Levee, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) entered into a Provisionally Accredited Levee (PAL) Agreement with FEMA on August 7, 2012, which allowed a two year period to complete the engineering work necessary to develop the required certification documents; and

WHEREAS, the SLFPA-E engaged the services of Tetra Tech, Inc. to conduct the work required for certification, which includes, but is not limited to, levee inspection, land surveying, soil borings and other geotechnical engineering analysis, and review and modification of Operation, Maintenance and Emergency Operations Plans; and

WHEREAS, certification is only available for the entire levee system and not individual segments of levees delineated only by political boundaries; and

WHEREAS, the failure to provide complete data and documentation to comply with certification requirements (44 CFR 65.10) within the designated two-year timeframe will result in FEMA's initiation of a revision to the DEFIRM to redesignate the area as a Special Flood Hazard Area [an area subject to inundation by the base (1-percent annual chance) flood], and a significant increase in NFIP premiums for citizens residing in Orleans and St. Bernard Parishes; and

WHEREAS, the Orleans Levee District (O.L.D.), Lake Borgne Basin Levee District (LBBLD) and the Coastal Protection and Restoration Authority (CPRA) acknowledge and agree that certification of the levee system within the jurisdictional boundaries of the O.L.D. and LBBLD will provide a benefit to the citizens within the O.L.D. and LBBLD; and

WHEREAS, an Intergovernmental Agreement for the certification of the Forty Arpent Levee will be mutually beneficial to the parties in the furtherance of their respective statutory purposes, duties, and authorities, and each party expects to receive a public benefit at least equal to the costs of the responsibilities undertaken pursuant hereto.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the Intergovernmental Agreement between the Lake Borgne Basin Levee District, Orleans Levee District and the Coastal Protection and Restoration Authority for the FEMA required certification of the Forty Arpent Levee in Orleans and St. Bernard Parishes.

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

YEAS: Mr. Angers, Mr. Estopinal, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Hassinger and Mr. McHugh

**RESOLUTION NO. 01-16-14-04 –
O&M OF THE NEW ORLEANS AREA HURRICANE PROTECTION SYSTEM**

Mr. Doody advised that the New Orleans Area Hurricane Protection System is the nomenclature used by the State for the Hurricane and Storm Damage Risk Reduction System (HSDRRS). HSDRRS is the term used by the USACE. He added that the resolution before the Board must be adopted in order for FEMA to accredit the HSDRRS. Mr. Turner pointed out that the resolution adopts Volume 1 of the USACE's O&M manual as the bible for the SLFPA-E's O&M activities and names the SLFPA-E Regional Director as the individual responsible to ensure the O&M of the system. Mr. Doody noted that the levee districts' Emergency Operations Procedures (EOP) manuals identify specific positions for various O&M functions as required by FEMA.

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

A Resolution Regarding Operation and Maintenance of the New Orleans Area Hurricane Protection System in Compliance with FEMA Regulations and for the Purpose of FEMA Certification

WHEREAS, Louisiana Revised Statute 49:214.1 established, authorized and empowered the Coastal Protection and Restoration Authority Board (CPRAB) to carry out any and all functions necessary to serve as the single entity responsible to act as the local sponsor for construction, operation and maintenance of all of the hurricane, storm damage reduction and flood control projects in areas under its jurisdiction, including the greater New Orleans and southeast Louisiana area; and

WHEREAS, under La. R.S. 49:214.5.2(A)(7), the CPRAB has the power and authority to enter into any contract with the federal government or any federal agency or any political subdivision of the state or private individual for the construction, operation, maintenance, repair, rehabilitation, or replacement of any coastal protection or restoration, hurricane protection, infrastructure, storm damage reduction, or flood control project, and to this end, may contract for the acceptance of any grant money upon the terms and conditions, including any requirement of matching grants in whole or part, which may be necessary; and

WHEREAS, the Southeast Louisiana Flood Protection Authority East (SLFPA-E) is contractually and/or statutorily mandated to be ultimately responsible for operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the portions of the Lake Pontchartrain and Vicinity Hurricane Protection System within its jurisdiction and/or which benefit its jurisdiction.

WHEREAS, the CPRAB entered into Project Partnership Agreements (PPAs) with the United States Army Corps of Engineers (USACE) to complete construction of the Hurricane Protection System (HPS) for the Lake Pontchartrain and Vicinity (LPV) and West Bank and Vicinity (WBV) projects; and

WHEREAS, the CPRAB and the Coastal Protection and Restoration Authority (CPRA) requested that the USACE prepare the National Flood Insurance Program (NFIP) Levee System Evaluation Report (NLSER) on behalf of the CPRAB and

CPRA in order to receive levee system accreditation from the Federal Emergency Management Agency (FEMA); and

WHEREAS, the USACE submitted their final NLSER to the CPRAB and CPRA on June 20, 2013; and

WHEREAS, in the NLSER the USACE affirms that the HPS, upon full completion in accord with the requirements of the PPAs, meets all the requirements established by the USACE for determining that the levee system can be reasonably expected to exclude the 1% annual chance exceedance flood also referred to as the base flood; and

WHEREAS, Code of Federal Regulations Title 44 Section 65.10 (CFR 44:65.10) requires that for a levee system to be recognized as providing protection from the base flood, the levee system must be operated and maintained in accordance with an officially adopted operation and maintenance plan; and

WHEREAS, upon completion of its contracts for construction of the HPS with its contractors, the USACE has issued and continues to issue notices of contract completion (NCC) letters to the CPRAB, SLFPA-E and the levee districts and declaring that the CPRAB, through CPRA, SLFPA-E and the levee districts are responsible under the PPAs for OMRR&R of the portions of the HPS referenced in the individual letters; and

WHEREAS, the USACE, in conjunction with the NCC letters issued to date, has supplied copies of Operation and Maintenance Manual Volume 1 and is in the process of completing Operation and Maintenance Manual Volumes 2 and 3, in coordination with CPRA, SLFPA-E and the levee districts; and

WHEREAS, the CPRAB, through its Chairman, Garret Graves, issued a letter to Colonel Edward Fleming, then Commander of the New Orleans District, on June 28, 2012 indicating the CPRAB's disagreement with the USACE's position regarding when functional portions and the entire HPS system are complete in accord with the PPAs, including but not limited to whether the entire system or portions thereof are functionally complete and/or meet the 100 year design criteria, and thus, when the CPRAB, SLFPA-E and the levee districts would be legally and financially responsible for OMRR&R of the entire HPS or functional portions thereof; and

WHEREAS, in spite of the disagreement and in order to assure that the HPS system is properly operated and maintained in compliance with CFR 44:65.10 following USACE issuance of NCC letters, the CPRAB, CPRA, SLFPA-E and the levee districts with jurisdictional authority over all or portions of the LPV Project have agreed to operate and maintain the HPS system upon issuance of NCC letter relative to portions of the HPS system, whether or not said portions of the HPS system have been completed sufficiently in accord with the provisions of the PPAs between the USACE and the CPRAB to trigger the legal and financial obligations for OMRR&R by CPRA, SLFPA-E and the levee districts; and

WHEREAS, notwithstanding the CPRAB, SLFPA-E and the levee districts agreement, in the interim, to OMRR&R the portions of the HPS for which the USACE has issued NCC letters to the CPRAB, SLFPA-E and the levee districts, the CPRAB, SLFPA-E and the levee districts, nonetheless desire to reserve their rights to seek the enactment or modification of Federal law or to seek a change or

modification of the USACE's interpretation of law regarding the OMRR&R of the HPS and the official completion of the projects and system as well as any and all other legally available and applicable rights and remedies; and

WHEREAS, in order to be in compliance with CFR 44:65.10, CPRA, SLFPA-E and the levee districts intend to officially adopt HPS Operation and Maintenance Manual Volume 1 as well as adopt, upon completion, delivery, and acceptance by the CPRAB, SLFPA-E and the levee districts, HPS Operation and Maintenance Manual Volumes 2 and 3; and

WHEREAS, notwithstanding the interim decision of the CPRAB, SLFPA-E and the levee districts to OMRR&R the portions of the HPS for which the USACE has issued NCC letters to the CPRAB, SLFPA-E and the levee districts, the CPRAB, SLFPA-E and the levee districts, nonetheless desire to reserve their rights to seek the enactment or modification of Federal law or to seek a change or modification of the USACE's interpretation of the law and/or the PPAs regarding the OMRR&R of the HPS, the official completion of the projects and system, and completion, delivery, and acceptance of outstanding Operation and Maintenance Manuals, as well as any and all other legally available and applicable rights, remedies, and actions necessary to enforce the provisions of the PPAs and/or applicable federal, state, and local laws and regulations; and

WHEREAS, on January 15, 2014, the CPRAB passed a Resolution No. 2014-01-03, A Regarding Operation and Maintenance of the New Orleans Area Hurricane Protection System in Compliance with FEMA Regulations and for the Purpose of FEMA Certification; and

WHEREAS, said resolution states that for the sole purpose of compliance with CFR 44:65.10, the CPRAB and CPRA intend to officially adopt HPS Operation and Maintenance Manual Volume 1, and upon completion, delivery, and acceptance by the CPRAB, CPRA, SLFPA-E and the levee districts, HPS Operation and Maintenance Manual Volumes 2 and 3; and

WHEREAS, said resolution also directs the levee districts to take all actions necessary to adopt the HPS Operation and Maintenance Manuals in accordance with Resolution No. 2014-01-03 and to authorize the appropriate head of their agencies to accept the ultimate responsibility of all the tasks and actions listed in those plans, once said plans are completed by and received from the USACE, and accepted by the CPRAB, CPRA, SLFPA-E and the levee districts, in coordination with the USACE.

THEREFORE, BE IT HEREBY RESOLVED THAT, the Board of Commissioners of the SLFPA-E (Board) hereby adopts the HPS Operation and Maintenance Manual Volume 1, and upon completion, delivery, and acceptance by the CPRAB, CPRA, SLFPA-E and the levee districts, HPS Operation and Maintenance Manual Volumes 2 and 3.

BE IT FURTHER RESOLVED THAT, the Board assigns to the Regional Director the authority and responsibility to manage and direct the operation and maintenance activities of the LPV HPS located within the SLFPA-E jurisdiction in accordance with the all the tasks and actions listed in the HPS Operation and Maintenance Manual.

BE IT FURTHER RESOLVED THAT, this resolution and actions taken hereunder are intended neither to absolve the USACE from completing their design and construction obligations or their responsibilities relative to completion of any Operation and Maintenance Manuals as dictated by and set forth in federal law and regulations and the PPAs, nor to be construed as final acceptance of the HPS projects or any Operation and Maintenance Manuals not completed, delivered to, and accepted by CPRA, SLFPA-E and the levee districts as of the date of this resolution as dictated by and set forth per the terms of the PPAs and/or applicable federal, state, and locals laws and regulations.

BE IT FURTHER RESOLVED THAT, the Board, acting in coordination with CPRAB and CPRA, reserves any and all rights to seek the enactment or modification of Federal law or to seek a change or modification of the USACE's interpretation of law and/or PPAs regarding the OMRR&R of the HPS, the official completions of the projects and system, and completion, delivery, and acceptance of any outstanding Operation and Maintenance Manuals, as well as any and all other legally available and applicable rights, remedies, and actions necessary to enforce the provisions of the PPAs and/or applicable federal, state, and local laws and regulations.

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

YEAS: Mr. Angers, Mr. Estopinal, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Hassinger

RESOLUTION NO. 01-16-14-05 - EJLD – JEFFERSON HEIGHTS LEVEE ENLARGEMENT – TEMPORARY WORK AREA SERVITUDE

On the motion of Mr. Wittie,

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

WHEREAS, the U.S. Army Corps of Engineers (USACE) is constructing the Mississippi River and Tributaries, Jefferson Heights Levee Enlargement Project; and

WHEREAS, a Temporary Work Area Easement over 1.5 acres of land owned by ACL Transportation Services, Inc., is required for the staging of the aforementioned project for a period not to exceed three years, beginning with the date of possession of the land by the Grantee (East Jefferson Levee District), namely August 13, 2013; and

WHEREAS, the Grantor of the Temporary Work Area Easement, ACL Transportation Services, LLC, will be paid \$112,000.00 in compensation for said temporary easement.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the Temporary Work Area Servitude agreement between the East Jefferson Levee District, Grantee, and ACL Transportation Services, LLC, Grantor.

BE IT FURTHER RESOLVED, that the EJLD Executive Director is hereby authorized to execute the Temporary Work Area Servitude agreement and any and all other documents necessary to accomplish the above.

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

YEAS: Mr. Angers, Mr. Estopinal, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Hassinger

RESOLUTION NO. 01-16-14-06 - EJLD PURCHASE OF IMMOVABLE PROPERTY FROM THE CITY OF NEW ORLEANS

Mr. Doody advised that the resolution before the Board approves the purchase of property from the New Orleans Aviation Board for the construction of the consolidated East Jefferson Levee District (EJLD) safehouse/administration/maintenance facilities. The EJLD's administration and maintenance functions are currently housed at different facilities. The EJLD does not at this time have a safehouse facility. The EJLD will construct a single facility to house all of its functions and to safely house its employees during hurricane events. An architect was retained to identify potential properties. The Board ultimately settled on the most cost effective property. The property located adjacent to the Louis Armstrong New Orleans International Airport cannot be put into commerce or used for residential purposes. The City of New Orleans has approved the sale of the Airport property. Meetings have taken place with Jefferson Parish and Kenner officials to allow the commendation of certain streets. Several small parcels must be acquired from private owners in order to complete the footprint for the proposed facilities. The purchase of the property was discussed at a number of prior meetings.

On the motion of Mr. Wittie,

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

WHEREAS, the City of New Orleans by and through the New Orleans Aviation Board (NOAB) previously acquired immovable property in Jefferson Parish, Louisiana, in part, with federal funds from the Federal Aviation Administration (FAA) as part of the FAA's Noise Compatibility Project (Noise Mitigation) to purchase immovable property in Jefferson Parish in areas surrounding the Louis Armstrong New Orleans, International Airport; and

WHEREAS, LSA R.S. 33:4717(A) permits the sale of immovable property from one public entity to another public entity if such property is no longer needed for a public purpose and where the purchasing public entity intends to use said immovable property for a public purpose; and

WHEREAS, the City of New Orleans desires to sell a portion of the immovable property it acquired through the FAA's Noise Mitigation program to the East Jefferson Levee District; and

WHEREAS, the East Jefferson Levee District, a public entity, desires to purchase some of the immovable property that the City of New Orleans by and through the NOAB acquired through the FAA's Noise Mitigation program; and

WHEREAS, the East Jefferson Levee District will pay the full appraised value of said immovable property, ONE MILLION THREE HUNDRED FIFTY THOUSAND AND 00/100 (\$1,350,000.00) DOLLARS; and

WHEREAS, said sale of immovable property from the City of New Orleans to the East Jefferson Levee District is a private sale.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the purchase of the immovable property described in Exhibit C attached to the Act of Sale between the City of New Orleans and the East Jefferson Levee District for the price and sum of ONE MILLION THREE HUNDRED FIFTY THOUSAND AND 00/100 (\$1,350,000.00) DOLLARS.

BE IT FURTHER RESOLVED, That the Executive Director, Frances Campbell, of the East Jefferson Levee District is authorized to sign and to execute all necessary documents on behalf of the East Jefferson Levee District to effectuate the sale of said immovable property from the City of New Orleans to the East Jefferson Levee District in accordance with this Resolution.

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

YEAS: Mr. Angers, Mr. Estopinal, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Hassinger

**RESOLUTION NO. 01-16-14-07 –
PURCHASE OF PRIVATE PROPERTIES FOR THE CONSTRUCTION OF THE EJLD
CONSOLIDATED SAFEHOUSE/ADMINISTRATION FACILITIES**

Mr. Lacour explained that the Rodick family is currently residing in one of the properties that must be acquired. The Rodick family will be provided relocation assistance. The agreement with the Rodicks includes a provision that the family can remain on the property for 90 days after its purchase. He requested that the resolution reflect this provision. The Board concurred with the inclusion of the provision in the resolution.

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

WHEREAS, the East Jefferson Levee District (EJLD) is proposing to construct consolidate safehouse/administration facilities on property located in Jefferson Parish, LA; and

WHEREAS, the purchase of the following tracts is required for the construction of the aforementioned facilities at the appraised values provided herein:

Tract/Owner	Description	Appraised Value
Burton	Lots 15 & 16, Square 1, Kendale Park, Kenner, LA	\$33,000
Rodick	406 Worth Street	\$145,000

Food Bank Jefferson Parish & City of Kenner	315 Worth Street	\$196,500 (\$112,500, Jeff. Parish; \$84,000 City of Kenner)
Kenner Streets Department City of Kenner	George Street between 3 rd Street and River Levee Hollandey Street between 3 rd Street and River Levee Centanni Lane between 3 rd Street and River Levee Worth Street between 3 rd Street and Railroad Tracks	\$161,734

WHEREAS, the purchase price for the Rodick tract shall include the calculated costs for relocation and just compensation; and

WHEREAS, the Rodicks will be allowed to remain on the property for a period of ninety days.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the purchase of the tracts identified as the Burton, Food Bank and the City of Kenner Streets Department tracts at the aforementioned appraised values, and the purchase of the Rodick tract at the aforementioned appraised value plus either the calculated costs for relocation and just compensation or an administrative settlement not to exceed 20 percent of the appraised value, and authorizes the EJLD Executive Director to execute all necessary documents on behalf of the EJLD to effectuate the purchase said tracts.

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

YEAS: Mr. Angers, Mr. Estopinal, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Hassinger

**RESOLUTION NO. 01-16-14-08 - RENEWAL OF
O.L.D. POLICE PROFESSIONAL LIABILITY INSURANCE COVERAGE**

On the motion of Mr. Tilly,

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

WHEREAS, the Orleans Levee District (O.L.D.) Police Professional Liability Insurance policy will expire on February 10, 2014; and

WHEREAS, Indian Harbor Insurance Company offered to renew the current insurance coverage with \$1M per claim limit and a \$2M annual aggregate, with the defense cost outside of policy limits, through Morrison Insurance Agency, at an annual cost of \$26,281.20 with a \$50,000 deductible for a period of one-year, commencing on February 10, 2014 and expiring on February 10, 2015 at 12:01 am.

BE IT RESOLVED, the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of Police Professional Liability Insurance coverage from Indian Harbor Insurance Company through Morrison Insurance Agency with the aforementioned policy limits and conditions at the renewal quote of \$26,281.20 for a period of one year commencing on February 10, 2014.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Angers, Mr. Estopinal, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie
NAYS: None
ABSENT: Mr. Hassinger

**RESOLUTION NO. 01-16-14-09 –
EASEMENT OUTGRANT FOR WORK ON U.S. ARMY CORPS OF ENGINEERS
PROPERTY SOUTHEAST OF THE FLORIDA AVENUE BRIDGE**

On the motion of Mr. Angers,
Seconded by Mr. Tilly, the following resolution was offered:

WHEREAS, the non-hurricane flood protection wall providing erosion protection and protecting the low roadway approaches southeast and northwest of the Florida Avenue Bridge over the Inner Harbor Navigation Canal is deteriorating; and

WHEREAS, the Orleans Levee District (O.L.D.) entered into a contract with Cycle Construction, LLC to replace the deteriorating non-hurricane flood protection wall with a steel sheet pile wall southeast and northwest of the bridge; and

WHEREAS, some of the work southeast of the Florida Avenue Bridge will be on U.S. Army Corps of Engineers' property located on the bank of the Inner Harbor Navigation Canal; and

WHEREAS, an Easement Outgrant must be executed between the Orleans Levee District and the U.S. Army Corps of Engineers to allow the aforementioned work to take place on the U.S. Army Corps of Engineers' property.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority – East authorizes the O.L.D. Executive Director to execute the aforementioned Easement Outgrant, subject to review by the SLFPA-E's General Counsel, 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. Angers, Mr. Estopinal, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie
NAYS: None
ABSENT: Mr. Hassinger

The budget comparison reports for mid-year for the SLFPA-E and levee districts were provided to Board members.

The next regular monthly Board meeting will be held on February 20, 2014 and hosted by the Orleans Levee District.

There was no further business; therefore, the meeting was adjourned at 11:22 a.m.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

REGIONAL DIRECTOR'S REPORT

January 16, 2014

HSDRRS Project Status Update

IHNC-01 - Seabrook Complex The Notification of Contract Completion (NCC) for the Seabrook Complex was issued on Dec. 2.

IHNC-02 - Lake Borgne Surge Barrier Complex Miscellaneous work continues on various surge barrier and gate structure components, and Operation and Maintenance Manuals are being finalized.

The painting of portions of the Bayou Bienvenue Vertical Lift Gate is almost complete. The NCC was issued Dec. 6; a final Punch List Inspection is scheduled for Jan. 30.

LPV-20.2 - Foreshore Protection Reaches 3 & 4 The NCC letter for this project was received Oct. 2, but there are still some unresolved issues, including a 150- foot-long section of rock dike near the Suburban Pump Station at Lake Villa that may have undergone a rotational failure. The Corps has completed additional surveys as part of its investigation into this problem and has indicated verbally that they do not believe there was a failure. Representatives from SLFPAE, the CPRA and the Corps met on both the LPV-20.2 and LPV-01.2 sites to discuss repair options.

LPV-01.2 - Foreshore Protection Reaches 1&2 The Corps did work to repair substantial erosion along the landward interface between the rock and the soil embankment on this project several months back, but the method failed. SLFPAE tasked consultant CH2MHill to evaluate the area and develop repair options that we find acceptable. Their findings are among the options now under consideration. The NCC for this project will be delayed until spring.

LPV-105.02- The monolith replacement across from the Lakefront Airport started with wall demolition on Jan. 7 and should finish within 30 days.

LPV-109.02a - Levee Enlargement for South Point to CXS Railroad and US11 and US 90 Floodgates A Corps consultant is preparing plans to repair problems resulting from excessive settlement of the Highway 11 floodgate, which could involve degrading the floodside. The Corps is beginning to make repairs to the emergency by-pass road adjacent to the gate. A section of slope paving on the north side of the CSX Railroad Floodgate has undergone significant, non-uniform settlement, and the Corps has decided to

remove the damaged paving and replace it with grouted rip rap. Work started on Jan. 13 and should be complete in early February.

LPV-111 - CSX RR to Michoud Canal The Corps plans to issue the NCC for this project in March, pending final surveys and the repair of areas that have settled below design grade. The plan is to add six inches of fill to a cumulative total of 1,050 feet of levee in five areas where the embankment is now lower than design grade.

LPV-145A- Bayou Bienvenue Bridge The Corps has awarded a \$7.4 million contract to C.E.C. Inc of Lafayette to build a swing bridge at the Bayou Bienvenue sector gate in St. Bernard Parish. The company was one of 12 to respond to a web-based bid notice. Workers must now use a boat to reach that side of the new levee/T-wall along the eastern edge of St. Bernard Parish. Once the bridge is in place, Lake Borgne Basin Levee District employees will be able to more safely and quickly close gates in advance of a storm surge.

LPV-149AR - Access Road at Caernarvon Construction is underway and scheduled for completion by Feb. 19, 2014, weather permitting.

LPV – 149A – Floodwall Tie-in to the MRL at Caernarvon Construction is underway and scheduled to be completed by May 22, 2014. The river floodwall was demolished in early January.

Outfall Canals The work to install more sheet pile along the London Ave Canal and the west side of the 17th St. Canal (OFC-07) was to have started in early December, but a bid protest continues to delay the project.

Canal bank protection on the west side of the 17th Street Canal to ensure wall stability for the low water case is designed, but a four-month-long environmental review now under must be completed before bidding. .

Armoring The Armoring Engineering Alternative Report (EAR) is scheduled for completion at the end of February. The report will identify the levee reaches that will be armored.

System-wide Armoring installation contracts are not scheduled to be awarded until July of 2014. .

SBPS - 07 – Repairs to LBBLD Pump Stations #2 and #3 The project is scheduled for construction contract award in February, with completion anticipated the following December. Final plans and specifications are now in review.

Internal Affairs

Non-Federal Levee Certification

Geotechnical field investigations have been completed in Orleans and are beginning in St. Bernard; land surveying is underway. Baselines for both levee systems will be based on the Corps RIP program surveys, which are geo-referenced.

The initial sheetpile testing and assessment report for the 40-Arpent Levee indicates that a 2,500 linear foot section of piling may require extensive repair.

A suggested fix at the Shrimp Factory in St. Bernard is being developed by the consultant.

Complex Structure Training Our personnel train weekly to become more familiar with operation and maintenance of the complex gated HSDRRS navigational structures. The OLD has new hires and is setting up an inspection/training program.

As-Built Review Process An Atkins construction inspection group is helping SLFPA-E staff review all as-built drawings for completeness, clarity and accuracy. All as-builts for projects in East Jefferson have been reviewed, as well as for New Orleans projects, except for the Seabrook and Lake Borgne Surge Barrier complexes. The review of projects in St. Bernard continues.

Senate Concurrent Resolution 39 instructs the CPRA to study the effectiveness of levee districts in Louisiana. In response, CPRA tasked the Arcadis consulting group to compile information on levee districts statewide. The package for SLFPAE (including the levee districts) to prepare responses to a detailed questionnaire from Arcadis was submitted on Dec. 20 as requested.

Emergency Preparedness The Mississippi River level at the Carrollton Gage in New Orleans is hovering around 10.5' and is expected drop slowly later this month.

Our Levee Districts have just finished updating their Emergency Operation Plans to include new infrastructure recently turned over to the Non Federal Sponsor.

Meetings and Items of Note:

The Governor's Advisory Commission on Coastal Protection, Restoration and Conservation will meet Feb. 5, 2014, from 9:30 am – 5 pm at UNO.

The CPRA board will meet in regular session on Feb, 26 at 9:30 am in the LaSalle Building's LaBelle Room, 617 N. Third St. in Baton Rouge.

Levee District Construction Projects:

Project	District	Status	Comments
Franklin Administration Building Refurbishment	OLD	100%	Complete
Bayou Bienvenue Maintenance Cycle	OLD	100%	Complete
Bayou St. John Sandbar Removal	OLD	99% complete	
Seawall Steps Erosion – Phase 1B	OLD	36% complete	
Franklin Warehouse Steel Silo Demolition	OLD	100%	Complete
Franklin Warehouse Safe house Remediation	OLD	100%	Complete
OLD Franklin Facility Parking Lot Improvements Landscaping Plan	OLD	0% complete	Notice to Proceed issued
Citrus Lakefront Levee Haynes Blvd. utility pads removal	OLD	100%	Complete
IHNC Florida Ave. Bridge Sheet Pile	OLD	0% complete	Notice to Proceed issued
Floodgate & Floodwall Repairs	OLD	0% complete	Notice to Proceed issued
MRT and IHNC Vegetation Removal	OLD	0% Complete. Work delayed due to high river crest.	

Levee District Project Designs and Studies

Project	District	Comments
Citrus Lakefront Railroad Drain Pipe Crossings (BKI)	OLD	Study 95% complete
Franklin Front Parking Facility	OLD	Design complete; construction Administration 0%
Lakefront Seawall Area Reach , 4&5	OLD	Bid opening Jan. 23, 2014; Reach 4&5 Design complete
Lakefront Seawall Area Reach 2B	OLD	Design 5% complete
Floodgate Seal Repairs	OLD	Design complete; construction Administration 0%
IHNC Florida Bridge Floodwall Replacement	OLD	Design complete; construction Administration 0%
Phase 1 for engine upgrades at Pump Stations 1&4 HMGP approved by FEMA	LBBLD	Design Contract awarded; 5% complete
Phase 1 for Safe Room Design HMGP approved by FEMA	LBBLD	Design 95% submitted to FEMA/GOHSEP for review
Pump Station #6 pump repair and hangers at P.S. #7	LBBLD	P&S at 100%; advertise when erosion control project is complete
Pump Station #6 Erosion Repair	LBBLD	P&S at 100%; advertise for construction bids in January 2014
Floodgate #9 renovation	LBBLD	P&S at 100%; advertise for construction bids in January 2014
Safe house & Consolidated Facility	EJLD	Waggonner & Ball Architects and the Authority Committee are meeting on January 9 th to discuss the budget.
PM Support to LBBLD Staff for HMGP Projects	LBBLD	Ongoing; provides staff augmentation for LBBLD HMGP projects.