

Minutes of the Regular Monthly Board meeting of the North Lafourche Conservation, Levee & Drainage District, Tuesday, August 15, 2017

A regular monthly meeting of the North Lafourche Conservation, Levee and Drainage District Board of Commissioners was called to order by Mr. Timothy Allen, Board Vice-President, in the absence of Mr. Cory Kief, Board President, at 5:09 PM on Tuesday, August 15, 2017. The meeting was held at the District's office at 3862 Highway 1 in Raceland. Board VP Allen led the assembly in the Pledge and Commissioner Louis Andolsek offered the Invocation.

Board VP Allen called roll. Commissioners present were: Timothy Allen, Louis Andolsek, Rodney Foret, Darcy Kiffe, Kenney Matherne, Adley Peltier, Elmo Pitre, Robert Pitre, Shawn Preston, and Joni Tuck. Commissioner Cory Kief was absent. Others present were NLLD Executive Director Dwayne Bourgeois; NLLD Project Manager Arthur Ostheimer; NLLD Administrative Assistant Madonna Viguerie; Attorney Pat Amedee; consultants; various engineering professionals; and members of the public.

Motion was made by L. Andolsek, seconded by R. Pitre, to approve the minutes as written of the following meetings: July 18, 2017 Finance & Priority Committee and July 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.

A. Thibodaux – West Project Area:

South Thibodaux Drainage Project: The Director reminded all that the intent of this project is to improve drainage in the City with another larger outfall channel taking some of Thibodaux's water out another route. NLLD Project Manager Arthur Ostheimer reported that construction is moving forward and Byron E. Talbot Contractors, Inc. has currently completed over 80% of the contract work for the project. Weather permitting, it is expected that Talbot will request the substantial completion inspection in the next 30 days. Ostheimer added that there have already been some positive impacts for the project in the areas that have been connected to the new outfall drains. Leonard Chauvin, from Leonard Chauvin P.E., Inc. reported that the project is close to completion. Talbot finished laying the pipe today and the cleanup remains. Mr. Chauvin added that a pay request was submitted from Byron E. Talbot Contractors, Inc. for \$180,243.50. He stated that the pay request is in order and recommended it be paid. Motion was made by R. Pitre, seconded by A. Peltier to approve payment of a pay request in the amount of \$180,243.50 from Byron E. Talbot Contractor Inc. as recommended by the project engineer. No discussion or public comment. Motion passed unanimously. Mr. Chauvin added that the contract will expire on September 22, 2017 and the contractor has about 30 rain days. They are not asking for that now, but will make a request of 30 days if delays come around in the next month. That would be in the form of a change order, but no additions at this time. Chauvin stated also that they are seeing lower water levels even during all of the recent rain. When asked by Commissioner Allen about residents' feedback, Chauvin replied that they have not gotten any complaints. The Director mentioned that he has had a few people ask where the water is going and they seem okay with it going to the St. Louis Canal in Terrebonne.

Morvant FDA – Channel Improvements: The Director reported that the new CAT/MBI buggy completed the maintenance dredging in the Morvant Pump channel and the buggy and the Sealevel operator were moved to the LtoL C4 and C5 Emergency Repair work area.

B. Thibodaux - Lockport - Bayou Blue Project Area:

Bayou Blue – Hollywood Backwater Flood Protection Project: The Director stated that the district is not giving up on funding although this year is not lucrative for funding.

St. Charles By-Pass Backwater Flood Protection: The Director stated that the District is working with Duplantis Design Group (DDG) on a project to prevent repeated backwater flooding into this community and the bid opening took place yesterday, August 14, 2017. Project Manager Ostheimer reported that DDG reviewed the bids and would like to make a recommendation to the board. Ms. Heather Klingman, from DDG, reported that two bids were received: Low Land Construction \$499,945.00 and LA Contracting \$447,024.47. Ms. Klingman added that they were both over budget by at least \$73K on their estimate, but after going through both of the bids, they seemed consistent to their estimate with the exception of the big ticket item of excavation. There had been some concerns expressed regarding issues in the neighborhood and of hauling material from one side of St. Charles By-Pass to the other so that may have contributed to the difference. Klingman added that the bids were responsible and responsive, and pending available funding, DDG recommended awarding the contract to LA Contracting in the amount of \$447,024.47. The Director stated that the overage is less than 10% of the contingency funds budgeted for Capital Projects. He added that he had ridden by the project area this morning and it is a mess. The Director reminded the board that they have worked with the local churches and community to improve this area and he had already spoken with Mr. Rob Gorman from Catholic Charities to ask the residents to keep ditches clean. The Director recommended the board accept the bid and adjust the budget as needed to go forward with the project. Motion was made by K. Matherne, seconded by J. Tuck, that NLLD awards the construction contract to LA Contracting Enterprise, LLC, thus committing \$447,024.47 of NLLD's net assets towards NLLD Project No. 6200.67Z and authorizing the NLLD President to sign, execute, and administer a contract and any and all relevant documents. No discussion or public comment. Motion passed unanimously.

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 Mr. Dustin Rabalais with T Baker Smith provided a status update last month on the Parish's plans to refurbish the pump station. Project Manager Ostheimer reported that he had spoken with Mr. Rabalais and they are on the same schedule. T. Baker Smith had received the geotech and they expect it to move to final design in the next couple of months.

C. Lockport - Larose Project Area

Lockport – Larose Valentine Return Levee Project: The Director stated that Low Land Construction is the contractor on the levee portion of this project and they have a pay request, and Sealevel was awarded the contract for the drainage structure last month. Project Manager Ostheimer reported that NLLD and Sealevel Construction have executed and recorded the contracts for the return structure. A preconstruction meeting is scheduled for August 17, 2017 at 1:30 PM here at the NLLD office. The Notice to Proceed will be issued after that meeting. On the levee, the weather has caused a slow start to the project. Low Land has completed almost all of the fencing and they are preparing to begin hauling material when weather permits. Mr. Neil Angelette, from Angelette- Picciola, reported that Low Land Construction has done as much as they can at this time considering the weather. They have just about completed all of the work to fence off the right of way on that property. They have invoiced for 25% of the mobilization and 90% of the fencing work, which is in order. Angelette recommended payment of a pay request from Low Land Construction Co., Inc. in the amount of \$15,798.50. Motion was made by R. Pitre, seconded by E. Pitre to approve payment of a pay request in the amount of \$15,798.50 from Low Land Construction Co., Inc. as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Lockport – Larose Levee Project, Reaches C4, C5, and D1: The Director stated that progress continues in the efforts to proceed with improvements for these parts of the hurricane protection levee. Project Manager Ostheimer reported that the ROW portion of the project is progressing well. To date, right of way agreements have been secured for 90 Tracts in whole which represents 164 Landowners. This leaves 18 ROW's remaining for this project. An additional eight more right of way agreements are expected to be executed and the remainder will have to be expropriated. The district has engaged Truax and Robles to perform the appraisals that will be required for the expropriations and will be forwarding correspondence informing the listed landowners as expropriations to let them know about the process and their option to work with the appraisers. A meeting is set for tomorrow to review the preliminary design with Neil Angelette, P.E. Currently, October is anticipated as the start of advertisement for the construction portion. The Director added that expropriation resolutions will be coming to the board in September. Board VP Allen asked if the appraisers have to physically access each tract. Ostheimer replied that the appraisers will request access from each applicable landowner, but they will only go on the tracts after receiving the landowner's permission. They will allow the owner to go out and point out improvements. The Director added that the appraisers are going through the steps to make this process defensible for the district within the law.

Lockport – Larose Levee "Reach C5 & D1" Emergency Repair Work: The Director reported that the process of addressing the failing areas in these reaches has begun. Project Manager Ostheimer reported that Low Land Construction was engaged to perform the emergency repairs as authorized by the board last month. The NLLD's Marsh Buggy excavator will work in conjunction as a coordinated effort with the contractor to perform these repairs. Equipment has been mobilized to the site and a good portion of the clearing has been performed by Low Land for all of the repair locations and they will hopefully begin moving material in the next day or two. Angelette-Picciola prepared the repair design along with having the survey crew mark the right of way for the contractor. Mr. Neil Angelette reported that the start-up has been slow due to the rain but clearing is taking place. There was one minor issue with fencing being demolished, but that has since been discussed with Low Land and resolved. Low Land understands that anything that gets disturbed with fencing and gates needs to be corrected immediately. Commissioner Robert Pitre commented that Low Land needs to make certain that the cattle cannot cross tracts. Commissioner Andolsek complimented all involved for getting this moving so quickly. The Director mentioned that moving the district's new marsh buggy there should hold down the cost.

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 and Mr. Neil Angelette, P.E. reported that they will conduct a test run in a couple of days, but it will be another 4 – 6 weeks before officially turning over to the Parish. Angelette stated that the Parish has some change orders for items requested by the pumpers. The Director added that the district put in fabric and additional limestone beneath the pipes for better maintenance where it is subject to erosion and grass growing.

Lockport to Larose Levee Project "Reaches D2 and D3" Project: The Director stated that the final payment was made last month to Womack & Sons Construction Group for the D2 section of the levee between the Private Arceneaux Pump Station going east to Larose Pump Station at

GIWW. He added that the work was completed for less than the original budgeted funds between the district and CPRA, and CPRA agreed to allow the district to use the remaining funds to extend the lift onto Reach D3. The work is being advertised for bids. Project Manager Ostheimer reported that NLLD has begun the advertisement for Reach D3 with a pre-bid meeting scheduled for August 16, 2017 and the bid opening scheduled for August 31, 2017. Picciola and Associates should have a recommendation for award at the September board meeting for the board's consideration. Ostheimer reminded the Board that there was discussion at last month's board meeting regarding a failure area on Reach D2. Picciola and Associates has and will continue monthly inspections of this area and currently there has been no change in the condition of the failure area.

Lockport to Larose Reaches A1, A2, and Claudet Return Levee Project: The Director stated that Leonard Chauvin P.E., Inc. has finalized the bid documents and necessary ROWs for Reach A2 and the Claudet Return Levee Improvements. Project Manager Ostheimer reported that Reach A2 and the Claudet element of this project began advertising on August 14, 2017, with a pre-bid meeting scheduled for August 31, 2017, and bids will be accepted on September 13, 2017. Leonard Chauvin P.E. Inc. should have a recommendation for award of the contract at the September board meeting. Ostheimer added that the budget for the A1 portion has pretty much been locked down with Chauvin and it is in the design stage, with the end of November as the expected advertisement period.

Parr Pump Improvements: The Director reported that Sealevel had completed the installation of the new 48" pump at this station and the 45 day clear lien period is now satisfied for the release of the retainage payment. Mr. Leonard Chauvin, from Leonard Chauvin P.E., Inc. reported that the project is fully completed. There were a couple of punch list items there were taken care of and a battery charger that was not functioning has been replaced. Chauvin recommended that the retainage be paid in the amount of \$11,027.70. Motion was made by A. Peltier, seconded by E. Pitre to approve payment request of the retainage in the amount of \$11,027.70 from Sealevel Construction Inc. for the Parr Pump Improvements 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. Project Manager Ostheimer reported that Leonard Chauvin P.E. Inc. has tweaked the alignment for this project and submitted a copy for NLLD review. Chauvin will schedule a meeting with DNR and USACE to discuss and receive feedback on the proposed alignment.

Existing Choupic Levee Status: The Director stated that a few months back Commissioner Peltier thought it would be helpful to discuss a few issues concerning existing Parish levees in the Choupic area. Jack Plaisance with Picciola & Associates arranged a meeting with the Parish yesterday that included Jack, Commissioner Peltier, LPG DPW Director, Choctaw Barn Supervisor, and me to discuss an old permit application that the parish had applied for some time back. The Director explained also that there are a couple of spots of the levee where the Parish doesn't have ROW's. If the District tries to push a project forward, it will need proper ROW's. My involvement with it back then was to talk with a particular landowner, and then handed it off to the Parish, but the ROW agreement was never signed. The parish is looking at the ROW's they have. The Director noted that the current Lafourche DPW Director, Mr. James Barnes, has been very responsive. Mr. Barnes checks with the district on issues that could

impact drainage and levee items. Commissioner Peltier expressed his thanks to Jack Plaisance for organizing the meeting.

Commissioner Joni Tuck left the meeting at 5:45 PM.

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 to schedule meetings with landowners to review the first preliminary alignment from Theriot Canal to Oak Grove Plantation in hopes of establishing a permit template to improve drainage and flood protection from backwater flooding. Leonard Chauvin, from Leonard Chauvin, P.E., Inc. reported that an alignment was prepared and he'll be meeting with Raceland Raw Sugar (largest landowner in that area) for feedback.

Bayou Bouef School Forced Drainage Project: The Director stated there was nothing new to report on this project at this time.

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 canal) and the details are being worked out with CPRA. He added that the construction contract for Phase 1A was awarded last month to Sealevel Construction. Project Manager Ostheimer reported that the contracts have been executed and recorded for this project and the preconstruction meeting is scheduled for August 23, 2017 after which a Notice to Proceed will be issued for the project.

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. submitted the permit application. Project Manager Ostheimer reported that based on a request by OCM, a few revisions were made to the dredge spoil disposal plan along with some other minor alterations. The permit was resubmitted with the adjustments and a meeting is scheduled with DNR for next week.

Board VP Allen inquired to Mr. Chauvin about the ability to be grandfathered in under the nationwide permits. Why can't the district go and do what needs to be done under the authority thought to have? Leonard responded that the canals have widened out and/or spoil banks have subsided. If there was a straight canal that was just being maintained to the original section and spoil banks that were non-wetland areas, the nationwide permit would be the case. That has been used that in the past. He reminded the board that there have been times that after arguing back and forth on the permit process, the ultimate decision is the project could be done under the nationwide and a permit was not needed. He doesn't think that will happen here. There are no spoil banks to argue about. Canals were originally dug to six to eight feet, but now there is about two feet of water in them. A spray dredging/spoil disposal plan is being considered for this project to hopefully have no mitigation and possibly a benefit to the marsh. The Director suggested that once there is a template in place, it can be used in additional places. He added that there had been a meeting with Mr. Kirk Kilgen with DNR and DNR will not be a problem here. The Director mentioned that Congressman Garret Graves and Mr. Mark Wingate (Trump Administration) are working to get rid of some of the problems that cause the permit process to take so much time.

G. Gheens Project Area:

Mathews Canal Project: The Director reported that the construction contract was awarded last month to Low Land Construction. Project Manager Ostheimer reported that the contract have been executed and recorded for this project. J. Wayne Plaisance, Inc. is scheduling the preconstruction meeting with Low Land and afterwards a Notice to Proceed will be issued.

Des Allemands Bulkhead Project: The Director reported that there are two elements of this project and both are in the design stage. Element 1 includes the levee and channel improvements and Element 2 is for pump improvements. The Director added that after discussions at the LtoL/VaE/Gheens committee meeting last month, although the engineering will be handled as a whole, the construction of this project will be handled on a phased approach. Project Manager Ostheimer reported that the district still needs to finalize the right of way for this project where it is very narrow. ASCE is working on the preliminary design for this portion of the project. While on the pump improvements, ASCE is planning to submit the plans for NLLD staff review in the next week or two for repairs of a small pump station.

Des Allemands Breakwater Project: The Director stated that there was nothing new to report on this project at this time; he still needs to get with DOTD.

Jesse Dufrene FDA Levee Improvements: The Director stated that as previously reported some available land has been identified that is suitable enough to use for borrow material. Project Manager Ostheimer reported that All South Consulting Engineers has been directed to continue forward with a preliminary design and cost estimate for this project. ASCE is expected to submit this for NLLD review in the next couple of weeks.

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. He added that he would try to get Mr. Nick Matherne and/or Mr. Randy Trosclair to present an update next month.

H. Valentine - East Project Area:

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 by the Corps and after meeting with the Corps, they will be changing their requirements to try and suggest that a desk top survey will suffice.

I. Regional/Other Capital Projects:

Morganza to the Gulf in Lafourche Parish: The Director reported that the District is working in cooperation with SLLD and the CAT/Wilco buggy continues working to build terracing as part of the mitigation work for Reaches K&L of the Morganza to the Gulf Project in Lafourche Parish, while a second marsh buggy is assisting with this. The second machine and both operators are through Dean Equipment and NLLD is being reimbursed for the operational cost on this effort. Board VP Allen inquired about issues with the operator discussed last month. The Director responded that it seems that things are working out. Project Manager Ostheimer agreed that the operators are getting acclimated to the district's machine and things seem to be fine.

Morganza to the Gulf, Larose to Lockport Alignment: The Director reported that Delta Coast Consultants had presented their preliminary report at the MtoG/UBBRR committee meeting last month. There has since been a meeting with a local land owner (Ted Falgout) and ideas were shared to further refine the alignment in that area that can make things a lot simpler. The report and final alignment will be received soon and the process of submitting this alignment to the Corps will begin immediately, along with applying for funding for this alignment and the

solution for the Gheens Community. The Director will begin meeting with state folks about funding for this.

Commissioner Andolsek complimented the Director and the Project/Program Manager on the Capital Projects Report. He feels that it contains all of the information they wanted, and asked that they please continue to provide it.

J. Equipment: The Director stated that in regards to the Liebherr Dragline, a recommendation for sale is expected at the board meeting on Tuesday, September 19, 2017. The notices and postings are in place and were distributed for bids to be accepted until 2:00 PM on Friday, September 15, 2017. The Director went on to report that the notice for the Volvo buggy is in the works to begin the process of advertising for bids directly for this machine. The NLLD Field Coordinator was not in attendance, but the Director reported that there were no major equipment issues this past month.

K. General Items

Photo Presentation: The Director presented photos taken by Glenn B., NLLD Field Coordinator, of the following work: LtoL Emergency repair located at the Edgar Pump Station where lilies were removed from the canal to move down; Dean Equipment machine at K&L and the NLLD CAT/Wilco buggy working on terracing at different locations; and South Thibodaux Drainage Improvements where they installed the subsurface drainage.

Association of Levee Boards of Louisiana (ALBL) Annual Meeting: The Director announced to the board that the ALBL will be holding its annual meeting in New Orleans on Dec 6 – 7 at the Hilton Riverside in New Orleans. This meeting is a little different than the workshop in May because it has no educational workshops and is more business; but any of you wish to attend, just let Madonna know and everyone will be placed on one registration form and arrangements made.

Morganza Action Coalition (MAC) continued funding: The Director explained that a meeting with the Morganza Action Coalition was held earlier today, but things are not settled at this point and he suggested skipping it until next month.

Ad Valorem Tax Renewal on October 14, 2017: A meeting was conducted with Lori LeBlanc, LLC to address actions to take in preparation of the pending renewal. The meeting went well and LeBlanc will be putting together a plan of action and cost estimates for review and discussion at an upcoming Legal and Development Committee Meeting.

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

July 24 – 27, 2017: DC Trip on NFIP – the group collectively visited 40 legislative staff/offices in two and a half days.

August 2, 2017: Discussion on changing Engineering Standards for earthen levees – discussion amongst local levee districts and some of the local engineers.

August 3, 2017: BTNEP Management Conference

August 4, 2017: ALBL Executive Committee Meeting

Committee Reports:

Finance & Priority Committee: Chairman K. Matherne reported that the F&P Committee met on July 18, 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.

Accounts Payable: Motion was made by K. Matherne, seconded by L. Andolsek, 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.

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

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

The Board VP announced the next Regular Monthly Board Meeting will be at 5:15 PM, or immediately following the F&P committee meeting, on Tuesday, September 19, 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 Gassiott, LLC Vs NLCLDD; therefore Executive Session would not be needed for Agenda item 11a.

Motion was made by R. Pitre, seconded by R. Foret, to enter Executive Session at 6:10 PM pursuant to LA R.S. 42:17A (1) to discuss the annual evaluation of Madonna Viguerie, NLLD Administrative Assistant. No discussion or public comment. The motion passed unanimously.

Motion was made by R. Foret, seconded by R. Pitre to return to Regular Session at 6:18 PM. No discussion or public comment. Motion passed unanimously.

Motion was made by E. Pitre, seconded by D. Kiffe, to take action as authorized by the Board in Executive Session. No discussion or public comment. Motion passed unanimously.

The meeting was unanimously adjourned at 6:20 PM on motion by R. Foret, with a second by D. Kiffe.

Cory Kief, President

Dwayne Bourgeois, Director