

Minutes of the Regular Monthly Board meeting of the North Lafourche Conservation, Levee & Drainage District, September, 18, 2018

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 5:11 PM on Tuesday, September 18, 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 President C. Kief called roll. Commissioners present were: Cory Kief, Robert Pitre, Joni Tuck, Louis Andolsek, Kenney Matherne, and Elmo Pitre. Commissioners Timothy Allen, Rodney Foret, Darcy Kiffe, Adley Peltier 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 E. Pitre, seconded by R. Pitre, to approve the minutes as written for the following meetings: August 21, 2018 Finance & Priority Committee and August 21, 2018 Regular Board. No discussion or public comment. Motion passed unanimously.

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

A. Thibodaux – West Project Area:

The Director reported that items are being developed in the PA via a new drainage study with Duplantis Design Group. Project Manager Ostheimer reported that DDG and NLLD met on September 5, 2018 to review the work to date in a preliminary report of a drainage study in the Thibodaux-West area for NLLD. Through this work DDG has identified some drainage improvements that could be done in these areas. DDG had some minor items to complete and is currently working on a draft report for the NLLD to review that should be received by early October.

B. Thibodaux - Lockport - Bayou Blue Project Area

Bayou Blue – Hollywood Backwater Flood Protection Project: The Director reported that the State's Draft Annual Plan, includes future funding expected from GOMESA funds for engineering and construction. NLLD is working with CPRA to access this funding and Leonard Chauvin P.E., Inc. is gathering information for FTN to perform the hydraulic modeling. Project Manager Ostheimer reported LCI has completed gathering the survey information and has submitted it to FTN so they can begin entering the data for modeling. FTN is currently working on the model. LCI is currently working with FTN to give NLLD a timeline for that model, which will probably be expected in 4-6 weeks. Director Bourgeois added that CPRA is working on a draft cooperative endeavor agreement.

TLBB Element 2, (Lockport to Mathews Levee Improvements Project): The Director reported that the State's Draft Annual Plan also includes funding coming from expected GOMESA funds. This project has been a high priority of the District's for years. He added that CPRA is working on a cooperative endeavor for this as well. Project Manager Ostheimer reported that Leonard Chauvin, P.E. Inc. has received the additional geotechnical information reports for the project from the additional sampling and they are finalizing the section and templates for the project. A.R.E. has been working on the appraisal report of where the ROWs would have to be for this

project and that was received. NLLD has already received all of the preliminary ownership information for the tracts, so once NLLD reviews the report, consideration can be made on moving forward with the RoW phase. Director Bourgeois stated that in order to move forward as expeditiously as possible, NLLD will have to do something similar to Lockport to Larose and try to acquire the ROWs without going through a volunteer period, but this one is substantial enough where it is possibly an encumbrance to the people and NLLD may not have a lot of time, considering the GOMESA funding has to be spent when it is available. NLLD needs to move forward and may have additional information sent out- not for comment, but for informational purposes, so NLLD can have additional discussion on this in October. Regarding the GOMESA funds, President Kief asked if it's a project that will be done by NLLD or the Parish. Director Bourgeois stated NLLD will be doing the project. There is \$100,000 this year that NLLD matched with \$165,000 of NLLD's own funds to get the engineering completed. Next year NLLD will work to get the \$5.4 million and needs to be able to spend it on other items needed to be budgeted for next year in order to take advantage of that opportunity- such as doing things to try and minimize impacts to wetlands. If NLLD doesn't have that many impacts to wetlands, then NLLD needs to do try to minimize ROW acquisitions, like Lockport-Larose. Discussion ensued regarding possible Parish projects with the Restore Act funding and the typical process for reimbursement funding.

St. Charles By-Pass Backwater Flood Protection: The Director reported that LA Contracting is the contractor for this project and the certificate of substantial completion was accepted last month with some punch list items. Project Manager Ostheimer reported that NLLD and Duplantis Design Group met and discussed replacing the current rental pump with a permanent pump. DDG has submitted the plans and specifications to NLLD to review. Once reviewed, NLLD will request proposals from contractors to supply and install a permanent pump for this area, which is something that is still in the budget and below the threshold for public bid. The levee portion of the project is currently in the clear lien period. Mr. Matt Rodrigue, from Duplantis Design Group, reported that a pay request from LA Contracting in the amount of \$17,261.76 was found to be in order and it was recommended for payment. Motion was made by J. Tuck, seconded by L. Andolsek for a pay request of \$17,261.76 from LA Contracting Enterprise, LLC. as recommended by project engineer, Duplantis Design Group. No discussion or public comment. Motion passed unanimously.

Cyprien FDA Channel Improvements: The Director reported the District is planning to perform much needed maintenance dredging at the Cyprien FDA reservoir and the replacement of that pump station by LPG is moving forward with Sealevel Construction. Project Manager Ostheimer reported that LPG has awarded the construction contract for the new Cyprien pump station to Sealevel Construction. As per previous notice from Mr. Dustin Rabalais with T. Baker Smith, a pre-construction meeting will be set, then a notice to proceed issued in October. Still waiting on information on protection for the outfall canal. Director Bourgeois stated NLLD will not do the dredging until the district is comfortable that the pump station will not damage the discharge in NLLD levees.

C. Lockport - Larose Project Area

Lockport – Larose Valentine Return Levee Project: The Director reported that Low Land Construction is the contractor on the levee portion of this project. Project Manager Ostheimer

reported that the levee project is continuing to move forward, but the weather has slowed this project down quite a bit. As discussed with the Board last month, NLLD met with Low Land and Angelette-Picciola to discuss where C4 will tie into the project south of the return structure and will tie into the return structure coming back. Low Land has submitted the pricing and it seems to be the most economical method to perform this work and there is a change order for consideration. Angelette-Picciola and Low Land also checked the settlement plates on the project this month and are making a slight increase of a little over 3% to the embankment quantity for the project. Director Bourgeois explained that the tie-in was something always known would have to be done to do this levee tie in, which is a phase of the LtoL C4, C5, D1 project. This is a good opportunity for the contractor to do this work for a good price, which will help NLLD complete a phase of C4, C5, D1.

Mr. Neil Angelette, from Angelette-Picciola, LLC recommended the approval of Change Order No. 4 in the amount of \$243,425.00 and a total of 180 days for the additional work and 39 rain days from July and August. PM Ostheimer explained the use of settlement plates in a contract. A motion was made by K. Matherne and seconded by R. Pitre recommending Change Order No. 4 to increase the contract time by 219 days with a contract completion date of March 17, 2019 and to increase the overall value of the construction contract by \$243,425.00 as requested by Low Land Construction Company, Inc. and recommended by the project Engineer. No discussion or public comment. Motion passed unanimously. A motion was made by E. Pitre and seconded by L. Andolsek to approve a pay request in the amount of \$152,598.41 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 reported Sealevel Construction is the contractor on the structure portion of this project. The certificate of substantial completion was accepted last month with some punch list items. Project Engineer Ostheimer reported this project is currently in the clear lien period. The NLLD had requested pricing on a hydraulic operator for the three 60" gates as part of the project. This operator will be kept by the District to efficiently open/close and maintain the gates that are very hard to open and close by hand and as years progress by the wear and tear on them makes it more difficult. Director Bourgeois added that NLLD will likely need to have a program to test these gates maybe twice a year to make sure they are in ready mode. Mr. Neil Angelette, from Angelette-Picciola, LLC recommended the approval of Change Order No. 3 in the amount of \$12,350.00. A motion was made R. Pitre and seconded by E. Pitre to approve Change Order No. 3 to increase the overall value of the construction contract by \$12,350.00 as requested by Sealevel Construction, Inc. and recommended by the project Engineer. A brief discussion ensued regarding the issues that can affect the plan to accomplish the regular testing and operations of the gates. No further discussion or public comment. Motion passed unanimously. A motion was made by J. Tuck and seconded by K. Matherne to approve payment of \$18,762.50 from Sealevel Construction Inc. as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Lockport – Larose Levee Project Reached C4, C5, and D1 Project: The Director reported 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 provide and 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. With the wet weather they have slowed excavation a bit as the canal is being kept open to allow the pump station to operate efficiently. Onshore has moved pass the Entergy lines with their initial cuts. Mr. Neil Angelette, from Angelette-Picciola, LLC recommended payment of request #6 in the amount of \$125,581.98. A motion was by E. Pitre and seconded by R. Pitre to approve a payment in the amount of \$125,581.98 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 reported that this new pump station by the Parish is fully operational and that will allow the District to plan for the removal of the old Barrios Pump Station which interferes with our levee alignment in the area. Mr. Neil Angelette reported last month that the Parish still needed to accept the Certificate of Substantial Completion with a few punch list items. Mr. Angelette then reported that the project is in clear lien period and the contractor is still working on some punch list items and is expected to be cleared up in the next month. He added that the station is functioning.

Lockport to Larose Reaches A2 and Claudet Return Levee Project: The Director reported Womack and Sons Construction Group, Inc. is the contractor for this project. The certificate of substantial completion was accepted last month. Project Manager Ostheimer reported this project is substantially complete and in the clear lien period. The contractor will cut the grass on A2 soon. To the best of Mr. Ostheimer's knowledge, no additional liens have been filed on the project, but Leonard Chauvin, P.E. Inc. is staying in touch with all parties.

Lockport to Larose Reach A1 Levee Project: The Director reported 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 in this reach to a +9'. Project Manager Ostheimer reported the weather has much less effect on this project so they have been steadily driving piles. Completion of this project is expected in the next thirty days. Mr. Leonard Chauvin recommended payment of the request in the amount of \$158,998.67. A motion was by K. Matherne and seconded by L. Andolsek to approve payment in the amount of \$158,998.67 from Shavers-Whittle Construction, LLC as recommended by the project engineer. On call for discussion, Commissioner Matherne mentioned the contractors are working really well on this project. Leonard Chauvin stated there should be substantial completion by the next meeting and the project is on time and under budget. With no further discussion or public comment, the motion passed unanimously.

Lockport to Larose Reach B Levee Project: The Director previously reported, Picciola & Associates presented preliminary budgets for the proposed three phases of this levee reach; however, as is common with these levee projects, the initial numbers for the "what if we could do it all" project are impractical for NLLD's funding capabilities, so things will have to be reworked towards a more reasonably doable effort. A meeting is scheduled with Picciola & Associates to discuss alternatives.

Comeaux Drive Drainage Project: The Director reported that Leonard Chauvin, P.E. Inc. provided a report from their surveys of a sub-surface drainage channel within the Town of Lockport and it was shared with town officials. 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 reestablish drainage before any of the repair / replace work would commence. The Town of Lockport is working on this with their own resources. In the meantime, Leonard Chauvin P.E. Inc. is developing a plan for the repair or replacement and the district will eventually have to give some consideration to the request for funding assistance made by the Town of Lockport for that.

D. Choupic Project Area

West Choupic Storm Water Protection Project: The Director reported Leonard Chauvin, P.E. Inc. continues to work on getting the permit application together for submittal to the USACE. Project Manager Ostheimer reported that NLLD received and looked over the delineation report and has to review it with Chauvin to discuss the path forward.

Existing Choupic Levee Status: The Director reported 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 the landowners. Mr. Jack Plaisance, with Picciola & Associates reported that LPG public works is trying to acquire ROWs and has established deadlines to try and resolve any outstanding permitting issues. Based on conversations with DPW Director James Barnes, the Parish has deadlines they want to meet within the next couple of months to have this resolved.

E. St. James Project Area:

The Director reported that the District is developing items in the PA via a new drainage study. Project Manager Ostheimer reported that DDG and NLLD met on September 5, 2018 to review the work to date in a preliminary report of a drainage study in Thibodaux-West area for NLLD. Through this work DDG has identified some drainage improvements that could be done in these areas. DDG had some minor items to complete and is currently working on a draft report for the NLLD to review that should be received by early October.

F. Lake Bouef Watershed Project Area:

Lake Bouef Watershed, Backwater Flood Protection Project: The Director reported Leonard Chauvin P.E. Inc. continues working to determine the project details. Project Manager Ostheimer reported having reviewed this report and it was discussed with Chauvin. At this time, Chauvin is gathering additional information regarding the wetland interface and they plan to have some additional discussions with the local landowners and farmers. Director Bourgeois stated there are some alternatives to consider, but this will take some time.

Zeller/Larousse Forced Drainage Area Systems Improvements: The Director reported Sealevel Construction was the contractor on Phase 1A of this project which included clearing encroachments and dredging the reservoir. The project was closed out last month with the final payment being made to Sealevel. The project was brought back to the District's attention just before the storm and a follow up last week indicated considerable sloughing caused by the Parish from over pumping the reservoir. This has been discussed with the Parish and they are going to make some light repairs under NLLD's supervision and this will be discussed with them further. Parish Council Member Luci Spósito reported to James Barnes with the parish that there was some sloughing. The Director searched before the storm and saw sloughing and noticed the reservoir pumped really low. An email was sent to Mr. Barnes to stop pumping so

low. After the storm, additional sloughing was found. On the Zeller-Larousse side, the water was not as low and there was less sloughing. This issue is getting bad press on social media. This is the same problem that keeps occurring. Mr. Barnes is cooperating and the next phase will be to cut the berm, closer to the elevation of pump shut off. The Director added that with regards to protection from water outside of the system, it is not compromised. Mr. Leonard Chauvin stated that the levee is not failing, but the problem is strictly the slope of the drainage canal. The recent work was dredging of the canal. The ditch had 1-2' of water in the canal prior and now the amount of water being removed is causing the bank to fall in.

Commissioner Joni Tuck mentioned the need to have another conversation with the parish on this issue. Project Manager Ostheimer stated it is costlier to design a system that runs on a lower water level. He added that the District has the pump off studies in the works to establish pump off points and that NLLD establishes where a pump water level should be. Director Bourgeois mentioned we are not taking this issue lightly and there is a lack of education as to where the issue is stemming from. He then mentioned the drainage studies need to be complete and consistent for a defensible position. He also suggested the canal is being pumped to the demands of a local person and thinks NLLD is being proactive. Commissioner Andolsek stated NLLD took the time and money to do the study and may have to bring in Attorney Pat Amedee to enforce the levels. He would prefer not forcing the District's hand with the Parish, but money cannot be wasted. President Kief asked if there is a cooperative endeavor with the Parish to have them operate the system after NLLD builds it. He mentioned before building another structure, an agreement should be formed up to make it clear that the parish monitors the water level properly and made to fit criteria. Director Bourgeois stated that is a possibility but then questioned whether NLLD should form a contract with the Parish before each job. He then stated the Parish needs to be liable and needs consequences if the standards are not followed. The Director explained the process in the works to better manage this. Commissioner Andolsek suggested that urgency needs to be placed in this matter. President Kief further expressed his concerns for the failures. Mr. Leonard Chauvin clarified that this project was a clearing project with the existing levee, the next phase is to improve the levee.

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 having the USACE permit and the board's approval for advancement through the advertising and bidding phase. Project Manager Ostheimer reported that letters were mailed to the landowners notifying them of the upcoming project and positive feedback has been received. Leonard Chauvin, P.E. Inc. is performing final surveys of the canals to finalize the plans and specifications in preparation to begin advertising near the end of October or early November.

G. Gheens Project Area:

Mathews Canal/Clotilda Levee Improvements Project: The Director reported Low Land Construction Company is the contractor for this project. Project Manager Ostheimer reported that Low Land is continuing to work although the work is at a bit of a crawl with the weather. In order to perform the work, they have to pump the water level down which is difficult in the current weather pattern. Mr. John Plaisance, with J. Wayne Plaisance, Inc. recommended payment to the contractor in the amount of \$9,974.01. A motion was made by L. Andolsek and

seconded by K. Matherne to approve a pay request in the amount of \$9,974.01 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 All South Consulting Engineers (ASCE) is working to finalize the plans for the pump station repairs and the first phase of the bulkhead installation and the board previously approved the advancement through the advertising and bidding phase. Project Manager Ostheimer reported that NLLD and ASCE met with Entergy onsite to discuss some power poles that will need to be relocated or adjusted and some items for ASCE to consider regarding the levee alignment and make up, along with the pump station. They are currently looking at those items, including an earthen levee, which could save the district some money as compared to sheet piles and still provide protection to that area. The project originally had some minimalistic repairs planned with the main goal of raising the discharge pipes to keep them from siphoning into the reservoir, but based on some revisions to the estimates of pump efficiency loss at the station, this has to be reconsidered. In order to overcome the efficiency loss, overall repairs to the station (which is in really poor shape) would have to be made, basically rebuilding the station. This is not a big pump station, as it currently has only a 10" and 12" pump in it, but this will be discussed with ASCE. Discussion ensued regarding the design process up onto this point in this small work area.

Jesse Dufrene FDA Levee Improvements: The Director reported All South Consulting Engineers continues their work on the design and cost estimate. Project Manager Ostheimer reported ASCE has submitted a draft copy of the Engineer's contract for NLLD to review. They are continuing to work on the project design to keep this project moving forward. PM Ostheimer gave additional information and guidance on the process used in the project design. Board President Kief summed up his earlier comments on the pumping discussion by stating when there is a tolerance level that needs to be maintained by someone for the integrity of the system, procedures should be developed during the design process and that needs to be provided to the responsible party and applied accordingly with documentation of proper training. Director Bourgeois stated the District could provide training for pumping, but the Parish needs to enforce consequences for an employee who over pumps because this is critical to the structure.

Upper Barataria Risk Reduction (UBRRP) Project: The Director reported this project is included in the State's Draft Master Plan for 2017 and the project team has spent some time educating CPRA on project details to hopefully gain support should funding become available through CPRA. There was another meeting with the Corps on their new start design funding and CPRA on this last week and things seem to be progressing well. The Director added that they have explained to the Corps that there is a team working on this project, with an alignment already and money spent on this already. There were some good meetings on the permit pre-application process which included a lot of agencies.

H. Valentine - East Project Area

New Valentine/Ludevine FDA: The Director reported 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, while waiting for future levee work to hopefully come around. Project Manager Ostheimer reported the appraisals for the two remaining RoW's

were received and options for the RoW need to be discussed with the landowners so that Picciola & Associates can finalize the design. The Director stated that the Corps is looking for mitigation for their Westbank & Vicinity Project. There is some property currently inside of the designed system that could be on the outside, so the District needs to be creative and instead of working on the Blackwater Canal, consider the levee along Bayou Portuguese. Picciola & Associates will be discussing this with the landowners in the area. It is an option to help save money by making the best use of the property and have a levee built in a different location.

I. Regional/Other Capital Projects:

Pump Station Study: The Director stated that this item was covered in earlier discussions throughout this meeting.

J. Equipment: Field Coordinator Glenn Bourgeois reported that the A/C issue with the CAT/MBI (reported last month) was discussed at great lengths with CAT, but the charges basically stayed the same; however, the charges on the CAT/Wilco lockout switch and sensor repair were adjusted after discussions. This month there was an issue with the boom cylinder on the CAT/Wilco buggy. There was a defect in the seal. The seal was changed and they added another O-Ring, so hopefully that will solve the problem (third time repaired). He added that there will likely be a track job needed on the CAT/Wilco which will probably be in the range of \$60,000.00. The buggy has to get closer to Wild Life and Fisheries boat launch, so hopefully their parking lot can maybe be used for the track job before hunting season. The Director stated there is a need for a new type of buggy- a hybrid buggy, which would be very small with the ability to work in shallow water with a variety of tools, and be carried on a truck. He added that a meeting with MBI is scheduled for Friday to discuss a design concept.

K. General Items – Items for discussion or information as follows:

Photo Presentation: Project Manager Ostheimer presented photos on the following work: Lockport to Larose A1 Sheet Piles; Lockport to Larose A2; Lockport to Larose C4, C5, D1; Clotilda Mathews Canal Levee; Valentine Return Levee; Valentine Return Levee Structure; and Zeller Larousse.

Association of Levee Boards of Louisiana (ALBL) Annual Meeting: The ALBL will be holding its annual meeting in New Orleans on Dec 5 – 6 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 if any commissioners wish to attend, just let Madonna know so registration and arrangements can be handled.

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:

MRC / Corps Low Water Trip and Reception: Director Dwayne Bourgeois attended on 8/23/18

MRC Public Hearing: Director Dwayne Bourgeois attended on 8/24/18

HTV Going Public: Commissioner Kenney Matherne and Representative Jerome Zeringue appeared on HTV Going Public with Director Bourgeois on 8/28/18

MVFC Executive Committee Meeting: Director Dwayne Bourgeois attended on 9/7/18

MVD MG Kaiser, MVN Col Clancy & Mark W.: Mr. Cory Kief, Mr. Windell Curole, Mr. Reggie Dupre and Director Dwayne Bourgeois had a meeting on 9/14/18, which was very productive.

There is a follow-up meeting scheduled for December 4, 2018.

Finance & Priority Committee: Chairman K. Matherne reported that the F&P Committee met on August 21, 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.

Accounts Payable: The Board President 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 J. Tuck, 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 President called for any other engineering reports; there were none.

On behalf of the District, Field Coordinator Glenn Bourgeois thanked Commissioner Bob Pitre and Lafourche Parish Government for helping move equipment from the old storage yard to the new storage yard.

The Board President called for additional 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 5:00 PM F&P committee meeting, on Tuesday, October 16, 2018 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.

The meeting was unanimously adjourned at 7:03 PM on motion by R. Pitre, seconded by E. Pitre.

/s/ Cory Kief, President

/s/ Dwayne Bourgeois, Director