

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST
BOARD MEETING
THURSDAY, FEBRUARY 19, 2015**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or SLFPA-E) was held on Thursday, February 19, 2015, in the Orleans Levee District Franklin Administrative Complex, 6920 Franklin Avenue, Meeting Room 201, New Orleans, Louisiana, after due legal notice of the meeting was sent to each Board member and the news media and posted.

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

The roll was called by Mr. Wittie and a quorum was present:

PRESENT:

Stephen V. Estopinal, President
Lambert J. Hassinger, Jr., Vice President
Louis E. Wittie, Secretary
Jefferson M. Angers
Tyrone Ben
G. Paul Kemp
Kelly J. McHugh
Richard A. Luetlich, Jr.

ABSENT:

Wilton P. Tilly, III, Treasurer

OPENING COMMENTS: Mr. Estopinal read aloud the following public notice:

“The Southeast Louisiana Flood Protection Authority-East will hold its regular monthly Board Meeting on April 16, 2015 at 9:30 a.m. in the Second Floor Council Chambers, Joseph Yenni Building, 1221 Elmwood Park Blvd., Harahan, Louisiana, during which the Southeast Louisiana Flood Protection Authority-East Board on behalf of the East Jefferson Levee District will consider levying an additional or increased millage rate without further voter approval or adopting the adjusted millage rate after reassessment and rolling forward to a rate not to exceed the millage rate levied for year 2011 in accordance with Art. 7, Sec. 23(C) of the LA Constitution and R.S. 47:1705(B), and will adopt the millage rate for the year 2015 and certify the levy of the millage rate to the Parish of Jefferson for the purpose of assessing and collecting the tax.”

ADOPTION OF AGENDA:

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

RESOLUTION NO. 02-19-15-01 – APPROVAL OF MINUTES OF JANUARY 15, 2015 BOARD MEETING AND FEBRUARY 5, 2015 SPECIAL BOARD MEETING

On the motion of Mr. Kemp,
Seconded by Mr. Ben, 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 15, 2015 and the Special Board Meeting held on February 5, 2015.

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

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

NAYS: None

ABSENT: Mr. Tilly

PRESENTATIONS:

1. Combining Storm Protection with Coastal Zone Development – John Dale “Zach” Lea, Ph.D.

Dr. Lea read the following statement:

“I’m an agricultural economist. I spent my career designing and implementing agricultural development projects outside the United States. My experience taught me that development project success requires private sector participation. When government works alone, tries to do everything by itself, project results are less than optimal. When government encourages private sector participation, goal achievement is enhanced, government budgets are leveraged by private sector investment, and results are expanded.

“As a development economist, I look at the effort to restore and protect the coastal zone as a development project not a relief project. I believe our efforts will be more efficient and will have more taxpayer and political support if the private sector sees the effort as a partnership that benefits them directly. I am asking you and the Coastal Protection and Restoration Authority to take every opportunity you can to structure your efforts to stimulate economic development: combine storm protection with economic development. I suggest this can be done by changing laws and regulations to stimulate and subsidize private sector investment in the Coastal Zone (CZ) in ways that also increase storm protection. In other words, modify CPRA’s and your approach to CZ protection in ways that stimulate private sector participation in the effort.

“Here are some examples. Taxpayers may hesitate to vote taxes for storm protection structures because they don’t see the near term benefit in reduced insurance premiums. Showing them a good benefit cost ratio on their taxes will encourage their participation in financing the effort. Some rules and regulations

may have to be changed to allow this to happen. Another example: owners of submerged lands hesitate to allow public agencies, such as the Corps of Engineers, to pump sediment onto their land to enhance storm protection because the landowners believe they will lose title to the land. Changing whatever laws or regulations to assure landowners of their continued right to the land will remove a constraint to building storm protection.

“This can also be applied in the oyster industry where building levees or terraces on private land will enhance storm protection and stimulate investment from the oyster industry. Modifying the design and operation of freshwater diversions in ways that support rather than challenge the oyster industry will win the industry’s support for freshwater diversions and enhance storm protection. In freshwater zones, building levees or terraces on private land can stimulate private sector investment in storm-hardened agricultural enterprises and enhance storm protection.

“I want to assist the CPRA and the Flood Protection Authorities to unleash the private sector’s investment power, its creativity, and its political support for CZ protection efforts. This can be done by helping citizens make money while simultaneously enhancing storm protection. The oyster industry, the sports fishing industry, agriculture, and tourism provide the best opportunities for doing this---for combining enhanced storm protection with sustainable resource based industries. That’s the kind of economic development that even the environmentalists will support.

“I have submitted to the CPRA some proposals to begin achieving this objective. The proposals have passed the first stage of the selection process and I have to submit final papers by March 16. I would like to email you copies of the final papers and ask that you consider supporting the ideas in these proposals either through the CPRA, work that you fund directly, or through other funding mechanisms. I ask your support for me as I attempt to implement these development-oriented ideas.”

Mr. Luetlich asked Dr. Lea had he identified areas under the SLFPA-E’s jurisdiction where these measures would be appropriate. Dr. Lea responded that there are two such areas—an area below the Forty Arpent Canal and the Biloxi Marsh area. He noted the need to channel and direct diversion waters to areas where they are needed.

Mr. Kemp advised that the Coastal Advisory Committee would be interested in Dr. Lea’s ideas and offered to work with Dr. Lea on some of his proposals.

PUBLIC COMMENTS:

Gabrielle Champagne, representing State Representative Nicholas Lorusso, advised that Rep. Lorusso would be sponsoring legislation during the upcoming legislative session and that comments and questions could be directed to his office.

Carol Byram commented that the residents provided more than enough evidence to prove that the reasons used to take property along the 17th Street Canal were not legitimate; however, it was ignored. She commented that while she was working on a

document that covered all of the issues in detail, Roy Arrigo found out about the “toe plus 15-ft.” change in the law. This resulted in an additional three years of work. She commented on the irregularities during the passage of the change in the law and that she was confident that the “toe plus 15-ft.” change will be corrected in the legislature. She asked that the Board support the correction and that it be fair, transparent and honest in all future issues.

COMMITTEE REPORTS:

Finance Committee: The Finance Committee met on February 5th. There was no report.

Operations Committee: The Operations Committee met on February 5th and considered the following items:

- RCL Architecture, LLC reported on the site study for the proposed Orleans Levee District (O.L.D.) Police Building. Four sites were considered in the study. The architect was directed to return to the Operations Committee with an amended report expanding the comparison of Sites Two, Three and Four. The Committee will provide a recommendation to the Board.
- The Committee considered and recommended approval of a task order in the amount of \$146,000 to Atkins North America, Inc. for quarterly inspections of the IHNC Surge Barrier and the Seabrook Sector Gate Complex.
- The Committee considered and recommended approval of a task order in the amount of \$162,338.20 to Burk-Kleinpeter, Inc. for the preparation of plans and specifications for the repainting and repair of 74 floodgates along the Mississippi River.

Legal Committee: There was no Legal Committee meeting; therefore, no report.

Coastal Protection and Restoration Authority (CPRA): Mr. Hassinger advised that he was out of the State on business and unable to attend the CPRA meeting.

Coastal Advisory Committee (CAC): Mr. Kemp advised that the CAC has been working with staff to develop the next steps in terms of addressing the 2023 recertification of the Hurricane and Storm Damage Risk Reduction System (HSDRRS). The CAC will meet today to discuss the path forward for the Hurricane Surge Analysis.

REGIONAL DIRECTOR’S REPORT: Robert Turner, SLFPA-E Regional Director, reviewed the highlights of the Regional Director’s Report (copy appended to minutes). He further advised that the Program Manager for the levee lifts to be constructed prior to armoring has provided a rough cost estimate of \$37.7 million for all of the work (about \$17 million in the East Jefferson Levee District and \$20.5 million in the O.L.D.). An 18 percent contingency is included on top of the estimates.

EXECUTIVE SESSION: None.

NEW BUSINESS:

RESOLUTION NO. 02-19-15-02 – APPROVAL OF LEGAL SERVICES INVOICES

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

WHEREAS, the legal services 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 19, 2015”, have been reviewed and approved by the appropriate levee district Executive Director, the SLFPA-E Regional Director and the SLFPA-E Executive Counsel, and provided to members of the Legal Committee.

BE IT HEREBY RESOLVED, that the legal services invoices listed on the spreadsheet entitled “Legal Invoices Approved on February 19, 2015” are hereby approved.

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

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

NAYS: None

ABSENT: Mr. Tilly

RESOLUTION NO. 02-19-15-03 – ADVERTISEMENT AND ISSUANCE OF AN RFQ FOR PROFESSIONAL ENGINEERING SERVICES FOR LEVEE RAISING PROJECTS

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

WHEREAS, the U.S. Army Corps of Engineers (USACE) is implementing its Armoring Program for the Hurricane and Storm Damage Risk Reduction System (HSDRRS); and

WHEREAS, certain levees within the Orleans Levee District and East Jefferson Levee District that require raising prior to the 2023 recertification of the HSDRRS will be raised in advance of the USACE’s implementation of armoring in order to take full advantage of the life expectancy of the armoring and avoid the expense of re-armoring the levees; and

WHEREAS, there is a need to retain professional engineering services for the preparation of plans and specifications and other services as required for the levee raising projects, which must be accomplished as expeditiously as possible in order for the levees to be included in the USACE’s Armoring Program.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the advertisement and issuance of a Request for Qualifications for professional engineering services for the preparation and plans and specifications and other services as required for the levee raising projects within the East Jefferson Levee District and Orleans Levee District.

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

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

NAYS: None

ABSENT: Mr. Tilly

**RESOLUTION NO. 02-19-15-04 –
PLACEMENT OF OBSTRUCTIONS NEAR A LEVEE**

Craig Berthold requested that the Board send a representative to support the proposed legislation when it comes before the House committee.

Mr. Estopinal explained that the SLFPA-E would like to have the 15-ft. restriction removed from the legislation in its entirety. Restrictions should only apply to structures within the right-of-way, easement or servitude and there should not be any type of buffer zone. He urged that the 15-ft. restriction be eliminated. He pointed out that the SLFPA-E has an established permitting process for structures within 300 feet of a levee that could threaten the levee and within 1,500 feet of the Mississippi River Levee. Therefore, there are sufficient safeguards and the 15-ft. restriction is superfluous and unnecessary.

Mr. Luettich stated that this is both a technical and emotional issue that predates his tenure on the Board. The issue is complicated due to the multiple competing authorities, such as the U.S. Army Corps of Engineers (USACE) and the State. He stated that his perspective is heavily weighed by the technical aspects. He pointed out that the statute states that no object, material or matter of any kind or character can be placed within 15-feet of any levee that obstructs or interferes with the safety of the levee or is an obstacle to the inspection, construction, maintenance or repair of a levee. He stated that technically the statute did not seem offensive. The statute does not state that no object can be placed within the restricted zone. It restricts objects that could be potentially problematic to the levee and its maintenance. He referred to the USACE's April, 2014, Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams and Appurtenant Structures, which discusses vegetation on and in the vicinity of levees. The guidelines state that the minimum width of the corridor shall be the width of the levee, floodwall or embankment dam, including all critical appurtenant structures, plus 15-feet on either side. The USACE's technical issues are with shrubbery and trees that have root systems that compromise the foundation of the levee. He commented that these are classic obstructions that interfere with the safety of levees and that he did not want to challenge or confuse the USACE's authority or guidelines relative to vegetation free areas.

Mr. Estopinal explained that he is very familiar with the USACE's guidelines on vegetation. USACE representatives stated in a presentation that the 15-ft. zone only goes up to the right-of-way line. The guidelines apply to the 15-ft. vegetation free zone or up to the right-of-way line, whichever occurs first. The statute has been interpreted to include fencing and items that would be used during the normal course of business for an individual to enjoy the use of his property. If it is necessary to maintain a completely clear restricted zone for the safety of the levee, then the 15-ft. servitude should be purchased. A public body that needs to use private land normally purchases the right of use through a surface servitude or a servitude of restrictions and the exchange of rights is documented. Attorneys have interpreted the 15-ft. restricted zone as not coming from the structure, but from the right-of-way. Therefore, the interpretation has caused a problem. In effect, a servitude is being acquired without payment.

Mr. Kemp concurred that there is a problem with the legal interpretation of the statute. A permitting process is available for decisions relative to technical issues on a case-by-case basis without the placement of a number that does not fit all situations.

Mr. Estopinal pointed out that when USACE representatives appeared with their standard template and showed the distance that they wanted kept clear, it stopped at the right-of-way line. The USACE was specifically asked what happens when the right-of-way line is closer than 15-feet and they stated that their control stops at the right-of-way line. Mr. Luetlich noted that the USACE guidelines state, "This paragraph has established the minimum acceptable width of the vegetation free zone at 15-ft. Other than by variance, as described above, the single exception to this 15-ft. minimum requirement arises in the case of an existing project where the width of the existing real estate interest for the project is less than 15-ft. In such a case, the vegetation free zone width shall be the maximum attainable within the existing real estate interest." Therefore, the USACE's guidance seems to be flexible and addresses situations where the levee district does not own the land. Mr. Estopinal concurred and added that the legislation does not address such situations. Mr. McHugh agreed that the land is being encumbered without payment. If the land is needed, then the owner should be compensated.

Mr. Estopinal clarified that his proposal is to completely remove the restrictive zone. He reiterated that if it is in the interest of the SLFPA-E to have control beyond the current servitude that the additional servitude be purchased. He recommended that the verbiage in the resolution be adjusted so that there is no 15-ft. restricted area. Mr. Hassinger acknowledged Representative Lorusso's leadership on the proposed legislative bill. Mr. Kemp pointed out that the need for additional servitude should be determined by a technical review. Mr. Estopinal noted that other entities must prove their case for the acquisition of a servitude and compensate the landowner.

There was a brief discussion regarding the wording of an amendment to the resolution. An amendment was offered to change the last paragraph of the resolution to read, "**THEREFORE, BE IT RESOLVED**, that the SLFPA-E will support an amendment to La.

R.S. 38:225(A)(1)(a) changing the prohibition on the placement of obstructions to the levee right of way". The amendment was accepted by Mr. McHugh and Mr. Hassinger and there was no objection.

On the motion of Mr. McHugh,
Seconded by Mr. Hassinger, the following resolution was offered:

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

WHEREAS, on or about June 23, 2011, the Louisiana Legislature amended La. R.S. 38:225(A)(1)(a) prohibiting the placement of obstructions within 15 feet of a levee; and

WHEREAS, SLFPA-E has considered the need for this prohibition and does not believe it is necessary to have a 15 foot prohibition.

THEREFORE, BE IT RESOLVED, that SLFPA-E will support an amendment to La. R.S. 38:225(A)(1)(a) changing the prohibition on the placements of obstructions to the levee right-of-way.

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

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

NAYS: None

ABSENT: Mr. Tilly

Discussion of Association of Levee Boards of Louisiana membership renewal for 2015.

Mr. Estopinal explained that the estimated annual combined costs and fees paid to the Association of Levee Boards of Louisiana (ALBL) is in the neighborhood of \$10,000. He asked for comments on whether the SLFPA-E should continue its membership. He noted that presentations were given by individuals seeking elected office at the last ALBL Annual Meeting that seemed to be inappropriate.

Mr. Hassinger commented that the SLFPA-E may need the assistance of the ALBL at some point in the future in order to move forward with certain issues. All other levee boards and flood protection authorities in Louisiana are ALBL members. Therefore, his inclination is that the SLFPA-E should continue its membership. Mr. McHugh concurred with Mr. Hassinger regarding the potential need for future assistance. Mr. Angers commented that it would be in order for the SLFPA-E to express its concern about the appropriateness of candidates using the ALBL as a forum for political office. Mr. Estopinal advised that he would bring this concern forward at the ALBL Executive Committee Meeting scheduled for February 20th.

Discussion of the proposed construction of a floodwall in the vicinity of the Violet Shrimp Factory, including work to date, design options and cost, and the funding for improvements at this location.

Mr. Hassinger explained that he requested that this item be placed on the agenda in order to receive an update on the proposed work, an explanation of the reason for the work and the consequences if the work is not done, the proposed timeline and the cost in terms of a loan of funding by the O.L.D. to the Lake Borgne Basin Levee District (LBBLD). He noted that a request for funding was submitted to the Interim Emergency Board last year. The Provisionally Accredited Levee (PAL) agreement with FEMA was executed in 2012 with the expectation of bringing the levee into compliance.

Nick Cali, LBBLD Executive Director, introduced Patti Sexton, PE, CFM, Vice President of Tetra Tech. Tetra Tech is the engineering and technical consultant for the certification effort and Ms. Sexton its project leader. He explained that all of the requirements for the certification of the non-federal levee located in St. Bernard and Orleans Parishes have been addressed with the exception of about 2,500-ft. along the north bank of the Violet Canal. If the levee is not certified, it will have a detrimental impact on the updated Digital Flood Insurance Rate Maps (DFIRMS) that will be issued by FEMA and flood insurance premiums will dramatically escalate as a result of the Biggers-Waters Act.

Mr. Cali further explained that until May, 2014, the plan was to build a cantilever sheetpile wall along the backside of the Lafitte Frozen Food Company building that would provide the required freeboard. Soil borings were done in the canal. The results of the soil borings became available in April, 2014, and by May it was realized that the soils would not support the proposed plan. Therefore, additional surveys had to be performed, utilities identified and alignments developed. The process became more complicated because of the utility relocations, real estate acquisitions, and the need to determine an alignment that would work within the budget. The intent is to construct the project in the most cost effective manner as possible and to only borrow funding from the O.L.D. that is absolutely necessary to complete the project.

Mr. Hassinger asked when the decision would be made on the final alignment. Mr. Cali responded that a meeting was scheduled to be held later in the day during which the real estate acquisition aspect of the project would be discussed. At this point there should be a high confidence in the construction dollar amount, alignment, schedule and level of effort involved. Mr. Hassinger asked whether a floodwall or levee would be constructed. Mr. Cali replied that this decision has not yet been made; however, the inclination is to construct an earthen levee due to cost, east of construction and limits on utility relocations. Mr. Hassinger inquired about the timeline. Ms. Sexton explained that Tetra Tech has started putting together timelines. She anticipated that the project would take about a year. A concept plan is being developed at this time, different levels of design and review will take place, and permits must be acquired. Preliminary cost estimates have been developed. The estimated cost for the earthen alignment is under \$2 million; however, relocations and property acquisition costs are not included in the

estimate. The estimated cost for the same alignment using sheetpile in lieu of an earthen levee is close to \$4 million. Property acquisitions would be required in order to construct the earthen levee. The initial project that was proposed was to place the alignment in the canal so that additional right-of-way would not be necessary. However, the initial plan was unworkable due to the condition of the soils in the canal and the need to meet the required factors of safety, particularly in regards to the geotechnical analysis. Therefore, an alignment is being developed that is set back from the canal.

Mr. Estopinal requested information on the coordination with the FEMA. Ms. Sexton explained that the PAL agreement was executed in 2012, which provides a two year period in order to submit documentation for the certification. The documentation for the Maxent Levee has been submitted to FEMA; however, the effort on the Forty Arpent Levee has been lagging on the two year timeframe. The most expensive piece of the program was the geotechnical analysis, which was accomplished in a methodical manner. FEMA was advised at about the one year mark that the geotechnical analysis would cause the process to extend beyond the two year period. FEMA understood the situation and indicated that some leeway would be provided. FEMA has been tracking the status of the process.

Mr. Hassinger asked would the Shrimp Factory remain outside of protection. Ms. Sexton replied, yes; the Shrimp Factory will remain on the wet side of both alignments (earthen or sheetpile). Mr. Hassinger asked is there a requirement for FEMA to approve the design. Ms. Sexton responded that the Conditional Letter of Map Revision (CLOMR) process was set up in order to obtain FEMA's comments. However, this process would push the Authority out of the PAL process. She pointed out that, particularly with the earthen levee option, there is not a lot of risk as far as FEMA's view. FEMA's elevation numbers for protection are being accepted and used for the project. Mr. Turner noted that the construction period for a 2,000-ft. section of levee, once the bids have been accepted and the contract awarded, should be less than six months. Ms. Sexton added that it would take until the end of 2015 to complete the design. Mr. Hassinger noted that PAL agreement required the submittal of an update report in the fall of 2013. Ms. Sexton indicated that the update report was submitted.

Mr. Ben inquired about the impact on residents. Mr. Cali explained that three or four residences would be impacted. The residents have been kept informed about the proposed project. He pointed out that the 100-year rainfall event elevation is +4-ft. The lowest point of the Shrimp Factory finish floor is +4-ft. However, recent certification requirements dictate that the level of protection must not only be based on the base flood elevation, but also on freeboard. Therefore, an additional 3-feet is required on top of the base flood elevation of +4-ft. Ms. Sexton added that FEMA requires that levees be built to the water surface height plus freeboard. However, there is no freeboard requirement on a piece of property such as the Shrimp Factory. She further explained that prior to 2005 FEMA only looked at levees that were new or part of a restudy effort. The FEMA certification program came about in 2005 and guidance was published. At this point all levees on the DFIRM had to be certified.

Mr. Hassinger asked whether it was true that the proposed work is in a section of a levee system that also protects the Lower Ninth Ward, and if the work is not done, the consequence would be increased insurance rates for residents and businesses in the Lower Ninth Ward. Ms. Sexton explained that FEMA requires that the entire system be certified. Pieces of a system cannot be certified unless it can be shown that the pieces are hydrologically disconnected. The Forty Arpent levee runs through Orleans Parish, protecting the Lower Ninth Ward, to Verrett. If the SLFPA-E wanted to separate the portion of the levee protecting the Lower Ninth Ward, then the levee would have to tie into another certified levee, which means the construction of a levee that would extend across town to the Mississippi River. The less costly option is to construct the protection at the Violet Canal so that the entire levee can be certified.

Mr. Kemp inquired whether there was a need to address interim flood fighting capabilities. Mr. Cali responded that the flood protection elevation at this location is not deficient such that it would require flood fighting.

Mr. McHugh questioned the timeline for the levee design. Ms. Sexton explained that the permitting process and 12 different utility relocations would take some time. Mr. Turner added that the levee district would also be required to go through the property acquisition process.

Mr. Hassinger requested that the SLFPA-E be notified if the ownership of the property to be acquired changes hands anytime from now until it is purchased. He asked the reason for the delay of the project beyond the two-year period prescribed by the PAL agreement. Mr. Cali replied that the SLFPA-E applied to the IEB and for Capital Outlay funding prior to being informed that the soil conditions would not support the initially proposed alignment. The SLFPA-E was attempting to complete the project as close to the two year window as possible. The entire plan changed in May when the geotechnical information was received concerning the initial alignment. The alignment must now go through a congested residential area with multiple utilities instead of along the waterfront where there was no need for right-of-way acquisition or utility relocations. Ms. Sexton added that FEMA intended the two-year period set aside in the PAL agreement for analysis. It was not set aside assuming that there would be a need for design and reconstruction. The freeboard, geotechnical and structural analyses have been accomplished for the twenty miles of the Forty Arpent Levee and five miles of the Maxent Levee. The exception is the area in the vicinity of the Violet Canal, along with one or two other small repair sites.

RESOLUTION NO. 02-19-15-05 – AMENDMENT OF RESOLUTION NO. 12-18-14-10 INTERGOVERNMENTAL AGREEMENT FOR THE CONSTRUCTION OF A LEVEE/FLOODWALL IN THE VICINITY OF THE VIOLET CANAL REQUIRED FOR THE CERTIFICATION OF THE FORTY ARPENT AND FLORIDA AVENUE LEVEE SYSTEM

Mr. Estopinal explained that a specific dollar amount was not included in the resolution since the redesign may decrease the amount required for the project to about \$2 million

plus the cost of land acquisition. The resolution provides for an amount up to \$4 million. The estimated cost of the initially proposed project was \$4 million.

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

WHEREAS, on December 18, 2014, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) adopted Resolution No. 12-18-14-02 approving the execution of an Intergovernmental Agreement (“the Agreement”) between the Lake Borgne Basin Levee District (LBBLD), the Orleans Levee District (O.L.D.) and the Coastal Protection and Restoration Authority (CPRA), subject to the adoption of a resolution by the CPRA, for the construction of a levee/floodwall in the vicinity of the Violet Canal in order to meet FEMA certification requirements for the Forty Arpent and Florida Avenue levee system; and

WHEREAS, SLFPA-E, on behalf of O.L.D. and LBBLD, desires to enter into an Intergovernmental Agreement with the CPRA for the purposes of providing funding for the construction of a levee/floodwall in the vicinity of the Violet Canal, which is required for the certification of the Forty Arpent and Florida Avenue Levee Systems; and

WHEREAS, SLFPA-E wishes to amend Resolution 12-18-14-10 to require that the Agreement be authorized for the following terms:

1. Construction of a levee/floodwall in the vicinity of the Violet Canal, as required for the certification of the Forty Arpent and Florida Avenue Levee Systems.
2. Guarantee that funds spent by OLD and LBBLD in accordance with the Agreement and in connection with the construction of a levee/floodwall in the vicinity of the Violet Canal will benefit the jurisdictions of O.L.D. and LBBLD by ensuring the certification for accreditation of desperately needed flood protection to the citizens located within the jurisdictions of the O.L.D. and LBBLD and provide that data and documentation to demonstrate that the levee system meets the NFIP requirements.
3. Authorization by the Board for O.L.D. and LBBLD to expend funds in connection with the construction of the levee/floodwall in the vicinity of the Violet Canal, and all matters incidental thereto.
4. That the total cost of the construction effort is estimated to be approximately Four Million Dollars (\$4,000,000.00).
5. That O.L.D. will deposit up to a maximum of \$4,000,000 into an operating account controlled by SLFPA-E from which LBBLD will draw down funds, as necessary during the construction process.
6. That LBBLD will provide up to a maximum of \$4,000,000 into the operating account controlled by SLFPA-E toward the construction effort upon the passing of the millage sought on May 2, 2015, or as other funds become available to offset O.L.D.’s upfront contributions in an amount equal to the benefits received by LBBLD from construction of the levee/flood wall in the vicinity of Violet Canal and as related to the responsibilities undertaken relative thereto.

7. That any funds, if any, remaining in the operating account controlled by SLFPA-E for the construction effort shall be returned to O.L.D. upon completion of the construction.

8. That LBBLD will have the sole responsibility for operating and maintaining the levee/floodwall upon completion of construction and the costs thereof.

THEREFORE, BE IT HEREBY RESOLVED, that Resolution No. 12-18-14-10 is hereby amended to reflect the revised terms of the Agreement; and

BE IT FURTHER RESOLVED, that the SLFPA-E, on behalf of the O.L.D. and the LBBLD, shall enter into an Intergovernmental Agreement, as negotiated by the parties, to authorize O.L.D. to expend funds for the construction of a levee/floodwall in the vicinity of the Violet Canal, which is required for the certification of the Forty Arpent and Florida Avenue Levee Systems, on the condition that the expenditure of funds will benefit the jurisdiction from which the funds are derived in whole or in part and that LBBLD undertake all responsibilities relative to the operation and maintenance of the construction of a levee/floodwall in the vicinity of Violet Canal.

BE IT FUTHER RESOLVED, that the SLFPA-E Regional Director, LBBLD Executive Director and the O.LD. Executive Director are hereby authorized to execute the aforementioned Intergovernmental Agreement and any and other documents necessary to carry out the above.

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

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

NAYS: None

ABSENT: Mr. Tilly

**RESOLUTION NO. 02-19-15-06 –
LAKEFRONT AIRPORT FLOOD RISK REDUCTION SYSTEM**

Steve Nelson with Stuart Consulting advised that the post-Katrina construction activities have been completed. Stuart Consulting handled the FEMA program management for the Non-Flood Protection Asset Management Authority (NFPAMA). He explained that due to the on-going flood risk flood insurance premiums are five times higher than they were pre-Katrina and that flooding was experienced during Hurricanes Isaac and Gustav. The New Orleans Lakefront Airport could become an economic engine for New Orleans East and the region with a flood risk reduction system; however, without a flood risk reduction system, the airport faces a grave future punctuated by storm events. Meetings were held with State, FAA (regional and headquarters levels), and FEMA (local and headquarters levels) officials to discuss mitigation. A project was proposed, similar to one located in St. Paul, Minnesota, with an estimated cost between sixty-five and seventy million dollars. The benefit-cost ratio is above one at this point. Eighty million dollars in damages were experienced from Hurricane Katrina. Over a fifty-year lifecycle, not including loss of function and business revenues, the project becomes viable. The project consists of 11,000-feet of floodwall and barriers, a pump station and gates. He requested that the Board adopt a resolution of support. Costs of operations

for a declared disaster are FEMA reimbursable. A letter of map revision is being sought and two-feet of freeboard is required; therefore, the height of the protection would be between 14 and 15-feet. The project includes a rapid deployable barrier system placed about midway down the airfield. A T-wall will be constructed along the western side of the airport where the elevation is lower and an I-wall will be constructed along the eastern side where new fill was put in place. A gap can be left open across the main runway until complete closure is required.

Wilma Heaton, SLFPA-E Director of Governmental Affairs and SLFPA-E's representative on the NFPAMA Board, advised that the hazard mitigation funding, should it be received, would be for 100 percent of the project cost. The NFPAMA would depend upon the Orleans Levee District Flood Protection Division for deployment of the system; however, the cost would be FEMA reimbursable for a named storm event.

On the motion of Mr. Hassinger,
Seconded by Mr. Ben, the following resolution was offered:

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) is the managing agency for the Orleans Levee District (O.L.D.); and

WHEREAS, O.L.D. owns the New Orleans Lakefront Airport ("Airport"), which pursuant to La. R.S. 38:325(C)(1), allows O.L.D. to construct improvements and facilities, public or private, within an airport area to provide activities, businesses, and additionally any other revenue-generating functions that can be dedicated to public use and self-sufficiency of the enterprise as an entity; and

WHEREAS, the Airport sustained over \$80 million in damages from Hurricanes Katrina and Isaac, where the airfield flooded with over 3-ft. of water; and

WHEREAS, funding from the FAA, FEMA, insurance proceeds and other private funding sources, have provided over \$80 million to replace lighting and airfield control equipment, restore the historic art deco terminal, and rebuild hangars destroyed by Hurricane Katrina, which fostered the return of numerous businesses and has steadily increased flight operations; and

WHEREAS, although the Airport has an existing floodwall, it is substandard, has been overtopped on numerous occasions and the lack of flood protection is hampering the continued growth of the Airport; and

WHEREAS, the \$80 plus million in damages from Hurricane Katrina could have potentially been averted if an adequate system had been in place at the Airport; and

WHEREAS, there is a recurring flood risk and flood insurance premiums are subject to a 500% increase, which will inhibit business and investor interest; and

WHEREAS, raising the existing floodwall will not only save taxpayers money when the next flooding event occurs, it will also allow the airport to continue to flourish; and

WHEREAS, the Non-Flood Protection Asset Management Authority (“NFPAMA”), the entity charged with managing the Airport, has submitted a hazard mitigation funding request to the Governor’s Office of Homeland Security and Emergency Preparedness (GOHSEP) for the necessary funding to augment the existing floodwall.

BE IT HEREBY RESOLVED, that the SLFPA-E fully supports the NFPAMA’s hazard mitigation request and will assist as necessary with that request and the subsequent project for the Airport flood risk reduction system.

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

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

NAYS: None

ABSENT: Mr. Tilly

Discussion of ruling by U.S. District Court Judge Nannette Jolivette Brown in the litigation entitled, “Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, et al, versus Tennessee Gas Pipeline Company, LLC, et al”, USDC EDLA Case No. 13-5410, Sec. “G”(3).

Mr. Hassinger stated that he had several questions for Gladstone Jones, attorney with the law firm of Jones, Swanson, Huddell & Garrison, LLC. He asked Mr. Jones was it his recommendation to the Board that the ruling be appealed. Mr. Jones replied, it is; the ruling was reviewed and discussions were held with the SLFPA-E’s Executive Counsel and Mr. Estopinal and he was prepared to make that recommendation. Mr. Hassinger asked was the decision to appeal up to the Board. Mr. Jones replied, no, not entirely. The agreement provides that the attorneys consult with the Board, which he stated he would be happy to do; however, he was going to recommend going forward. Mr. Hassinger asked, if the Board decides not to appeal, in Mr. Jones’ opinion do the attorneys have the right to appeal? Mr. Jones responded that it rests with the client; however, the attorneys are going to make the recommendation to pursue the appeal. The Board can do whatever it would like to do. Mr. Hassinger clarified that whether to appeal is the Board’s decision. Mr. Jones responded, no; whether to appeal is the attorneys’ decision. Mr. Hassinger stated that whether the Board wants to pursue the appeal is the Board’s decision. Mr. Jones clarified whether it wants to terminate the representation is the Board’s decision. Mr. Hassinger asked Mr. Jones, in his opinion, if the Board decides not to pursue the appeal, are the attorneys due costs and fees under the contract. Mr. Jones responded that costs and fees would be due because the Board would effectively be terminating the representation. Mr. Hassinger asked, if the Fifth District Circuit Court affirms Judge Brown’s ruling, and the Board decides not to seek a writ from the U.S. Supreme Court, would the Board owe fees and costs to the attorneys. Mr. Jones responded that the attorneys would have to assess the opinion of the Fifth District Circuit Court to determine whether or not they would recommend that the Board go to the U.S. Supreme Court. He added that he had not given active consideration to what would happen between the Fifth District Circuit Court and the U.S. Supreme Court. He pointed out that different standards apply to the U.S. Supreme

Court; therefore, the recommendation may not be the same coming out of the Fifth District Circuit Court. Mr. Hassinger asked Mr. Jones, in his opinion, should the attorneys recommend that the Board seek relief from the U.S. Supreme Court and the Board decides not to seek such relief, would the Board owe fees and costs to the attorneys. Mr. Jones responded that in his opinion the fees and costs would be owed. Mr. Hassinger clarified that unless the suit is brought all the way to the U.S. Supreme Court then Mr. Jones is stating that the attorneys would be owed millions of dollars in fees and costs. Mr. Jones responded that it is not just what he is stating; it is in the terms agreed upon in the contract.

Mr. McHugh stated that the agenda item under consideration is for discussion only; however, there may come a time when the Board wishes to vote on whether to pursue an appeal. Mr. Estopinal noted that someone would have to place such an item on the agenda. Mr. McHugh asked that if this does take place he would like someone to advise the costs involved. Mr. Jones stated that he would be happy to provide the information. Mr. Estopinal commented that he suspected that if such a motion does come forward it would be discussed first in executive session or in the Legal Committee.

Mr. Hassinger inquired about the appellate delay and the deadline for filing a notice of appeal. Mr. Jones explained that the appellate delay is six to nine months and that the attorneys intend to file a notice of appeal within the week. He added that if the Board decides on another course of action, the notice of appeal can be dismissed. The notice of appeal must be filed within thirty days. Mr. Hassinger commented that a decision must be made prior to the next Board meeting.

Mr. Hassinger commented that it is the Board's decision whether to appeal. Mr. Jones clarified that the Board's decision is whether to terminate the representation. It is the attorneys' decision whether, after consulting with members of the Board, a notice of appeal will be filed. Mr. Hassinger pointed out that there should be a vote of the Board on the decision.

Mr. Kemp asked was there any advantage to the Board terminating representation. Mr. Hassinger explained that only a very tiny percentage of cases are appealed and only a tiny percentage of those cases are reversed. Therefore, the likelihood of success is very low. Although a number of individuals have stated that the Board has a great case and has standing to file the suit, a Federal judge who issued a fifty page well-reasoned opinion after several months of deliberation ruled that the Board does not have standing. He stated that, in his opinion, if the Board decides not to pursue an appeal, it does not owe fees and costs to anyone for anything. Several months ago the attorneys were asked, if the court finds that the Board does not have a right of action or standing, does it owe the attorneys anything. The answer was that the Board would not owe anything. He stated that he was told that the Board was informed prior to his membership on it that the decision to file the suit was the result of months of research and careful consideration that the Board was the correct entity to bring the suit. However, it turns out that the Board is not the correct entity. Mr. Hassinger pointed out that the Board has heard the mantra "let the court decide". The Board has done that

and the court decided that it is not the correct party to bring the suit. There is a cost to pursuing the appeal since an appeal exposes the Authority to costs that the court can assess to the losing party. Judge Brown took several months to issue an opinion and obviously gave it plenty of thought. He estimated an additional year of work should an appeal be filed with more costs and fees incurred by both sides. Oil and gas companies would have the right to pursue the assessment of costs. He cautioned that the Board must be careful about what it is asking because an appellate opinion could be issued that addresses other issues and have ramifications and implications concerning the business of the Board.

Mr. Hassinger stated that he understood the motivation for filing the suit; however, he disagreed with the way the suit was filed. He stated that he would rather spend the coming years working with the people that the Board has alienated by filing the suit to attempt to craft a solution than continue with the litigation.

Mr. Jones explained that it is not unusual in complicated and important litigation to have decisions rendered after an appeal is filed that have an impact on the case. At this time the constitutionality of Act 544 is pending in the Louisiana Supreme Court and the applicability of Act 544 is pending in the Louisiana First Circuit Court of Appeals. He indicated that the attorneys feel that Judge Brown's opinion is incorrect and are prepared to move forward to the next level. He reminded the Board that the law team is made up of three law firms that have been involved in this type of litigation for the past twenty years and know the risks. He offered to return for further discussions with the Legal Committee or the Board in executive session.

Mr. McHugh commented that as a new member of the Board he felt hamstrung because of the contract.

John Barry commented that many things have been stated during the past eighteen months about the lawsuit. He stated that the suit was not about anyone's ego, environmental activism or political aspirations. It is about saving lives and protecting property. He reminded everyone that this is the tenth anniversary of Hurricane Katrina. He stated that the industry's own studies state that they are the overwhelming cause of land loss in certain areas of the state and the less than overwhelming cause in other areas. He commented that everyone knows how weak 100-year protection is and that it is the lowest standard in the developed world. The Board was hoping to get the industry to pay for the part of the problem that it caused. This remains the case. It was made clear that the state would not take action at the time the suit was filed; therefore, someone had to step forward. The lawsuit has already had a significant positive impact on the State in terms of moving the discussion forward. He stated that the litigation needs to play itself out and that it could help solve the problem.

Mr. McHugh reiterated that should an item be placed on the Board agenda concerning the filing of an appeal, he wanted the attorneys to provide the total fees and expenses to date. Mr. Hassinger requested that an estimate of the fees and costs to proceed with

the appeal also be provided. Mr. Estopinal advised that these issues would be addressed should someone decide to place such an item on the Board agenda.

Mr. Estopinal commented that there is an appeal process because sometimes a ruling is wrong. He suggested that the Board see the litigation through the process.

Mr. Hassinger asked Mr. Jones if the Board would owe fees and costs to the attorneys if the Fifth District Circuit Court of Appeals affirms Judge Brown's ruling. Mr. Jones responded, no; if the ruling is affirmed and the attorneys decide not to go to the U.S. Supreme Court. Mr. Hassinger asked would the fees and costs be owed should the Board decide not to proceed to the U.S. Supreme Court. Mr. Jones responded, yes; unless the attorneys and the Board work out an agreement.

RESOLUTION NO. 02-19-15-07 – IHNC SURGE BARRIER AND SEABROOK SECTOR GATE COMPLEX QUARTERLY INSPECTION SERVICES

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

WHEREAS, the Orleans Levee District (O.L.D.) has been tasked with maintenance and inspection of the IHNC Surge Barrier and the Seabrook Sector Gate Complex;
and

WHEREAS, the O.L.D. does not have sufficient personnel to perform quarterly inspections on the IHNC Surge Barrier and the Seabrook Sector Gate Complex;
and

WHEREAS, the O.L.D. negotiated a task order with Atkins North America, Inc. under an Indefinite Delivery-Indefinite Quantity (IDIQ) contract with Southeast Flood Protection Authority–East to provide quarterly inspections on the IHNC Surge Barrier and the Seabrook Sector Gate Complex.

BE IT HEREBY RESOLVED, that Atkins North America, Inc. be granted a Task Order in the amount of \$146,000 to provide quarterly inspections on the IHNC Surge Barrier and the Seabrook Sector Gate Complex.

BE IT FURTHER RESOLVED, that the O.L.D. Executive Director be authorized to sign the aforementioned Task Order and any and all other documents necessary to carry out the above.

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

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

NAYS: None

ABSENT: Mr. Tilly

RESOLUTION NO. 02-19-15-08 – MISSISSIPPI RIVER FLOODGATES – SANDBLAST, PAINT AND OTHER REPAIRS

Gerry Gillen, O.L.D. Executive Director, advised that the project includes 74 floodgates along the Mississippi River from Henry Clay Avenue to the Industrial Canal.

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

WHEREAS, the existing paint on the Mississippi River Floodgates has trace lead, making safe paint maintenance prohibitively complicated and expensive for the Orleans Levee District; and

WHEREAS, the existing paint on the floodgates must be blast cleaned and contained, the gates repainted and repairs performed as needed; and

WHEREAS, the Orleans Levee District (O.L.D.) negotiated a task order with Burk-Kleinpeter, Inc. under an Indefinite Delivery-Indefinite Quantity (IDIQ) contract with the Southeast Flood Protection Authority–East for the preparation of plans and specifications for the removal of the existing paint and repainting and repairing the floodgates.

BE IT HEREBY RESOLVED, that Burk-Kleinpeter, Inc. be granted a Task Order in the amount of \$162,338.20 to assemble data, prepare plans and specifications, and provide advertisement and bidding assistance, construction administration and part-time inspection for the repainting and repair of the Mississippi River Floodgates.

BE IT FURTHER RESOLVED, that the O.L.D. Executive Director be authorized to sign the aforementioned Task Order and any and all other documents necessary to carry out the above.

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

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

NAYS: None

ABSENT: Mr. Tilly

The next regular monthly Board meeting will be held on March 19, 2015, and hosted by the LBBLD.

There was no further business; therefore, the meeting was adjourned.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST

REGIONAL DIRECTOR’S REPORT

Feb. 19, 2015

HSDRRS Project Status Update

Warranty Paint Repairs In response to our concerns about peeling paint on newly-built complex structures, the U.S. Army Engineering Research and Development Center (ERDC) determined that the Corps of Engineers (Corps) will make spot repairs on the vertical lift gates (VLGs) at the Seabrook Structure and repaint gate leafs at the Caernarvon Structure; no additional painting is required at the GIWW Sector Gate. Rather than spot painting at Seabrook, the Corps is considering completely repainting the gates, but we are awaiting a final decision.

HNC-02 – Lake Borgne Surge Barrier The Corps is looking for money to make extensive repairs to two of its current velocity meters at the Sector Gate that are not functioning due to electrical problems. A third meter, which was damaged when struck by an object not-yet identified, has been repaired. The Corps will reinstall when all three meters are operational, but no estimated date has been provided.

The repainted bulkheads were delivered back to the site earlier this month, and the minor damage incurred during transit has been repaired.

LPV-03.2b.1- Landside Runoff Final site grading and construction of a lip levee adjacent to the swale is underway and should be complete by the end of March.

LPV-111 – CSX RR to Michoud Canal The Notification of Contract Completion (NCC) was issued in November, but the Corps must still establish turf on the recently raised sections.

LPV-144 – Bayou Dupre Despite investigation by the bearing manufacturer, no conclusive cause of vibrations in the hinge assembly of both gate leafs has been determined. The path forward includes shaving the plates that hold the top bearing in order to increase clearances and changing over to greased bearings for the hinge assemblies. Work will begin when new top bearings are delivered in March. Concurrent with that, Corps Hired Labor forces will install tripping dolphins on both sides of the Surge Barriers Sector Gate on the GIWW.

LPV-145,146 & 148.02 The NCCs for 146 and 148.02 were received in September, but the need for additional hog damage repairs has delayed the NCC on LPV-145 until later this month.

LPV-145A – Bayou Bienvenue Bridge The periodic closures of Bayou Bienvenue that began in November to facilitate pile driving near the channel continue through this month. Most of the bridge deck panels have been placed on the east approach ramp, and the contractor is now driving bridge bent pilings on the west side of the channel. The bridge project is scheduled for completion in late 2015.

LPV 148.02A Safe Room at St. Mary’s Pump Station All piles have been driven at the site, and submittals for the pre-fab building are being reviewed. Project completion is currently scheduled in mid-2015.

LPV-149 – Caernarvon Structure The Corps will issue a contract to repaint Sector Gate leafs to address peeling paint problems discovered after the NCC was issued. In order to repaint, the structure must be dewatered, and that will temporarily impact navigation. The Corps has denied our request that they replace machinery pit hatch covers. Hydrodine has been hired to modify the hydraulic system to correct a water-in-oil problem. The work should be finished by month’s end.

LPV-150 Utility Crossings/Jib Crane Pad/Bypass Ramp Repair The Corps is replacing utility crossing pads with gravel along the Access Road. They also issued a Request for Proposals (RFPs) for the Emergency Bypass Road at Highway 46 and are finalizing plans for replacing jib cranes and building parking pads at Bayou Dupre.

LPV-153 Bayou Dupre & Caernarvon Sector Gate Needles The contract for manufacture of additional dewatering needles for Bayou Dupre and Caernarvon was awarded on Dec. 9, 2014, but the project has been delayed and the Corps has not yet provided a new schedule. The needles had been scheduled for delivery in January or February.

OFC-07 London Avenue and 17th Street Remediation Work along the London Avenue Canal will finish when the concrete cap along Reach 35B is placed and the back filling is complete. The NCC for this project is currently scheduled for June 2015 in order to allow for adequate turf establishment during spring months.

OFC-08 17th Street Canal Bank Stabilization The contractor placing stone for this project is 80 percent complete and should finish by late February. The Red Zone meeting was held Feb. 3, 2015.

Permanent Canal Closures and Pumps (PCCP) Some of the still-outstanding issues include:

- Reaching agreement on the appropriate number of bypass closure gates to maintain maximum velocities through the permanent floodgates in the 17th Street Canal; and

- Reviewing settlement calculations based on new borings and updated consolidation values in the 17th Street, Orleans and London Avenue canals.

Commissioning of the new structures is still scheduled for May 2017, with decommissioning of the temporary structures possible within the following two years. Please check the New Orleans District web site.

www.mvn.usace.army.mil/missions/hsdrrs/pccp.aspx for details and regular updates on this last, major HSDRRS perimeter project.

Armoring The first system-wide armoring installation contracts were awarded in December for levees in St. Charles Parish. In preparation for armoring the metro New Orleans lakefront levees, the Corps has submitted two Right-of-Entry requests to the Orleans Levee District (OLD). We have also learned that we may have to acquire temporary construction rights-of-way along some sections of the Orleans lakefront where there is insufficient land on the protected side of the levee to accommodate the armoring work without the temporary use of additional land. We are waiting for the Corps to tell us the exact locations and extent of property needed.

The SLFPA-E, Southeast Louisiana Flood Protection Authority-West and the Coastal Protection and Restoration Authority continues to plan to raise some levees, at local cost, before they are armored by the Corps in order to save millions of dollars in future armoring replacement costs. The group has developed a near-term path forward for designing levee lifts prior to armoring, and we have awarded a contract for preliminary land survey work to include profiling of levees in both the East Jefferson and Orleans levee districts. In December, Evans and Graves was awarded a task order for program management work in support of the pre-armoring levee lift construction; the firm already has prepared a very aggressive preliminary schedule and is currently drafting Requests For Qualifications for design services on future levee lifts. Permission to advertise for consultants to prepare plans and specifications for the levee lifts is on this month's SLFPAE Board meeting agenda.

SBPS-07 – Repairs to LBBLD Pump Stations #2 and # 3 Work is progressing at Pump Station #3. The cofferdam is complete and T-wall base slabs are to be placed at PS # 3. The entire project is scheduled to finish in late 2015.

Mississippi River Projects

Jefferson Heights A Corps contractor continues the work of raising East Jefferson river levees between the Orleans-Jefferson and Jefferson-St. Charles parish lines. Work began at the Orleans Parish end and is moving toward Kenner. The first 10,000 feet of newly surfaced bike path between the Orleans line, upriver to about the Jefferson Playground, was recently reopened to the public, the contractor said. Another stretch of path from that point to the Huey P

Long Bridge is expected to be opened by the end of March. The entire first phase of this project, about 4.2 miles, is to be complete by the end of April, although the contractor cautions that weather or high-river delays could impact the schedule.

Once Phase 1 is complete, the second phase of construction will begin along 4.5 miles of river levee from about Orchard Road in River Ridge to the Jefferson-St. Charles line in Kenner. That second segment of work is scheduled for completion in December of this year, but is also subject to unanticipated delays. Tree removal for the second segment could begin as early as this April.

Additionally, to keep the public informed of schedule, Corps representatives have said they will issue one or more press releases that provide project updates. They also say the Corps has communicated, via phone calls and pamphlets, with the owners of property adjacent to any tree that will be removed.

Carrollton Project All levee enlargement work in Orleans Parish is complete, but the Orleans Levee District continues to wait for Corps responses to several issues raised by OLD officials during a final inspection last summer.

Internal Affairs

Surge Analysis Update

This is written in response to the Jan. 15, 2015, request by the SLFPAE Board that I provide a monthly status update regarding a path forward on the need to complete a Hurricane Surge Analysis Update over the next several years. The original analysis was conducted by the US Army Corps of Engineers in 2007, as a result of Hurricane Katrina, and was used in the design of the HSDRRS. Since then, significant advances have been made in the science of surge analysis and the tools used to predict surge and waves. An updated analysis using those advances must be completed well in advance of 2024, which is when the Federal Emergency Management Agency's National Flood Insurance Program will require the system be recertified as able to protect the New Orleans region from the 100-year storm surge event.

In SLFPAE's Jan. 15, 2015, board meeting, a Corps hydraulic engineer advised us that the analysis should be completed no later than 2018; however, Corps officials subsequently identified that as a misstatement. Instead, the reanalysis needs only to be complete in plenty of time for any additional engineering analysis and-or remediation in advance of the 2024 recertification. Despite that clarification, Corps officials agree that it is prudent to move ahead now with the planning phase, although the surge analysis itself should not be done until later. We have prepared a Draft Scope of Work (SOW) for a *Phase 1 Planning Study*, which is the direction we were given on Jan. 15 after the Corps' presented to the SLFPAE Board on this subject. This document has evolved over the last 30 days with input from Commissioner Rick Luettich, the Corps and others with expertise in this field.

The *Phase 1 Planning Study* scope of work seeks an engineering firm qualified to develop a plan that can be used to update the surge analysis, and it includes

specificity of product and methodology. At the direction of Coastal Advisory Committee Chairman Paul Kemp and Committee Member Luettich, this document will be the topic of review and conversation at today's Coastal Advisory Committee meeting immediately following the SLFPAE Board meeting. Commissioner Jeff Angers is also a member of the committee, but all SLFPAE commissioners are encouraged and invited to attend.

Non-Federal Levee Certification Our certification report for the Maxent Levee was resubmitted to FEMA on Feb. 6, 2015, and we expect accreditation in the near future.

The results of geotechnical investigations of the Forty Arpent Levee indicate that no substantial levee stability issues remain. Our consultant is awaiting additional survey data to complete the design of a new floodwall proposed near the Violet Canal. Meetings have been held with both Orleans and St. Bernard government officials concerning the urgency of this project.

IHNC-01 – Seabrook Complex In response to a distress report filed by OLD in early December, the Corps conducted a structural analysis of the damaged bearing pad beneath the eastern Vertical Lift Gate. The analysis shows that the damage causes no problem; however, the Corps provided a repair method if the Non-Federal Sponsor wants to replace it.

Additionally, greaseless wheels on the gates' guides did not turn during recent exercises, and the Corps is reviewing the need for greased-type wheels in the guides. The Corps also is considering adding gages to monitor vibrations, as they have done at Bayou Dupre.

Pump Station #4 The station is back to full power after successful installation of a turbo charger that replaced one which failed late last year.

Prior to Hurricane Katrina, the LBBLD was working with the state Department of Transportation and Development, which designed and built PS #1 and #4, to find a way to replace the aging engines. But that planning had to be shelved after Katrina while the Corps, the state and Levee District struggled to repair catastrophic damage to the entire flood defense system. More recently, the Levee District and SLFPAE have identified grant funding to replace most or all of the four old engines, but the purchase is awaiting approval from the state and FEMA.

Semi Annual Report (SAR) We met with the Corps and CPRA earlier this month to discuss lessons learned from our first Semi Annual Report and to prepare for the next one, which is due April 30.

Training In the Moffat & Nichols report on automated asset management software alternatives, one of the recommendations was to develop reporting

forms utilizing the software program currently used by the OLD. In response, a modeling exercise was held this month and a list of possible program upgrades was prepared for consideration by the software firm.

Emergency Preparedness The Mississippi River, now around elevation 3.5', is expected to drop slowly to 2.0' by month's end.

Complex Structures Electrical shorts at the Bayou Bienvenue VLG are being investigated, but generators at the site still allow gate operation. All other navigation gates are in working order and maintenance is up to date.

Tidal Gage Network The Regional Director has signed a formal agreement with the USGS to begin operating tidal gages at the GIWW East Closure Sector Gate and the Caernarvon Sector Gate on March 1. The agreement is currently being signed by USGS. The USGS understands that SLFPAE also wants USGS to operate gages at sector gates on bayous Dupre, Bienvenue and St. John once those structures are turned over to us by the Corps. The USGS proposal, as approved by SLFPA-E commissioners in December, is based on an annual cost of \$7,200 per each structure with two gages and \$6,000 for the Bayou St. John structure, which has a single gage. The Seabrook Complex gages are already being operated by USGS. The new agreement is for \$32,000, which includes \$18,000 for Seabrook.

Periodic Inspection Reports Representatives of SLFPA-E and its three Levee Districts met with the Corps in December to review the previous Periodic Inspections (PI). The purpose of a PI is to verify continued and appropriate operation and maintenance and to evaluate the stability of structures and compare constructed criteria to current criteria. The first PIs were conducted between February 2010 and January 2014 on all MR&T and HSDRRS projects. The Executive Directors of our Levee Districts are now reviewing their individual portions of the overall PI, and each is preparing a list of items that need to be addressed. A follow up meeting was held with the Corps and CPRA in February to review responses to the PI, and the resolution process continues..

Meetings and Items of Note:

The Coastal Protection and Restoration Authority Board will meet March 25, 2015 at 9:30 a.m. in the Louisiana State Capitol, House Committee Room 1900 North Third Street, Baton Rouge.

The Governor's Advisory Commission will meet Feb. 26 at 10:00 a.m. in the Galvez Building in Baton Rouge.

The FY2016 Draft Annual Public Meeting held on Feb. 9 in New Orleans was attended by SLFPA-E Regional Director Bob Turner and attorney Nyka Scott. Other public meetings are being held throughout the State this month.

The Flood Risk Community Conversation (Orleans) will be held Thursday, March 5, 2015, at 5:00 p.m. in the Mosquito Control Center in New Orleans. Please RSVP to LAFloodRisk@gmail.com. Public meetings are being held throughout the state this month.

Levee District Construction Projects:

Project	District	Status	Comments
Floodgate & Floodwall Repairs	OLD	98% complete	Contractor to schedule remaining work with CSX RR.
MRT and IHNC Vegetation Removal	OLD	Complete	
Seawall Steps Erosion Phase 4&5	OLD	84% complete	
Seawall Steps Erosion Phase 2B	OLD	0% complete	Contractor mobilizing
Floodgate Replace Traffic Barriers	OLD	Complete	
Floodgate EB-15 Roadway Repairs	OLD	Complete	

Levee District Project Designs and Studies

Project	District	Comments
Outfall Canals Erosion	OLD	Study complete; design 50% complete
Lakefront Seawall Area Reach , 4&5	OLD	Design complete; construction administration 84%
Lakefront Seawall Area Reach 2B	OLD	Design complete; construction administration 5% complete
Floodgate Seal Repairs	OLD	Design complete; construction administration 98% complete
IHNC St. Claude Bridge Drainage	OLD	Design 93% complete
Lakefront Levee Slope Drainage Reach 4	OLD	Survey complete; design 95% complete
Citrus Lakefront Levee Survey at Intersections	OLD	Survey complete; design 38% complete
Bayou St. John Adaptive Water Management Plan	OLD	Plan 33% complete
Citrus Lakefront Levee Railroad Drainage Study	OLD	Investigation complete; design proposal to be submitted and approved by NSRR.
Lakefront Seawall Area Reach 1A-4C	OLD	Design 25% complete
MRT Aluminum Stop Logs	OLD	25% complete
Bayou Bienvenue/Bayou St. John O&M Manuals	OLD	20% complete
Phase 1 for engine upgrades at Pump Stations	LBBLD	95% designs received; comment resolution ongoing
Phase 1 for Safe Room Design HMGP approved by FEMA	LBBLD	Phase 2 approval received from FEMA Region 6 & GOHSEP; anticipate Phase 2 funds by month's end
Pump Station #6 pump repair and hangers at P.S. #7	LBBLD	P&S complete; advertise by the end of February
Pump Station #6 Erosion Repair	LBBLD	P&S complete; advertise by month's end
Safe house & Consolidated Facility	EJLD	The Safehouse construction budget approved by SLFPAE Board in Jan; Kenner Planning Commission approved the EJLD PUD and Resub in January; Kenner City Council to vote Feb. 19 on first reading and second reading on March 5.