

## **Minutes of the Regular Monthly Board meeting of the North Lafourche Conservation, Levee & Drainage District, Tuesday, August 21, 2018**

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 5:11 PM on Tuesday, August 21, 2018. The meeting was held at the District's office at 3862 Highway 1 in Raceland. Commissioner Robert Pitre 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, and Joni Tuck. Commissioners Cory Kief and Shawn Preston were absent. Others present were NLLD Executive Director Dwayne Bourgeois; NLLD Project Manager Arthur Ostheimer; NLLD Administrative Assistant Madonna Viguerie, NLLD Field Coordinator Glenn Bourgeois; Attorney Pat Amedee; consultants; various engineering professionals; and members of the public.

Minutes: Motion was made by R. Pitre, seconded by L. Andolsek, to approve the minutes as written for the following meetings: July 24, 2018 Finance & Priority Committee, July 24, 2018 Regular Board, and August 1, 2018 Finance & Priority Committee. No discussion or public comment. Motion passed unanimously.

### Budget:

Motion was made by K. Matherne, seconded by J. Tuck, to enter Public Hearing for the purpose of considering the proposed 2018 Revised Budget. No discussion or public comment. Motion passed unanimously.

In Public Hearing, Board VP Allen stated that the Finance and Priority Committee met on August 1, 2018 to review in detail the proposed 2018 Revised Budget based on the year-to-date figures and estimated remaining expenditures for this year and future reserves. The Commissioners and the public were provided with copies of the budget. Board VP Allen added that the Committee's recommendation to this board is for adoption as written. The Board will vote on the adoption of the budget immediately following public hearing and offered board discussion and public comment. There was no board discussion and no public comment after three calls were made for public comment. Motion was made by E. Pitre, seconded by K. Matherne, to close Public Hearing. No discussion or public comment. Motion passed unanimously.

In Regular Session, Board VP Allen stated that it is the recommendation of the Finance and Priority Committee that the Board adopts the 2018 Revised Budget as provided and just discussed. Motion was made by K. Matherne, seconded by R. Pitre that the Board adopts the 2018 Revised Budget as provided in writing. There was no discussion or public comment, and the motion passed unanimously.

Motion was made by J. Tuck, seconded by D. Kiffe that the Board deviates from the agenda order to advance to item "K. General Items: Education Initiative Presentation by Lori LeBlanc, LLC." There was no discussion or public comment, and the motion passed unanimously.

Lori LeBlanc, LLC – Education Initiative Presentation: Ms. Lori LeBlanc introduced herself and her staff members (Melissa and Katie) who do a lot for the district's education initiative and outreach. She shared that Mr. Johnny Bradberry, LA CPRA Chairman recently commented that engagement and education are key items to keeping the public informed of project initiatives. Ms. LeBlanc state that that is exactly what NLLD has been doing. It is since 2013 that the education campaign was started and it has been ongoing throughout a couple of tax propositions and continues. Initial work included logo rebranding and the creation of a

messaging campaign that allows consistency with presentations. The use of social media platforms (Facebook and Twitter) are utilized on a regular basis. Additional outreach includes the e-Newsletters through Constant Contact, live streaming/online viewing of the meetings through UStream, and direct mailings in the past. Ms. LeBlanc added that they assist with coordinating public speaking engagements and HTV Going Public shows, including the preparation of the presentations as needed. She added that they are uploading the district's videos of project construction and the commissioners' spotlight videos onto the NLLD website. Ms. LeBlanc added that You Tube will also be utilized for the videos and they will be refreshing the district's website. Commissioner Tuck commented that the quality and quantity of engagements and materials that are going out have really stepped up in the last couple of months and she expressed appreciation of that. Ms. Tuck added that Project Manager Arthur Ostheimer is a great pilot of the drone and produces some really great tools to get the most people connected.

Motion was made by J. Tuck, seconded by D. Kiffe that the Board returns to the regular agenda order for the Director's Reports. There was no discussion or public comment, and the motion passed unanimously.

The floor was then turned over to the Director to address regular session items and he reminded the commissioners that copies of the current Capital Project Report are in their packets.

**A. Thibodaux – West Project Area:**

The Director reported that the district is developing items in this project area via a drainage study and more will be reported in the future.

**B. Thibodaux - Lockport - Bayou Blue Project Area:**

Bayou Blue – Hollywood Backwater Flood Protection Project: The Director stated that the State's Draft Annual Plan includes \$72,500 for engineering in FY2019 and another \$1.4M in FY2021 based on the CPRA request with funding coming from expected GOMESA funds. He added that the District is working with CPRA to access this funding and Leonard Chauvin, P.E. Inc. is gathering information for FTN to do some hydraulic modeling. Project Manager Ostheimer reported it will probably take about 8 – 10 weeks for Leonard Chauvin, P.E. Inc. to gather the necessary information and submit to FTN.

TLBB Element 2, (Lockport to Mathews Levee Improvement Project): The Director reported that the State's Draft Annual Plan also includes \$100,000 for Engineering in FY2019 and another \$5.4M for construction in FY2020 of the Thibodaux-Lockport-Bayou Blue, Element 2 Levee Improvements also based on the request through CPRA with funding coming from GOMESA funds. He added that this project has been a high priority for years for the District. The Director reported that the money slated in GOMESA for FY2019 has moved around due to some of the projects receiving funding from other sources, so we're trying to be as ready as possible. Project Manager Ostheimer reported that efforts continue in pushing this project forward. It was previously reported that we were waiting for concurrence from the USACE on the wetland delineation that was performed with the plan of moving forward without a permit since we were not impacting any wetlands. Upon checking the status of this with the Corps, it was found that after a couple of months it had not been entered in their system cue and that there were between 500 to 600 people in line ahead us so we decided to pull this request and just move forward without a permit by completely avoiding wetlands which was always the plan. Leonard Chauvin, P.E. Inc. had some additional geotech sampling performed and is currently awaiting that information. The District has received the abstracts for ownership of the tracts where

RoW's are needed. The District has contracted with ARE Real Estate to get an opinion of value for the RoW's for this project and expect to have that information back by the end of August. We have also reached out to a second appraiser to perform the review of the primary appraiser work as required so we can have that lined up and ready to go. Depending on how funding plays out this project will be divided into two to three phases with at least two of these phases being in construction next year.

St. Charles By-Pass Backwater Flood Protection: The Director reported that LA Contracting Enterprise, LLC is the contractor for this project that is intended to prevent repeated backwater flooding into this community. Project Manager Ostheimer reported that this project has been lingering for quite some time as the engineer and contractor worked through some details for completing the project. They finally reached a point where Duplantis Design Group feels comfortable recommending substantial completion, but they first have a recommendation for a balancing change order which is an overall reduction to the contract price and then they have recommendations for the substantial completion and pay request for the Board's consideration. Ms. Heather Klingman, from Duplantis Design Group reported that there is a balancing change order that is a deduction of \$22,455.47 to the contract and additional days to bring them to substantial completion. Motion was made by R. Pitre, seconded by A. Peltier, to approve balancing Change Order No. 4 to increase the contract time by 123 days with a contract completion date of August 1, 2018 and to decrease the overall value of the construction contract by \$22,455.47 as requested by LA Contracting Enterprise, LLC and recommended by the project Engineer. No discussion or public comment. Motion passed unanimously.

Ms. Klingman then recommended the Certificate of Substantial Completion for August 1, 2018. Motion was made by K. Matherne, seconded by L. Andolsek to accept the Certificate of Substantial Completion from LA Contracting Enterprise, LLC as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Ms. Klingman then recommended approval of payment of \$22,825.80.

Motion was made by R. Foret, seconded by D. Kiffe, to approve payment of a pay request in the amount of \$22,825.80 from LA Contracting Enterprise, LLC as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Cyprien FDA Channel Improvements: The Director reported that the District is planning to perform much needed maintenance dredging at the Cyprien FDA reservoir and the replacement by the Lafourche Parish Government (LPG) of that pump station is moving forward. Project Manager Ostheimer reported that LPG has awarded the construction contract for the new Cyprien Pump Station to Sealevel Construction. NLLD Director met individually with LPG to discuss this project and then we had a coordination meeting with LPG public works director at which time some concerns regarding the outfall canal for the project were discussed. There will be monthly meetings. LPG is getting T. Baker Smith, LLC to look at this issue and once the details are worked out, the District will move forward with the plans to dredge the channel.

### **C. Lockport - Larose Project Area**

Lockport – Larose Valentine Return Levee Project: The Director stated that Low Land Construction Co., Inc. is the contractor on the levee portion of this project. Project Manager Ostheimer reported that this project is continuing to move forward as Low Land is continually hauling material, spreading and working it along the alignment to dry it out and then installing each lift. In an effort to get the best economy for the tie-in of the C4 section work that NLLD previously did, the Return Structure, and the Return Levee, we are looking at a possible change

order for the Board's consideration for Low Land to perform this work under this contract. Angelette-Picciola, LLC has put together some drawings for that work and estimated the quantities. We plan on meeting with Low Land to discuss this. Angelette-Picciola, LLC has a recommendation for payment for the board's consideration.

Mr. Neil Angelette recommended approval of pay request #12 in the amount of \$18,750.53. Motion was made by E. Pitre, seconded by A. Peltier, to approve payment of a pay request in the amount of \$18,750.53 from Low Land Construction Co., Inc. as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Lockport – Larose Valentine Return Structure Project: The Director stated that Sealevel Construction, Inc. is the contractor on the structure portion of this project. Project Manager Ostheimer reported that all parties had met onsite on August 16, 2018 for a substantial completion inspection for this project. At that time all parties agreed the project was substantially complete. Angelette-Picciola, LLC has the recommendation for substantial completion, along with a pay recommendation for the Board's consideration.

Mr. Neil Angelette from Angelette-Picciola, LLC recommended acceptance of the Certificate of Substantial Completion for Sealevel Construction. Motion was made by R. Pitre, seconded by L. Andolsek, to accept the Certificate of Substantial Completion from Sealevel Construction, Inc. as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Mr. Angelette recommended approval of pay request #10 from Sealevel in the amount of \$3,800.02. Motion was made by L. Andolsek, seconded by A. Peltier, to approve payment of a pay request in the amount of \$3,800.02 from Sealevel Construction 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 reported that Onshore Materials, LLC is the contractor on this project that is Phase 1 of the improvements to the levees in these reaches. The objective of this phase is to place material that will be available for Phase 2 of the project while immediately improving the stability of the levee. Project Manager Ostheimer reported that the contractor is continuing to excavate the new canal and fill the old canal between the Edgar Guidry pump station and the Entergy right-of-way. Onshore will still have to go back and correct some issues along the temporary RoW on the areas between the Valentine Return Structure and the Edgar Guidry Pump Station. Angelette-Picciola, LLC has a change order to add permanent barb wire fencing for landowners who had an existing fence along the 40 Arpent Canal and a recommendation of payment for the Board's consideration.

Mr. Neil Angelette from Angelette-Picciola, LLC recommended approval of change order #2 in the amount of \$4,780.00 for a maximum of 1,000 linear feet of permanent barb wire fencing to be used and installed as directed by his office. Motion was made by K. Matherne, seconded by R. Pitre, to approve change order #2 to increase the overall value of the construction contract by \$4,780.00 as requested by Onshore Materials, LLC and recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Mr. Angelette also recommended approval of payment #5 to Onshore in the amount of \$154,603.10. Motion was made by D. Kiffe, seconded by L. Andolsek, to approve payment of a pay request in the amount of \$154,603.10 from Onshore Materials, LLC as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Edna Barrios Pump Consolidation Project: The Director stated that the completion of this pump station by Lafourche Parish Government is important to the NLLD as it will allow the removal of the old Barrios Pump Station which interferes with the levee alignment in the area. Although this Parish project had been at a standstill for a while due to necessary modifications to the pumps, Mr. Neil Angelette reported last month that the pumps were operational, but they were waiting for the water to rise to do some testing. Mr. Neil Angelette provided an update that the pump station is operational. There was a final inspection with LPG DPW Director and everyone is in agreement that the station is substantially complete. He added that there are some minor punch list items that the contractor is working on, but nothing left to do is detrimental to the operations of the station and it will continue to operate with all of the rain. Mr. Angelette stated that the substantial completion certificate was submitted to the Parish and will likely go before the parish council at the next meeting. The Director stated that this will allow the district to move on to removing the old pump station, replacing the levee, and a couple of other things being contemplated for that pump station. Details to come in the future.

Lockport to Larose Levee Project "Reaches D3" Project: The Director stated in cooperation with CPRA, remaining funds from Reach D2 were used to extend the lift onto Reach D3. He added that Volute Inc. did the work that came out very nice. The levee is up to 7.5' elevation and the District is working to get everything squared away with CPRA and there is a little touch up work to do. Project Manager Ostheimer stated that when it dries up, there is a little work to do at the tie in of D2 and D3.

Lockport to Larose Reaches A2 and Claudet Return Levee Project: The Director stated that Womack and Sons Construction Group, Inc. is the contractor for this project that is intended to increase the level of flood protection around Lockport. He added that there had been an earlier conversation (in F&P committee meeting) about some liens. Project Manager Ostheimer reported that this project was very close to completion last month but the contractor had to finish a 1000 LF section and bring it up to final elevation. Womack has completed this work and Leonard Chauvin, P.E. Inc. is recommending substantial completion of the project. As discussed earlier in the Finance & Priority committee meeting, there have been a couple of liens filed on this project and there is the potential for another large lien to be filed, but more will be known in the next 45 days. The contractor appears to be working through this with their bonding agent and Attorney Pat Amedee has been involved in all of the conversations. Leonard Chauvin, P.E. Inc. has reviewed the project and has recommendations for the balancing change order, substantial completion, and payment for the Board's consideration.

Mr. Leonard Chauvin, from Leonard Chauvin, P.E. Inc. reported that the change order is to balance the quantities to bring the contract to \$967,607.00 which is a reduction of \$12,480.00 and an addition of 40 days to the contract to make the completion date July 30, 2018 and he recommended approval. Motion was made by R. Pitre, seconded by A. Peltier, to approve balancing Change Order No. 3 to increase the contract time by 40 days with a contract completion date of July 30, 2018 and to decrease the overall value of the construction contract by \$12,480.00 as requested by Womack and Sons Construction Group, LLC and recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Mr. Chauvin then reported that the project was determined substantially complete on July 30, 2018, subject to a punch list \$52,500.00 for mostly cleanup of project, along with seeding and fertilizing. Motion was made by R. Foret, seconded by D. Kiffe, to accept the Certificate of Substantial Completion from Womack and Sons Construction Group, LLC with the punch list

items as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Mr. Chauvin Leonard also reported that a pay request was submitted for \$112,975.70 and after the reduction of punch list items and retainage, we are recommending payment of \$54,826.92. Motion was made by A. Peltier, seconded by K. Matherne, to approve payment of a pay request in the amount of \$54,826.92 from Womack & Sons Construction Group, LLC as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Lockport to Larose Reach A1: The Director reported that Shavers-Whittle LLC is the contractor for this project that is a follow-up to the District's previous work on this reach and it is intended to raise the levee elevation to a +9'. Project Manager Ostheimer reported that Shavers-Whittle is moving along really well with this project. Currently they are approximately 50% complete with the sheet pile and making steady progress. Leonard Chauvin, P.E. Inc. has a large pay request for the Board's consideration.

Mr. Leonard Chauvin, from Leonard Chauvin P.E. Inc., recommended payment of a pay request in the amount of \$722,841.09 for the materials and work completed for the sheet pile wall which is the most expensive aspect of the project. Motion was made by K. Matherne, seconded by E. Pitre, to approve payment of a pay request in the amount of \$722,841.09 from Shavers-Whittle Construction, LLC as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

As requested before the meeting, Commissioner Joni Tuck was excused from the meeting at 6:00 PM.

Lockport to Larose Reach B Levee Project: The Director reported that Picciola & Associates presented the District with preliminary budgets for the proposed three phases of this levee reach so the District can get a sense of the projects scope from the top down. He added that he understands it was discussed in the August 1, 2018 Finance & Priority Committee meeting (that he was unable to attend). The process to frame-up a project is to start from the top then work it down to the real world. The numbers were shared with the Finance & Priority committee, although the numbers are not practical.

Comeaux Drive Drainage Study: The Director reported that Leonard Chauvin P.E., Inc. provided the district with a report from their surveys of a sub-surface drainage channel with the Town of Lockport and it was shared with town officials. He explained that all practical solutions point to fixing the issue within the same drainage corridor, but the Town of Lockport has to first work to clear the drainage corridor of numerous encroachments and open up the existing system to an open ditch before any of the repair / replace work would commence. Lockport is working on this with the town's resources. In the meantime, Leonard Chauvin, P.E. Inc. will develop a plan for the repair or replacement of the drainage system and the district will eventually have to give some consideration to the request for funding assistance made by the Town of Lockport for that. The Director added that as per the attorney for the Town of Lockport, they have an engineering firm working to develop a plan and they have been communicating with Drainage District #1 about possible funding assistance for the first phase which would re-establish the drainage and the NLLD could possibly assist in funding the next phase to establish something to maintain the drainage into the future.

**D. Choupic Project Area:**

West Choupic Storm Water Protection Project: The Director stated that Leonard Chauvin P.E. Inc. continues to work on getting the permit application together for submittal to the USACE. Project Manager Ostheimer reported that the delineation report as prepared by Leonard

Chauvin's office was provided to the district. It will be studied by both offices for future discussions on how it will affect the plans for the project. The Director gave a brief explanation on the wetland delineation process with the Corps.

Existing Choupic Levee Status: The Director reported that this item concerning an old permit application and ROW agreements for existing Parish levees in the Choupic area is being addressed by the Parish with landowners. Mr. Jack Plaisance provided the following update from the Parish: Mr. James Barnes, LPG DPW Director has goals and deadlines for his staff working to resolve the issues with landowners.

Commissioner Adley Peltier stated that he was told that the culvert that was not in the permit was removed. Mr. Jack Plaisance agreed that there was a culvert included in the items cited in the permit action (from years ago) and he also understands that it was removed.

**E. St. James Project Area:**

The Director stated that although the District is developing items in the project area via a new drainage study, there is nothing new to report on that 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. is working on a report to determine the project details. Project Manager Ostheimer reported that the delineation report for this project was received and discussed with Leonard Chauvin, P.E. Inc. It is not as positive as had hoped. The District and Chauvin will study the report further and possibly do a little more field work, to then discuss the best path forward. The Director explained that the delineation report shows indications of possible wetlands further in from the tree line, so we will probably go back to the landowners and cane farmers in the area to determine the approach to take.

Zeller/Larousse Forced Drainage Area Systems Improvement: The Director reported that Sealevel Construction, Inc. is the contractor on Phase 1A of this project which included clearing encroachments and dredging the reservoir. He added that the certificate of substantial completion was accepted in June and the clear lien certificate has been received with the request for the retainage payment. Project Manager Ostheimer reported that this project is complete except for the close out portion. The clear lien period has elapsed and Leonard Chauvin, P.E. Inc. has a recommendation for payment of the retainage for the Board's consideration. Mr. Leonard Chauvin, from Leonard Chauvin, P.E. Inc. stated that the contractor submitted pay request #10 for release of retainage and the punch list items. He added that we have the clear lien certificate so he recommends payment of \$67,146.38 to closes out the project. Motion was made by A. Peltier, seconded by L. Andolsek, to approve payment of the retainage pay request in the amount of \$67,146.38 from Sealevel Construction, Inc. as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

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 stated that these are clearing projects and the District has the USACE permit, as well as the board's approval for advancement through the advertising and bidding phase. Project Manager Ostheimer reported that Leonard Chauvin, P.E. Inc. is currently finalizing the plans and specifications for the project. The District has budgeted funds for this year and next year, and based on where we are at right now we are looking to bid the project out in the next two to three months. The current plan based on the District's budget is to bid out the entire 22.6 miles but separate the first portions as a base bid (approximately 15 miles) and the remaining area as

an additive alternate. He added that Chauvin's office has drafted a letter that will go out to all of the landowners in this project area to explain the plan. PM Ostheimer explained that the project plan is to clear the canals first then hydraulic dredging and spraying across the marsh which gives enhancement to the marsh with the nutritional material thrown on top. The Director mentioned that he is working to get mitigation credit on this spray dredge.

**G. Gheens Project Area:**

Mathews Canal/Clotilda Levee Improvements Project: The Director reported that Low Land Construction Co., Inc. is the contractor for this project. Project Manager Ostheimer reported that Low Land is steadily excavating, processing (drying) material and installing materials in lifts. This project is moving forward at the expected contract pace. J. Wayne Plaisance, Inc. has a change order for an agricultural allowance for the contractor along with contract time that has been accruing for weather and/or adverse conditions. The allowance is due to originally expecting the contractor to have no interaction with Clotilda's agricultural operation but that was not the case and there has been some impact. J. Wayne Plaisance, Inc. has a recommendation for this change order along with the recommendation of payment for the Board's consideration. Mr. John Plaisance, from J. Wayne Plaisance, Inc. recommended the change order that is for minor impacts for the agriculture facilities and an additional 78 calendar days that were accumulated over the last six (6) or eight (8) months. Motion was made by L. Andolsek, seconded by K. Matherne, to approve Change Order No. 3 to increase the contract time by 78 days with a contract completion date of December 3, 2018 and to increase the overall value of the construction contract by \$5,000.00 as requested by Low Land Construction Co., Inc. and recommended by the project Engineer. No discussion or public comment. Motion passed unanimously.

Mr. John Plaisance then recommended payment to the contractor in the amount of \$101,758.68. Motion was made by R. Pitre, seconded by K. Matherne, to approve payment of a pay request in the amount of \$101,758.68 from Low Land Construction Co., Inc. as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Des Allemands Bulkhead Project: The Director reported that All South Consulting Engineers (ASCE) is working to finalize the plans for the pump station repairs and the first phase of the bulkhead installation. Project Manager Ostheimer reported that due to some project scope changes, the engineering contract was finalized and ASCE is finalizing the design for the project (additional sheet pile work and pump maintenance/upgrades for the station) in preparation for advertising for bid. The current plan is to begin advertising sometime between the end of September and mid-October, provided the Board authorizes this project for the advertising and bidding phase. Motion was made by D. Kiffe, seconded by E. Pitre, to approve the Des Allemands pump station repairs and the first phase of the bulkhead installation for advancement through the bid advertisement, through the receipt and evaluation of bids and asking the project Engineer to make a recommendation to the Board for award of a contract to complete this project; allowing the Executive Director to sign any and all relevant documents. No discussion or public comment. Motion passed unanimously.

Jesse Dufrene FDA Levee Improvements: The Director reported that All South Consulting Engineers (ASCE) has been working on design and cost estimate for this project. Project Manager Ostheimer reported that ASCE has continued to work with the geotechnical consultant to finalize a recommendation for the design and a cost estimate to move this project forward. We met with ASCE on August 8, 2018 to discuss some options for the area with poor

soil stability. Based on some ideas and recommendations from that meeting ASCE had the geotechnical model rerun and updated the numbers and everything looks good. The plan is to have a majority of the levee at an approximate 7' elevation and the 4,000 LF with poor stability at an approximate 5', but structurally sound. Once that 4,000 LF is allowed to, it is believed that this section can be lifted. Based on this defined path forward, an engineering contract is being finalized with ASCE and the plan is to move this towards construction for the first quarter of next year. The Director explained that the area with poor stability is due to actions by the parish when they over excavated the reservoir canal. The solution is to backfill the canal to stabilize everything.

Upper Barataria Risk Reduction (UBRR) Project: The Director reported that this project is included in the State's Draft Master Plan for 2017 and the project team has spent some time educating the CPRA on project details to hopefully gain support should funding become available through CPRA. Although funding will not come through for Lafourche Basin Levee District's Capital Outlay request of \$3M, it appears the LBLD will use their own funding sources and NLLD is holding a contribution of \$500K to increase their funding pending a clear definition of the work and possibly framing up a cooperative endeavor agreement for that.

**H. Valentine - East Project Area:**

New Valentine/Ludevine Forced Drainage Area: The Director stated that this is the levee running from Hamilton St. in Larose about 5,500 feet towards the Ludevine Pump Station along the Blackwater Canal. The objective of the project is to stabilize this levee without any real improvements to the elevation and with the mitigation requirements satisfied, Picciola & Associates is working on the final design and right of way acquisitions. Project Manager Ostheimer reported that there are two remaining RoW's for this project to be obtained and discussions have taken place with both of these owners. Based on those conversations, Tarpon Real Estate Appraisers was engaged to give us an appraisal of the two tracts. That information should be received in the next two weeks at which time we will meet with the landowners to continue discussions.

**I. Regional/Other Capital Projects:**

Pump Station Study: The Director reported that this project is intended to extend the District's influence into the proper operation of the pumps in Lafourche Parish that the District has jurisdiction over to prevent possible damage from over pumping to District levees and property inside a forced drainage area. As previously discussed, this exercise will include a few phases to get to the educational step and eventually a monitoring program. Project Manager Ostheimer reported that T. Baker Smith, LLC (TBS) has submitted the final revision for the pump station report for one of the force drainage areas. We reviewed the report and directed TBS to finish the other three FDA reports that are currently authorized based on the template established on the first one.

**J. Equipment:**

Field Coordinator Glenn Bourgeois reported that issues with the equipment this past month include:

CAT/Wilco – it is back to work building terracing from the location it left off at, but the intent is to move it across a pipeline and get closer to the Wildlife and Fisheries boat launch in hopes to get better materials.

CAT/MBI – it had air conditioning issues and LA CAT mechanics came out five (5) times.

Surplus/Disposal of Miscellaneous Items in storage: In preparation of clearing out the rental storage yard and moving items to our new storage building and area adjacent to our office, it is

necessary that some of the unusable items be disposed of, recycled or sold as surplus items, as may be appropriate. With the board's authorization, it is our intention to either advertise or solicit proposals on the items of reasonable value, while disposing or recycling the smaller items for scrap value. Some of these items include a 15' cutter, storage containers, and miscellaneous parts and items from equipment that was sold as surplus. I would ask that you consider a motion for this action. Board VP Allen asked if there are guidelines from the State on the value of surplus items and advertising since it is publicly owned, requiring proper protocol. Attorney Pat Amedee stated that it first needs to be declared as surplus. Then the items are advertised or bids are solicited based on the fair market value. Some items may have little or no value. Attorney Amedee added that he has seen where an asset has had a negative value and it was actually an expense to have it disposed of. Motion made by E. Pitre, seconded by K. Matherne, to authorize the Director to evaluate and appropriately surplus, dispose or recycle miscellaneous items in storage based on the usefulness to the District. No discussion or public comment. Motion passed unanimously.

#### **K. General Items**

Photo Presentation: Project Manage Ostheimer presented and explained the photos of the following work: Lockport to Larose A1 Levee, Lockport to Larose C4, C5, & D1, Valentine Return Levee, and Valentine Return Levee Structure.

HTV's Going Public: The Director state that he will be on this show on August 28, 2018 and any of the commissioners are invited to join him.

Federal Government "New Start" for MTG: The Director reported that three local levee districts and CPRA met recently to discuss the urgent need to formally request that the federal government participate in the funding of the construction of Morganza to the Gulf by giving it a "New Start" funding status. He added that a resolution was prepared and provided to the board for consideration and similar resolutions were approved by TLCD and CPRA, SLLD, while LPG, Lafourche Chamber, Town of Lockport, and TPCG will also consider resolutions for their support. The Director explained that the USACE had discretionary funding available to them and Morganza to the Gulf was a project that was available for this, but the Corps chose not to put funding to it. The Director read aloud a portion of the resolution. Board VP Allen stated that the resolution is asking the federal government to put money into a project that they already approved, but haven't funded for construction. The Director explained that the Corps has contributed \$72M for studying and design resulting in a positive cost ratio, while the State of Louisiana and local levee districts have funded over \$600M for construction that becomes in-kind contributions in the future.

Motion was made by E. Pitre, seconded by A. Peltier, to approve NLCLDD Resolution R18-001 as partially read aloud by the Director and fully included in the minutes. No discussion or public comment. Motion passed unanimously by the eight (8) commissioners present, while three (3) commissioners were absent. The Director stated that the approved resolution will be presented to Mississippi river Commission, the USACE Major General Kaiser, Colonel Clancy and the ASACW of the USACE while participating in the annual Mississippi River Low Water Inspection and public meeting.

NLCLDD RESOLUTION No. R18-001

AUGUST 21, 2018

WHEREAS, the North Lafourche Conservation Levee and Drainage District ("NLCLDD") was created by the State of Louisiana in 1992, 26 years ago. Throughout this time, the NLCLDD has supported the implementation of the Morganza to the Gulf Hurricane ("MTG") Protection

Project, a project deemed necessary by the findings of a 1992 “reconnaissance study” directed by the United States Congress and conducted by the United States Army Corps of Engineers (the “Corps”), which study concluded that hurricane storm surge protection was needed in South-Central Louisiana; and WHEREAS, the reconnaissance study and subsequent additional studies have cost in excess of \$72 million federal dollars to date, with not one federal dollar having been appropriated to construction of the MTG project and, in fact, New Start Designation has not even been granted by the Corps to enable the project to receive federal funding; and WHEREAS, MTG has been authorized three (3) times by the United States Congress:

- 1) First, the U.S. Congress granted “Contingent Authorization” of the MTG Project in the 2000 Federal Water Resources and Develop Act (WRDA), contingent upon the Corps having a signed “Chief’s Report” by December 31, 2000, which authorization expired because the Chief’s Report was not timely issued, without explanation or justification;
- 2) Second, the US Congress granted full authorization of the MTG Project in the 2007 WRDA using a \$888 Million Dollar construction estimate provided to Congress by the Corps; however, less than six months after Congressional authorization, the Corps determined that the construction estimate provided by them to Congress was not \$888 Million Dollars, but was more likely in excess of \$10 Billion Dollars due to post-Katrina design standards, which required a third major study called the Post Authorization Change (“PAC”) Report, the results of which now extend the MTG into Lafourche Parish and the NLCLDD;
- 3) Third, in December 2014, the US Congress granted full authorization of the MTG Project using a \$10.3 Billion Dollar Corps cost estimate (the “Current Authorization”); and WHEREAS, the residents of North Lafourche parish, have suffered consistently and considerably from the ravages of hurricanes, storm surges and erosion and have aggressively, consistently and prudently voted to tax themselves over the past twenty years, first in 1997 with a seven (7) mil Ad Valorem tax, and again in 2015 with a one-quarter (1/4)-cent sales tax, in hope and in full confidence that, in addition to drainage and flood protection projects undertaken by the NLCLDD, that their efforts would serve to impress upon our federal government, the Corps, and our federal delegation of representatives and senators of our resolve and of the sense of urgency and need for storm surge protection through federal participation; and WHEREAS, presently, in excess of \$400 million dollars in state and local construction investment has been made along the MTG alignment and another \$387 million dollars is committed with the addition of the Houma Navigation Canal lock, which represents in excess of three-quarters (3/4) of a billion dollars of non-Federal investment in this Federal project; and WHEREAS, the recent announcement that the Corps received \$600 Million Dollars in discretionary spending for Louisiana projects with no money coming to MTG coupled with the failure of the Corps to grant New Start Designation to MTG has created a sense of urgency, disappointment and frustration in the communities of Lafourche Parish and throughout South-Central Louisiana; and WHEREAS, WE, THE COMMISSIONERS of the North Lafourche Conservation Levee and Drainage District, acutely share the sense of urgency, disappointment and frustration of the people of the District at the lack of federal participation in MTG and plead for immediate New Start Designation and for federal construction funding for MTG at the earliest possible time. NOW THEREFORE IT IS RESOLVED, that the North Lafourche Conservation, Levee and Drainage District Board of Commissioners hereby respectfully and urgently requests the support of the United States Federal Government in granting a “New Start” designation and appropriating construction funding for the Morganza to the Gulf

Hurricane Risk Reduction Project; and BE IT FURTHER RESOLVED, that copies of this Resolution be submitted to United States President Donald Trump, members of the Louisiana Congressional Delegation, Assistant Secretary of the Army R.D. James, Louisiana Governor John Bell Edwards, CPRA Chairman Johnny Bradberry, members of the Lafourche & Terrebonne Parish State Legislative Delegation, U. S. Army MG Richard Kaiser, and U.S. Army Corps Col. Michael Clancy.

Association of Levee Boards of Louisiana (ALBL) Annual Meeting: The Director stated that the ALBL will be holding its annual meeting in New Orleans on Dec 5 – 6, 2018 at the Hilton Riverside in New Orleans. This meeting is a little different than the workshop in May, but if any of the commissioners wish to attend, just let Madonna know for registration and arrangements.

Monthly Project Update Reports Binder: The Director opened discussion regarding the project update binders that are maintained for each of the commissioners to have during the meeting. He explained that the current month's reports are shared electronically with the commissioners and the information contained in the reports is summarized on the Capital Projects Report. In an effort to streamline the time spent making this information available to the commissioner he asked for their preference. After a few comments, it was decided that the commissioners would continue to receive the information electronically and only one (1) binder would be maintained for their use as needed.

Lori LeBlanc, LLC – Education Initiative Presentation: The presentation was given earlier in the meeting as moved by the board.

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 30, 2018 - AG Civil Law Training attended by the Director and Commissioner Kenney Matherne.

August 8, 2018 - CPRA / NLLD / TLCD / SLLD Update Meeting

August 9, 2018 – Lafourche Parish Government Finance Department Meeting regarding funds due between the Parish and the District.

August 16, 2018 – The Director made a presentation at the Bayou Board of Realtors Annual Meeting.

Committee Reports:

Finance & Priority Committee: Chairman K. Matherne reported that the F&P Committee met on July 24, 2018. 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 the F&P committee met again on August 1, 2018 to discuss revisions to the current year's budget that was recommended and accepted by the board earlier in this board meeting. The committee also discussed future project funding during that same committee meeting.

Accounts Payable: The Board VP stated that each of the commissioners was provided with a financial report detailing the current year-to-date figures, as well as the current month's Accounts Payable listing. The chairman of the Finance & Priority was asked for the committee's recommendation. Motion was made by K. Matherne, seconded by A. Peltier, to accept the Payables Report as given by the Director and 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 called for additional 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 5:00 PM F&P committee meeting, on Tuesday, September 18, 2018 at the District's office located at 3862 Highway 1, Raceland, LA.

Commissioner Robert Pitre requested an opportunity to present questions from the public regarding vegetation control. What is the intention on spraying vegetation?

The Director explained that the District has gotten an analysis of aquatic spraying and right-of-way/levee spraying. The District is also trying to sort out potential overlapping of what the Parish is handling and what the District needs to do. The Director stated that the District's intention for aquatics is strictly drainage, not navigation. He added that the District cannot always count on LPG to cut grass as often as needed (especially newly seeded levee), so some of the things being considered are aerial aquatics, boat driven aquatics, and the additional ability to contract out the task of cutting grass. Board VP Allen agreed that drainage is an issue, but be careful with privately owned canals and the inability to grant anyone authority to travel those private canals.

The Director 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.

At 6:52 PM, motion was made by R. Pitre, seconded by E. Pitre, to enter Executive Session pursuant to LA R.S. 42:17A (1) to discuss the annual evaluation of the NLLD Administrative Assistant. No discussion or public comment. The motion passed unanimously.

At 7:00 PM, motion was made by R. Pitre, seconded by R. Foret to return to Regular Session. No discussion or public present to 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 7:02 PM on motion by R. Pitre, with a second by E. Pitre.

/s/ Cory Kief, President

/s/ Dwayne Bourgeois, Director