

Minutes of the Regular Monthly Board meeting of the North Lafourche Conservation, Levee & Drainage District, November 13, 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 Board President Cory Kief, at 5:10 PM on Tuesday, November 13, 2018. The meeting was held at the District's office at 3862 Highway 1 in Raceland. Commissioner Louis Andolsek led the assembly in the Pledge and VP Allen offered the Invocation.

Board VP Allen called roll. Commissioners present were: Tim Allen, Rodney Foret, Adley Peltier, Robert Pitre, Louis Andolsek, Kenney Matherne, and Elmo Pitre. Commissioners absent were: Darcy Kiffe, Cory Kief, Shawn Preston, and Joni Tuck. 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. NLLD Field Coordinator Glenn Bourgeois was absent.

Minutes: Motion was made by E. Pitre, seconded by R. Pitre, to approve the minutes as written for the following meetings: October 16, 2018 Finance & Priority Committee and October 16, 2018 Regular Board. No discussion or public comment. Motion passed unanimously.

A. Thibodaux – West Project Area: Director Bourgeois reported NLLD is developing items in the PA via a new drainage study working with DDG. Project Manager Ostheimer reported that last month DDG had gathered some additional information with the heavy rainfalls. That information was processed and DDG is currently finalizing the report. Ostheimer stated the report was delivered today. It will be reviewed and NLLD will have a meeting with DDG.

B. Thibodaux - Lockport - Bayou Blue Project Area

Bayou Blue – Hollywood Backwater Flood Protection Project: The Director reported that the State's 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. has FTN performing the hydraulic modeling. Project Manager Ostheimer reported that FTN has been working on the hydraulic model based on the information gathered and provided by LCI. FTN has finished entering this information and they are now running different scenarios and they expect the model to be completed in the next few weeks. The Director stated that NLLD will receive money from GOMESA for this project in mid-2020, but it will probably take that long to get a permit.

TLBB Element 2, (Lockport to Mathews Levee Improvements Project): Director Bourgeois reported that the State's Annual Plan also includes future funding coming from expected GOMESA funds for engineering and construction. This project has been a high priority for NLLD for years and since the process for acquiring the right of way agreements and setting the acquisition price was approved last month, NLLD is moving forward with preparing for the mailout to the landowners explaining the project and the district's intent. Project Manager Ostheimer reported that a meeting was conducted on October 24, 2018 to discuss the right of way acquisition phase of the project. There is a variation from a report last month for the total valuation by ARE. Based on information received, the total valuation was \$282,635.00 but the total valuation is actually \$385,547.60. The difference is due to the actual RoW being 20' wider than originally thought (by Geotech recommendation) and also the prior exclusion of one large tract of property that was not included in the original valuation report. This is still below NLLD's

originally budgeted estimate and the four value classifications are the same. NLLD is in the final prep for the initial mail out to the landowners which is expected to go out the week of November 19, 2018. The landowners will receive a letter from the NLLD regarding the project that request the voluntary RoW, a sample RoW, a valuation sheet specific to the individual tract, and a postage-stamped card to be returned to the NLLD stating their intention regarding the RoW. The Director stated that landowners can either donate or sell their property. The NLLD needs to be ready for receiving \$5.45 million from GOMESA coming in 2019, by steadily continuing with the RoW's and design. This project is 4.5 miles long and the first phase is sheet pile work and the second phase will be dirt work.

St. Charles By-Pass Backwater Flood Protection: Director Bourgeois reported LA Contracting is the contractor for this project. The certificate of substantial completion was accepted in August with some punch list items that are still needing attention by the contractor before the project retainage can be released. Project Manager Ostheimer reported that the NLLD is currently advertising for the purchase of the 12" pump for the project.

Cyprien FDA Channel Improvements: The Director reported that the District is planning to perform much needed maintenance dredging at the Cyprien FDA reservoir once more information is obtained on the discharge from the new pump to be constructed by the Parish. Project Manager Ostheimer reported that LPG has to work out some details but Sealevel has started the assembly period for the project and a Notice to Proceed will probably be issued for later this month. Review will begin of the work the NLLD will be performing and what will be required to do that work. NLLD is still waiting on TBS to give some information regarding the pump's discharge into outfall channels effect on these levees. The Director displayed the project area on the overhead screen and explained the intent of the work. In continuing, TBS will study the reservoir and see whether clearing it will cause the levee to erode.

C. Lockport - Larose Project Area

Lockport – Larose Valentine Return Levee Project: Director Bourgeois reported that Low Land Construction is the contractor on the levee portion of this project. PM Ostheimer reported that although October didn't have the typical dry weather as expected, the contractor has managed to get some work done. Low Land is out on the project and working whenever weather conditions permit. PM Ostheimer added that Mr. Neil Angelette from Angelette-Picciola, LLC has submitted a recommendation for the contractor's monthly payment for the Board's consideration. Motion was made by L. Andolsek, seconded by E. Pitre to approve a payment of a pay request in the amount of \$15,967.12 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 in September with some punch list items and the clear lien certificate has since been issued. PM Ostheimer reported that Mr. Neil Angelette from Angelette-Picciola, LLC has checked and reported that all of the punch list items are complete. He added that the clear lien was received from Sealevel and Mr. Neil Angelette has submitted a recommendation for payment of the project retainage and there is a balance for the remaining hydraulic operator to be paid when it is received. Motion was made by A. Peltier, seconded by

R. Pitre to approve payment of the retainage request in the amount of \$64,982.50 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: Director Bourgeois 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 provide and place material that will be available for phase 2 of the project while immediately improving the stability of the levee. PM Ostheimer reported that the contractor is continuing to excavate the new canal and fill the old canal. Onshore is making steady progress on the project. They are working south of the Entergy transmission lines and have completed approximately ½ of the required excavation. PM Ostheimer added that Mr. Neil Angelette from Angelette-Picciola, LLC has submitted a recommendation for the contractor's monthly payment for the Board's consideration. Motion was made by R. Foret, seconded by K. Matherne to approve payment of a pay request in the amount of \$113,146.46 from Onshore Materials, LLC as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Edna/Barrios Pump Consolidation Project: Director Bourgeois 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 the levee alignment in the area. He added that Mr. Neil Angelette had reported last month that the project was nearing the completion of the clear lien period. Project Manager Ostheimer reported that NLLD has been working with Angelette-Picciola, LLC to develop a scope and cost estimate for this project. After considering multiple options NLLD is looking at adding a stripper pump and a trash screen to the station along with removal of the old pump station. This was a project that had funds budgeted towards it; so, NLLD will be moving forward with Angelette-Picciola, LLC on an engineering contract so this work can be completed the first part of 2019. PM Ostheimer explained that the stripper pump is based on Angelette-Picciola's recommendation for a 30" stripper pump. This keeps the main pump from having to be turned on regularly to process the storm water. The Director explained the stripper pump will likely work 24 hours a day and keep the reservoir well-maintained.

Lockport to Larose Reaches A2 and Claudet Return Levee Project: The Director reported that Womack and Sons Construction Group, Inc. is the contractor for this project and the certificate of substantial completion was accepted in August. PM Ostheimer reported that the clear lien period has expired on this project, but as previously reported, there were multiple liens filed on the project. Depending on what transpires over the next couple of weeks will determine NLLD's path forward. Attorney Pat Amedee explained that Womack is the general contractor on this project. Amedee spoke with Womack's attorney and NLLD is currently giving Womack an opportunity to resolve this. Amedee added that there are liens on top of liens and if at any point NLLD is not satisfied with the progress, NLLD can file suit. Since the contract and bonds are in order, it is recommended that the NLLD allow some time for the companies to work out their differences, which may not be easily resolved. Amedee continued by stating that Womack paid a major subcontractor who took the money but didn't do the work so now the project is short. NLLD can go to court and since there is a good bond, NLLD can get a clear lien. There is

no reason to spend the money to do that now, but if it is necessary, then NLLD can push forward with this process. Amedee stated that there needs to be progress month-to-month. Lockport to Larose Reach A1 Levee Project: The Director reported that Shavers-Whittle LLC is the contractor for this project that is a follow-up to NLLD's previous work on this reach and is intended to raise the levee elevation in this reach to a +9'. The certificate of substantial completion was accepted last month. PM Ostheimer reported that currently this project is in the clear lien period. Mr. Leonard Chauvin from Leonard Chauvin P.E., Inc. recommended payment to Shavers-Whittle. Motion was made by K. Matherne and seconded by E. Pitre to approve payment of a pay request in the amount of \$41,628.14 from Shavers-Whittle Construction, LLC as recommended by the project engineer. Engineer Leonard Chauvin mentioned that the contractor finished right on time. There are a couple of punch-list items remaining that includes a little dirt work and stone on the road, but overall, the contractor is very easy to work with. No further discussion or public comment. The motion passed unanimously.

Lockport to Larose Reach B Levee Project: Director Bourgeois reported that Picciola & Associates continues to develop alternatives to the preliminary design and budgets for the proposed three phases of this levee reach. There is confidence that NLLD is going to be able to return with some projects that have independent utility and are of a magnitude that NLLD can work into the budget.

Comeaux Drive Drainage Project: The Director reported that the Town of Lockport is working to clear the drainage corridor right of ways of the numerous encroachments and open up the existing system to reestablish drainage in the existing corridor. From there, NLLD can consider the cost to hopefully repair / replace the sub-surface drainage channel and the request for funding assistance made by the Town of Lockport for that purpose. As per recent conversations with the engineers for the Town of Lockport, there's still a way to go on this.

D. Choupic Project Area

West Choupic Storm Water Protection Project: The Director reported that Leonard Chauvin, P.E. Inc. continues working with NLLD to determine a path forward in order to submit the permit application to the USACE. PM Ostheimer reported that NLLD discussed the project with LCI and is more or less in a holding pattern while NLLD considers the best path forward for the project based on the feedback from the landowners and wetland delineation report. NLLD did make a post on social media to clear up some confusion in the area. There were rumors about the levee board's intent in the project area. There will be public outreach prior to determining the levee placement.

Existing Choupic Levee Status: The Director reported that this item is concerning an old permit application and ROW agreements for existing Parish levees in the Choupic area. NLLD understands that the Parish is working to acquire the RoW's within the next couple of months.

E. St. James Project Area:

Director Bourgeois reported that NLLD is developing items in the PA via a new drainage study and a draft report was provided by DDG. PM Ostheimer reported that DDG has submitted the Renzi drainage study. NLLD is currently reviewing the report. Once it is reviewed, NLLD will meet with DDG and begin to look at possible projects in coordination with that report.

F. Lake Bouef Watershed Project Area:

Lake Bouef Watershed, Backwater Flood Protection Project: The Director reported that Leonard Chauvin P.E. Inc. continues working to determine the project details to meet again with the local landowners and farmers in the project area to discuss alternatives to the initial proposed alignment and other considerations. PM Ostheimer reported that NLLD is going to gather some additional information regarding the wet interface and plan to have some additional discussions with the local landowners and farmers. LCI is working on scheduling that meeting with all the interested parties.

Zeller/Larousse Forced Drainage Area Systems Improvements: The Director reported that Sealevel Construction completed the work on Phase 1A of this project which included clearing encroachments and dredging the reservoir. As discussed at the September board meeting, the project was brought back to NLLD's attention due to considerable sloughing caused by the Parish over pumping the reservoir. NLLD has discussed this with the Parish, and they are going to make some light repairs under NLLD's supervision and NLLD will be discussing this with them further, but the recent weather has caused it to be too wet to allow such repairs.

40 and 80 Arpent and Halpins Canal Maintenance Dredging Project, East Theriot Canal Maintenance Dredging Project, and Sam Foret and adjacent Canals Maintenance Dredging: Director Bourgeois reported NLLD has the USACE permit and the board's approval for advancement through the advertising and bidding phase. PM Ostheimer reported that Leonard Chauvin, P.E. Inc. has finished the bid set for this project and the advertisement for bids started today. The mandatory pre-bid meeting is scheduled for Wednesday, November 28, 2018 and NLLD will accept bids on Wednesday, December 12, 2018, both at NLLD's office. There should be a recommendation for the board at the December meeting.

G. Gheens Project Area:

Mathews Canal/Clotilda Levee Improvements Project: The Director reported that Low Land Construction Company is the contractor for this project. PM Ostheimer reported that as weather permits Low Land is continuing the excavation, processing and installation of the material on the levee. At this point they are probably 80% to 85% complete with the excavation for this project. Mr. John Plaisance from J. Wayne Plaisance Inc. recommended payment to Low Land Construction. Motion was made by R. Pitre, seconded by R. Foret to approve payment of a pay request in the amount of \$35,585.81 from Low Land Construction Co., Inc. as recommended by the project engineer. No discussion or public comment. The motion passed unanimously.

Des Allemands Bulkhead Project: Director Bourgeois 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 and NLLD has the board's approval for advancement through the advertising and bidding phase. PM Ostheimer reported that ASCE solicited proposals for this project. After review by ASCE, a contract was executed with Low Land Construction Company to perform this work and they will be getting started as soon as Entergy removes a power pole from the project alignment which should be in the next two weeks. ASCE is continuing to work on the cost proposal for the pump station and should have some information for NLLD's review in the next two weeks. Mr. Brandon Arceneaux from ASCE reported that they have obtained quotes from pump manufacturers to complete the proposal. In response to Commissioner Andolsek asking about the contracted work, PM Ostheimer explained that the work contract

with Low Land is for \$146,833.30 to build a short section of levee from the bulkhead to beyond the pump station. ASCE is preparing quotes to repair the pump station and then to continue the protection to Hwy 90. The project area was displayed on the overhead screen while discussion ensued regarding the contracted work and the portion in the design stage. PM Ostheimer explained that the original proposed work on this project was over \$2M with sheet pile, so ASCE is working to reduce the cost by adjusting the project approach. Director Bourgeois added that NLLD is addressing the weakest section of the system first, while each having independent utility and the contracted work with Low Land will allow access to the road that will allow for flood fighting as needed.

Jesse Dufrene FDA Levee Improvements: The Director reported All South Consulting Engineers continues their work on the design and cost estimate. PM Ostheimer reported that ASCE is continuing to work on the bidding documents on this project. This month ASCE had to gather a bit more survey information, but all seems on track to begin advertisement for this project at the start of next year, if not sooner. Director Bourgeois stated that this project is included in the District's Capital Outlay requests, and it is consistent with the State's Master Plan.

Upper Barataria Risk Reduction (UBRRP) Project: Director Bourgeois reported this project is included in the State's Master Plan for 2017 and the project team has spent some time working with the CPRA on project details to help shape the action for the Corps' new start design funding. NLLD wants to be able to be sure that the Corps' efforts blend in well with NLLD's design team (Burk-Kleinpeter, APTIM, and GIS) and the efforts of CPRA. Director Bourgeois stated he is planning a meeting with the Corps leadership to address that in particular with their regulatory team.

H. Valentine - East Project Area

New Valentine/Ludevine FDA: (NLLD 6800.55Z)

Director Bourgeois reported 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 improvement to elevation, and with the mitigation requirements satisfied, Picciola & Associates is working on the final design and right of way acquisitions and is considering an alternative alignment recently suggested by the impacted landowners that would be beneficial to the NLLD and those landowners. They are also working to set up a meeting with the high level of the Corps to further explore this unique opportunity.

I. Regional/Other Capital Projects:

Pump Station Study: The Director reported that this project is intended to extend the NLLD influence into the proper operation of the pumps in Lafourche Parish to prevent possible damage to levees and the land inside that the District has jurisdiction over. As previously discussed, this exercise includes a few phases to get to the educational step and eventually a monitoring program. PM Ostheimer reported that NLLD is in the process of gathering some information for TBS as they work on the next set of FDA's analysis reports. Director Bourgeois added that this is a high priority for the district and he displayed the computer monitoring ability. He added that the Parish pumpers are on board with this.

Commissioner Elmo Pitre requested he be excused from the rest of the meeting at 6:15 PM, but a quorum remained.

Morganza to the Gulf: Director Bourgeois reported that NLLD has begun a new push in an attempt to find funding for the Federally authorized Morganza to the Gulf Project which now comes well into the jurisdiction of the NLLD. This push includes trying to find an alternative to the Corp's all or nothing Federal "New Start" process. NLLD has been working at all levels of the Corps, Louisiana Delegation in DC, State legislators and others in this effort. NLLD had a meeting with Congressman Scalise followed by a meeting with USACE HQ, Division and District leaders. He added that he will attend a meeting with Congressman Graves and Corps Leadership on this same issue. There is an effort to get Morganza to be viewed as levels of independent utility. Also, there is a possibility for SLLD, NLLD and TLCD working together on Reach K with funding from a grant being administered by CPRA to execute a change order on the contract that SLLD currently has with Weeks Marine. He explained that the idea is to maximize the amount of material that this contractor dredges and places for this project as it is way cheaper to do this now than the cost of hauled material in the future. (\$1.25/cy Vs \$20/cy) CPRA has approved a change order with the remaining available grant funds that will likely cover the cost of all the material the contractor can practically place. But, after meeting with the Directors and Presidents of each local levee district, all agreed that it would be good if there is the ability to dredge and place more material than the grant allows and the NLLD and TLCD would split the additional cost of this material and reimburse the SLLD for the same. The estimated cost of this to the NLLD is between \$45K and \$70K, all of which is available in NLLD's current budget. SLLD and TLCD are both discussing the same at their meetings. The Director added that he wanted to make everyone at the meeting aware of these updates, but no action is required by the board at this time as it is not likely that they will be able to put up more material.

J. Equipment: With Field Coordinator Glenn Bourgeois being absent, Director Bourgeois reported that with no bidders on NLLD's initial offering, NLLD will re-advertise a 15' "Bush Hog" with associated parts and two (2) 40' storage containers as available for public bids. The notice to accept bids electronically or at the District's office by Thursday, November 15th has been appropriately advertised. PM Ostheimer reported that it has been a fairly good month for the equipment, but there is a hydraulic leak on the CAT/Wilco.

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

Photo Presentation: Project Manager Ostheimer presented photos and explained the work on the following projects: Clotilda/Mathews Canal; A1, A2/Claudet Return; LtoL C4, C5, D1; Valentine Return Levee and Structure. Project Manager Ostheimer also provided an update on the pipeline issue related to the LtoL C4, C5, D1 project stating that NLLD had a meeting with Central Crude Pipeline. There is not much benefit for them to relocate; so, we have to lead the effort. Angelette-Picciola is looking at going back and realign the levee, tie back to the structures and bridge over the pipeline. NLLD doesn't want to add ground pressure on the pipeline crossing. Director Bourgeois stated that the pipeline company has to feel confident that the district will not jeopardize the pipeline.

HTV Going Public: Director Dwayne Bourgeois mentioned he will be taping another segment of HTV's Going Public on November 27th, adding that Commissioner Kenney Matherne will join him and asked if any other commissioners would like to join.

State Mandated Ethics Training and Sexual Harassment Prevention Training: Director Bourgeois reminded the commissioners there are still a few who need to satisfy these training

requirements for this year. Please remember that the governmental ethics training can be obtained online or by viewing a training video here at the NLLD office. The sexual harassment prevention training is only available by viewing a video here at the NLLD office.

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:

Morganza Action Coalition (MAC) at the Rougarou Fest on October 20, 2018.

State Watershed Initiative Workshop on October 23, 2018.

BTNEP Management Conference on November 1, 2018.

Restore or Retreat Rendezvous, along with Commissioner Tim Allen on November 1, 2018.

Bayou Industrial Group (BIG) Luncheon (NLLD Member of the Month), along with a few commissioners on November 5, 2018.

Summit on 2023 State Master Plan, along with Commissioner Tim Allen on November 7, 2018.

LPSB Sales Tax Oversight Committee meeting on November 11, 2018.

Annual Meeting with Lafourche Parish Assessor Thibodeaux on November 11, 2018.

Finance & Priority Committee: Chairman K. Matherne reported that the F&P Committee met on October 16, 2018 (just prior to the monthly Board meeting). Commissioners were reminded of having a copy of those minutes in tonight's meeting packet. 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. At that same meeting, the committee reviewed the proposed 2019 Budget that was recommended for adoption by the full board.

Accounts Payable: The Board Vice 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 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 Vice-President called for any other engineering reports; there were none.

The Board Vice-President called for additional public comments; there were none.

The Board Vice-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, December 18, 2018 at the District's office located at 3862 Highway 1, Raceland, LA.

Executive Session: 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.

At 6:35 PM, motion was made by R. Pitre, seconded by R. Foret, to enter Executive Session pursuant to LA R.S. 42:17A (1) to discuss the annual evaluation of Mr. Arthur Ostheimer, NLLD Project/Program Manager. No discussion or public comment. The motion passed unanimously.

At 6:54 PM, motion was made by R. Pitre, seconded by A. Peltier to return to Regular Session. No discussion or public present to comment. Motion passed unanimously.

Motion was made by K. Matherne, seconded by R. Foret, 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 6:55 PM on motion by R. Pitre, with a second by R. Foret.

Cory Kief, President

Dwayne Bourgeois, Director