

Minutes of the Regular Monthly Board meeting of the North Lafourche Conservation, Levee & Drainage District, Tuesday, May 16, 2017

A regular monthly meeting of the North Lafourche Conservation, Levee and Drainage District Board of Commissioners was called to order by Mr. Cory Kief, Board President, at 5:07 PM on Tuesday, May 16, 2017. The meeting was held at the District's office at 3862 Highway 1 in Raceland. Commissioner Darcy Kiffe led the assembly in the Pledge and Commissioner Joni Tuck offered the Invocation.

Board President Kief called roll. Commissioners present were: Timothy Allen, Louis Andolsek, Rodney Foret, Cory Kief, Darcy Kiffe, Kenney Matherne, Robert Pitre, Shawn Preston, and Joni Tuck. Commissioners Adley Peltier and Elmo Pitre were absent. Others present were NLLD Executive Director Dwayne Bourgeois; NLLD Administrative Assistant Madonna Viguerie; NLLD Field Coordinator Glenn Bourgeois; Attorney Pat Amedee; consultants; various engineering professionals; and members of the public. NLLD Project/Program Manager Arthur Ostheimer was not present for the meeting due to another engagement.

Motion was made by R. Pitre, seconded by T. Allen, to approve the minutes as written of the following meetings: April 12, 2017 Joint Committee – Finance & Priority Committee and Legal/Development Committee; April 18, 2017 Finance & Priority Committee, and April 18, 2017 Regular Board. No discussion or public comment. Motion passed unanimously.

The floor was then turned over to the Director to address regular session items.

The Director advised the commissioners that their meeting packets include a new report of the Summary of Permits that we have in the works.

A. Thibodaux – West Project Area:

South Thibodaux Drainage Project: The Director stated that the intent of this project is to improve drainage in the City with another larger outfall channel. He added that the construction is moving forward with Byron E. Talbot Contractor Inc. having excavated the open ditch portion of the project and is currently installing the reinforced concrete pipe. Leonard Chauvin, from Leonard Chauvin P.E., Inc. reported that the project is proceeding as expected with about 6% of the work is done. The first pay request is for the ditch excavation and mob/demob is in the amount of \$51,660.25, less retainage equals \$49,035.44. Chauvin recommended it is in order to be paid. Motion was made by L. Andolsek, seconded by R. Pitre to approve payment of a pay request in the amount of \$49,035.44 from Byron E. Talbot Contractor Inc. as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

B. Thibodaux - Lockport - Bayou Blue Project Area:

Bayou Blue – Hollywood Backwater Flood Protection Project: The Director stated that this large project is one Element of the TLBB Project. Independently, it will prevent high storm water elevations in the mid Bayou Blue area from backing into the subdivisions and surrounding areas. The project was re-submitted through the Capital Outlay system for consideration in the 2017 legislative session and the District has been working with advocates to get the legislative delegates to get it considered for funding.

St. Charles By-Pass Backwater Flood Protection: The Director stated that the District is working with Duplant Design Group on a project to prevent repeated backwater flooding into this community. He added that as stated at last month's meeting, there is an agreement to the

mitigation requirements for this project. A new mitigation bank was expected to come on line at a more reasonable cost but it appears that is no longer an option. Their credits were changed to marsh which does not meet this project's need of bottomland hardwoods. DNR has issued a revised letter to purchase the credits outside the basin, and concurrence was received from the USACE. A meeting is scheduled with DDG to finalize some budgetary items for the project between the construction, mitigation, and engineering services. Discussion ensued regarding the intent to improve the backside of the subdivision by creating small levees. The Director explained that there is detention inside of the system. On a regular basis, the problem is the water backing into the subdivision. There will be a flap gate. The subdivision drains on gravity. The design of the project includes a nice flat place for a pump in the future, but a temporary pump can be placed there if needed and this can be addressed in the future. When asked about the mitigation dollar impact, Matt Rodrigue, from Duplantis Design Group, stated that it is 3.9 acres at \$45,000.00 per acre. The Director stated that those amounts are back in line with the original estimate.

Cyprien FDA Channel Improvements: The Director stated that the Cyprien FDA has been having worsening issues in getting storm runoff to the pump station. He added that the project is on hold awaiting information from LPG concerning their plans to refurbish that pump station. The Director also reported that T. Baker Smith is in the early stages of designing the pump station. As the station design moves forward, dredging requirements will become available and when the new CAT/MBI buggy becomes available, it can probably get started.

Raceland Prairie 3 of 12 FDA (Bayou Dumar near Hwy 653 Bridge): The Director stated that this is a repair of the eroded embankment and installation of rip-rap along a 300' section of the levee east of Hwy 653 along Bayou Dumar. He reported that Low Land Construction completed the repairs and Leonard Chauvin P.E. Inc. had reviewed the cross sections and verified that the repairs were per design. Chauvin, along with NLLD staff, went out last week and verified the stability of the repairs.

C. Lockport - Larose Project Area

Lockport – Larose Valentine Return Levee Project: The Director stated that Angelette-Picciola had conducted the bid opening last week for the levee portion of this project and they are working to finalize the design of the drainage structure. Neil Angelette, from Angelette-Picciola, reported that the lowest responsible bidder on the earthen portion of the project was Low Land Construction with a total of \$1,261,615.00 and he recommended awarding to Low Land. Motion was made by R. Foret, seconded by L. Andolsek that NLLD awards the construction contract to Low Land Construction Company Inc., thus committing \$1,261,615.00 of NLLD's net assets towards NLLD Project No. 6300.56Z and authorizing the NLLD President to sign, execute, and administer a contract and any and all relevant documents. On call for discussion, Commissioner Andolsek inquired on how the bid amount compared to the budget. The Director stated that the District budgeted the two portions (earth work and structures) together, and the low bid is within the budget with contingency. He added that Neil's estimate of this portion was \$1.1M. There was no public comment and the motion passed unanimously. Neil Angelette stated that both portions will probably be complete by the early part of 2018, with the structure to an elevation of 9.5' and the return levee to an elevation of 7.5'.

Lockport – Larose Levee Project, Reaches C4, C5, and D1: The Director stated steady progress continues in the efforts to proceed with improvements for these parts of the hurricane protection levee. He added that ROW agreements have been executed on 35 Tracts with 48

different landowners which represent about 1/3 of the needed ROW's. In addition, the process of dealing with the encumbrances on 35 tracts has begun. There are currently another 10-12 that have been identified as ready to move forward and hopefully the final title opinions will be received in the next week. Neil is planning to have the preliminary design complete and ready to review with NLLD in June with the final design expected around September-October. Another round of ROW closings is being planned for the end of the month. The Director requested that Attorney Pat Amedee talk about the encumbrances. Mr. Amedee stated that the title opinions from Block & Bouterie show who the owners are and mortgage, judgement, or title issues (no succession, but needed), if applicable. The 35 tracts signed already had no issues. Encumbrances have to be handled differently. The mortgage company has to be contacted with an explanation of the project so they can understand that they are not losing acreage and the project actually improves their security because they'll have land protected by a levee. If unsuccessful in getting them to sign off on the ROW, the ROW may have to be expropriated in some cases. We are trying to avoid expropriation, but it is important that the ROW precedes anything on the property. A letter has been drafted letting landowners know about encumbrances, and tracts with judgements will be given even more special attention. These issues are being addressed and discussed regularly. As board members, you all need to let us know if a landowner reports to you that they haven't been contacted. The Director added that the District is legally bound to take all of these steps to hopefully avoid expropriation. He also stated that the agreement with the appraisers is ready to be drawn up. Discussion ensued regarding the price (value) if the ROW is expropriated. The Director stated that he cannot say for sure that the price will be the same as those being purchased. He explained that appraisals will be done on each property to be expropriated and it is possible that they'll come up with a different amount. Commissioner Andolsek shared from his work knowledge, that if there is a difference in the two separate appraisals, they typically split the difference. He reminded the other commissioners that when the board decided to buy the ROW's, a premium was decided for the purchase price to hopefully avoid all of the fees involved in expropriation.

Edna Barrios Pump Consolidation Project: The Director stated that the completion of this pump station is vital to the NLLD as it will allow the removal of the antiquated Barrios Pump Station which interferes with the levee alignment in the area. He added that the pump station is under construction with an estimated completion in September / October.

Board President Kief informed the commissioners that he and the Director had conversed about including more visuals in the meeting. He urged the commissioners to stop the meeting and make their request if they want something viewed on the overheard screen.

Lockport to Larose Levee Project "Reach D2" Project: The Director stated that Womack & Sons Construction Group is the contractor for this section of the levee between the Private Arceneaux Pump Station going east to Larose Pump Station at GIWW, this Reach was re-sectioned the levee to 7.5'. The Director asked that Picciola and Associates provide an update on the status of this work and the design work to continue onto Reach D3, since an amendment was made to the IGA with CPRA allowing the District to use the remaining funds for this extension. Joe Picciola reported that there were only punch list items remaining. Mr. Picciola added that there is a balancing change order for a deduction of \$1,107.30 and a pay estimate is being recommended to the board.

Motion was made by T. Allen, seconded by L. Andolsek to accept the Change Order in the deduction amount of \$1,107.30 for the LtoL Reach D2 project as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Motion was made by R. Pitre, seconded by T. Allen to approve payment of a pay request in the amount of \$15,919.07 from Womack & Sons Construction Group as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Mr. Joe Picciola then reported that all of the survey work was done for Reach D3 and the plans will be done this week to meet with the District and to then go to CPRA for their approval.

Lockport to Larose Reaches A1, A2, and Claudet Return Levee Project: The Director stated that Leonard Chauvin P.E., Inc. is working to finalize bid documents and necessary ROWs for Reach A2 and the Claudet Return Levee Improvements, while obtaining the information necessary to update the cost estimate for Reach A1. He reported that a meeting was conducted with the landowner regarding the ROW for the Claudet Return Levee and details are being worked out so that the document can be executed. The Director added that LCI is working on the estimated cost of the impact the ROW will have to the existing fence lines and necessary removal and relocations. LCI is working on the final design and the final engineer's probable construction cost in preparation to advertise the project at the end of June to July timeframe.

Parr Pump Improvements: As reported last month, the Director reminded the Board that Sealevel had encountered a delay in the installation of the new 48" pump at this station. He added that underwater inspections were performed for guidance in the remedy that was made. Leonard Chauvin, from Leonard Chauvin, P.E., Inc., reported that repairs had to be made to the concrete bottom, after a hole was discovered in the foundation where the pump was and that repair is the subject of the change order, which is also a balancing of quantities in the amount of \$13,127.04 increase. The actual cost of the slab was about \$22K, but it was offset by the balancing quantities change order, bringing the project construction cost from \$97,150.00 to \$110,277.04. Discussion ensued regarding the repair. Mr. Chauvin explained that the broken concrete was removed from the hole and the divers did an inspection of the entire slab and did not find any other problems. Mr. Chauvin noted that there had been a hydraulic pump sitting on the bottom that could have contributed to the problem. The Director elaborated that a hydraulic pump had been installed by the Parish because of issues with one of the existing pumps in the area. The hydraulic pump was not supported from above and it ran for eight months or better. The pump itself doesn't have any damage to it, but cavitation could have been a factor here. The Director added that he put the Parish on notice that pumps should not be installed like that in the future.

Motion was made by L. Andolsek, seconded by T. Allen to accept the Change Order in the amount of \$13,127.04 for the Parr Pump Improvement Project bringing the total contract to \$110,277.04 as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Motion was made by R. Pitre, seconded by R. Foret to approve payment of a pay request in the amount of \$78,025.50 from Sealevel Construction Inc. as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Motion was made by T. Allen, seconded by K. Matherne to accept the Certificate of Substantial Completion from Sealevel Construction as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

D. Choupic Project Area:

West Choupic Storm Water Protection Project: The Director stated that Leonard Chauvin P.E. Inc. has been working to refine the project design in order to prepare permit drawings and to conduct a pre-application meeting with DNR and USACE.

E. St. James Project Area:

The Director reported that things are being developed in this project area, but he had nothing to report at this time.

F. Lake Bouef Watershed Project Area:

Lake Bouef Watershed, Backwater Flood Protection Project: The Director stated that Leonard Chauvin, P.E. Inc. has been working on the first alignment from Theriot Canal to Oak Grove Plantation in hopes of establishing a permit templet to improve drainage and the protection from backwater flooding. Mr. Chauvin reported that he had met with the Director on a possible alignment along the three foot contour, based on implementing the guidelines from the USACE, but we haven't had an opportunity to meet with landowners yet. The Director added that a meeting had taken place with Raceland Raw Sugars regarding the Theriot Canal's side.

Bayou Bouef School Forced Drainage Project: (NLLD 6600.63Z) The Director stated that this project was resubmitted for Capital Outlay funding consideration in the 2017 legislative session.

Zeller/Larousse Forced Drainage Area Systems Improvement: The Director reminded the Board that the District has a \$1M pledge from CPRA to work on Phase 1A of this project (Clearing encroachments and dredging reservoir) and the details are being worked out with CPRA. This project was resubmitted as a funding request for the balance of this project through Capital Outlay for consideration in the 2017 legislative session. The Director reported that the permit had finally been issued for this project. After two long years, it has been agreed that the project will not require mitigation and have no impact. LCI has submitted the plans to CPRA for review while making some final adjustments to the bidding documents and advertising is expected to start in the next two weeks. Mr. Chauvin added that the original estimate was \$1M, with alternates included brings the current estimate to \$1.3M. The Director explained that the entire project is about \$4.2M, but this current phase is doing dirt work to build a barrier and remove levee encroachments.

40 and 80 Arpent and Halpins Canal Maintenance Dredging Project, East Theriot Canal Maintenance Dredging Project, and Sam Foret and adjacent Canals Maintenance Dredging: The Director reported that Leonard Chauvin, P.E. Inc. has been working on permit drawings and an application. Mr. Chauvin reported that they are still working on the application, but it will be submitted within a week. The Director reminded the commissioners that this is where the dredge demonstration took place. The intent is to throw most of the material in the marsh and fortify the marsh. If you look at a lot of the maps from CPRA projecting the future, this area doesn't have a great future because of subsidence. Discussion ensued regarding the process that would be taken between using a marsh buggy and then a dredge throughout this approximate 20 miles of canals. There were differing opinions on whether or not this could be considered as maintenance and also on the best approach for permitting. It was recommended that this be addressed at the committee level.

G. Gheens Project Area:

Mathews Canal Project: The Director reported that the project had been advertised for bids; however, the bid process is currently cancelled until further notice due to concerns over a discrepancy between the engineers' probable construction cost and the NLLD's stated budget. The District has requested that J. Wayne Plaisance, Inc. review the alignment and consider some adjustments along the Mathews Canal. Plaisance has made these adjustments and a

meeting is scheduled for this week to review the changes, discuss the probable construction cost, and hopefully set a date in the next week or two to begin advertisement again.

Des Allemands Bulkhead Project: The Director reported that there are two elements of this project and both are being advanced, considering they are included in the Bond Sale funding plan. An engineering contract was executed with ASCE for Element 1, which includes the levee and channel improvements, to complete the final design, probable estimate of cost, and prepare the bid documents. Element 2 is for pump improvements and a letter agreement was executed with ASCE to complete the preliminary design and preliminary estimate of cost.

Des Allemands Breakwater Project: The Director stated that this project is not currently in a funding plan, and since it seems that US Hwy 90 will be the primary benefactor of this project, ASCE approached LA DOTD to consider assisting with the funding through State Wide Flood Control. He reported that unfortunately this project does not fit the requirements for funding through the State Wide Flood Control Program.

Jesse Dufrene FDA Levee Improvements: The Director stated that as reported last month, he had met with Raceland Raw Sugars to discuss some available land that could maybe be used for borrow material. ASCE has since met with them and a couple of areas for potential borrow pits were determined. ASCE had borings performed to test the suitability of the soils and are currently awaiting results from the geotechnical engineer. Once the results are received a path forward will be determined for this project.

Upper Barataria Basin Risk Reduction (UBBRR) Project: The Director stated that this project has made it onto the State's Draft Master Plan for 2017 and it will be on future agendas of the district for updates as appropriate.

H. Valentine - East Project Area:

Valentine FDA Channel Improvement: The Director reported that the new CAT/MBI buggy is working in the Company Canal pump reservoir performing maintenance dredging. An operator is being contracted through Sealevel for that work.

New Valentine/Ludevine Forced Drainage Area: The Director stated that this is the levee running from Hamilton Street in Larose about 5,500 feet towards the Ludevine Pump Station along the Blackwater Canal. The District is working through a permit issue presented to by the Corps. He added that he and Arthur Ostheimer, NLLD Project Manager, met with the Corps on this issue one week prior to this meeting and a follow-up meeting is expected to be scheduled shortly. The Director gave a brief rundown on the Historic Preservation Act to justify the need for the District to push back on this a pre-permit condition requirement of the cultural survey.

I. Regional/Other Capital Projects:

Morganza to the Gulf in Lafourche Parish: The Director reported that the District is working in cooperation with SLLD, using the CAT buggy to build retainage dikes as part of the mitigation work for Reaches K&L of the Morganza to the Gulf Project; however, it looks like the project will need a second marsh buggy to work in parallel with the CAT/Wilco marsh buggy in order to stay ahead of the upcoming dredging contract.

It was proposed, that similar to a prior contract executed by the Terrebonne Levee District, a contractor be engaged to provide a buggy, operator, oiler, fuel and transportation for the duration of the work. The cost for all of this will be reimbursed to the NLLD as is being done with the current arrangement with Sealevel.

Motion was made by J. Tuck, seconded by R. Foret authorizing the engagement of a second marsh buggy with an operator, oiler, fuel and transportation to and from the job site, all expenses for which will be reimbursed to the NLLD by the SLLD, and allowing the Director to sign any and all related documents. Discussion ensued regarding the District's role in this. The Director explained that the main benefactors of these reaches are the NLLD and TLCD areas, but because it is south of the Intracoastal, SLLD is executing the project by spending money actually given to TLCD from the State to do the project. He added that NLLD's machine is working there as our in-kind contribution and since NLLD is already set-up to move the money through; it makes sense that NLLD add this additional machine to the mix. Board President Kief elaborated more on the need to contract another machine there. He explained that if NLLD's machine continues to break down as it has done recently, it will not be a viable solution to this problem. There are concerns of not getting enough production time from the operator; however, there seems to be conflicting information on the monthly charges but that will be addressed next week amongst the districts and the state. The Director added that the productivity issue is being addressed with Sealevel, but he emphasized that the CAT buggy will be needed to work on terracing where other machines cannot work in that much water. The additional machine is needed to move forward with this before the state comes down with the dredge contract. He reiterated that SLLD would reimburse NLLD for everything on the second machine. When asked why the second machine has to go through NLLD, the Director explained that SLLD has taken the position that they don't benefit from this levee system, so they want NLLD to handle this. With no further board discussion, and no public comments, a call was made for a vote. The motion passed with eight (8) commissioners in favor of the motion, one (1) opposition by Tim Allen, and two (2) absent.

Morganza to the Gulf, Lockport to Larose Alignment: The Director stated that Delta Coast Consultants are making good progress in advancing this project.

J. Equipment: The Director stated that work continues on the series of equipment recommendations that were approved by the Board. In regards to the Liebherr Dragline, a recommendation to sale can be expected at the monthly board meeting on Tuesday, September 19, 2017. Bids will be accepted until noon on Monday, September 18, 2017. He added that June 21, 2017 at 8:00 AM will be the start of the advertisement and inspection period. This gives the required six weeks to allow the consultant and Attorney Pat Amedee time to develop the required documentation, specifications, and sales literature items.

The Director went on to report that he had hoped to combine the sale of the Volvo buggy via a public auction with another levee district; unfortunately after speaking to pretty much everyone in this area, there will not be any auctions happening soon so the District will have to begin the process of advertising for bids directly.

The NLLD Field Coordinator reported that the tracks were put back on CAT/Wilco buggy without splitting. The CAT/Wilco worked a week or so, and then it blew out the stick ram. That was repaired and it's running now. The CAT/MBI buggy has small issues with a valve, but it should be changed out tomorrow. Discussion ensued regarding the condition of the District's machines. The board was reminded that they had approved the process to get the specifications on a smaller special purpose machine. Commissioner R. Pitre suggested that when putting the specifications together, find out the projected maintenance cost for the different types of heads. The Director emphasized that the CAT/Wilco buggy that is working at

Reaches K & L builds for a considerably higher rate based on its bigger size. That machine is valued at \$900K.

K. General Items

Photo Presentation: The Director presented photos taken by Glenn B., NLLD Field Coordinator, of the following work: CAT/Wilco – track repair; CAT/Wilco – working on dike; new CAT/MBI – Valentine pump canal; and South Thibodaux Drainage project.

Association of Levee Boards of Louisiana (ALBL) Annual Workshop: The Director stated that the ALBL, in a joint effort with the Coastal Protection and Restoration Authority, held its annual workshop in Baton Rouge on May 4 – 5, 2017 at the Crowne Plaza Hotel in Baton Rouge with our Commissioner / President at the helm as ALBL President. The Director, along with Project Manager Arthur Ostheimer and Commissioners Cory Kief and Kenney Matherne, attended the workshop. Commissioners Rodney Foret and Robert Pitre were not able to attend as planned due to bad weather issues.

LA SAFE: Nicholas Matherne, from CB&I, was present to give a brief overview of LA Safe. Mr. Matherne stated that LA SAFE stands for Louisiana Strategic Adaptations for Future Environments. He explained that the State Master Plan paints a pretty dire picture for this area, and this is to help the coastal parishes provide some extra level of resilience to their communities and economies. He shared the upcoming schedule for the first round of Small Community meetings throughout Lafourche Parish: Tuesday, May 30th – St. Peter’s Church, Larose; Wednesday, May 31st – South Lafourche, St. Joseph Catholic Church; Thursday, June 1st - Central Lafourche area, Lockport Fire Station; and Monday, June 5th – North Lafourche area, St. Thomas Church at NSU. Mr. Matherne added that this program does not include levee project efforts or home elevation projects, but every parish in this pilot program will have \$5M - \$6M for projects.

HTV “Going Public”: May 23, 2017 will be the final installment of the “Going Public” segment for NLLD. There is some discussion of keeping this effort going into the future and more on that as it develops.

Other Meetings this Month: The Director stated in addition to the regular monthly meeting circuit and those previously discussed, he participated in the following meeting:

Coastal Louisiana Levee Consortium Meeting, April 25, 2017

Governor’s Advisory Committee on Coastal Protection and Restoration, April 26, 2017

2nd Annual Employee Appreciation Crawfish Boil, April 27, 2017

Committee Reports:

Finance & Priority Committee: Chairman K. Matherne reported that the F&P Committee met on March 21, 2017. During that meeting, the committee reviewed and approved the Payables report that was recommended and accepted for approval by the full board during the Regular Board meeting that followed. He added that just prior to this board meeting, the F&P committee reviewed the completed Louisiana Compliance Questionnaire as a required part of the audit engagement of Louisiana government agencies. Motion was made by K. Matherne, seconded by L. Andolsek to authorize the Board President and Secretary/Treasurer to sign the required Louisiana Compliance Questionnaire. No discussion or public comment. Motion passed unanimously.

Accounts Payable: Motion was made by K. Matherne, seconded by J. Tuck, to accept the Payables Report as reviewed by the Finance and Priority Committee in a meeting just prior to this Board meeting. No discussion or public comment. Motion passed unanimously.

Minutes of the May 16, 2017 NLLD Regular Monthly Meeting

The Board President called for any other engineering reports; there were none.

The Board President then called for other Public Comments; there were none.

The Board President announced the next Regular Monthly Board Meeting will be at 5:15 PM, or immediately following the F&P committee meeting, on Tuesday, June 20, 2017 at the District's office located at 3862 Highway 1, Raceland, LA.

Attorney Pat Amedee informed the board that there were no updates on the pending litigation of Cecil Gassiot, LLC Vs NLCLDD; therefore Executive Session would not be needed for Agenda item 11.

The meeting was unanimously adjourned at 7:09 PM on motion by R. Pitre, with a second by K. Matherne.

Cory Kief, President

Dwayne Bourgeois, Director