

**Minutes of the Regular Monthly Board meeting of the North Lafourche Conservation, Levee & Drainage District, May 18, 2021**

The Regular Monthly meeting of the North Lafourche Conservation, Levee and Drainage District Board of Commissioners was called to order on May 18, 2021 by Mr. Cory Kief, Board President, at 5:38 PM. The meeting was held at the District's office at 3862 Highway 1 in Raceland. The pledge was led by Darcy Kiffe, and the invocation was given by Susan Testroet-Bergeron. President Kief called roll.

Commissioners present were Timothy Allen, Louis Andolsek, Rodney Foret, Cory Kief, Darcy Kiffe, Adley Peltier, Susan Testroet-Bergeron, and Percy Gasery. Commissioners Kenney Matherne, Elmo Pitre, and Robert Pitre were absent. Others present were NLLD Executive Director Dwayne Bourgeois; NLLD Project/Program Manager Arthur Ostheimer; NLLD Field Coordinator Glenn Bourgeois; Attorney Pat Amedee; NLLD Administrative Assistant Madonna Viguerie; Executive Assistant Katie DeRoche and various engineering professionals.

Approval of Minutes: Motion was made by R. Foret, seconded by A. Peltier, to approve the minutes of the following meetings: April 20, 2021 Regular Board Meeting, April 20, 2021 Finance & Priority Committee, and April 27, 2021 TRADS Project Committee Meeting. No discussion or public comment. Motion passed unanimously.

**A. Thibodaux – West Project Area:**

Drainage Study: D. Bourgeois reported NLLD is developing items in the PA by extending this drainage study with additional investigations to assist the City of Thibodaux, NSU and the Parish with a proactive approach for drainage since this area is seeing a tremendous growth in this area.

Waverly No. 2 Channel Project: D. Bourgeois and A. Ostheimer reported NLLD is in the process of developing a NLLD project that will create a new major drainage channel functionally parallel to and complimentary to the existing Waverly Ditch NLLD is calling the Waverly No. 2 Channel Project; however, NLLD is faced with challenges from the landowners. NLLD currently has a valuation for the property needed for the right of way and plan on discussing within the T-RADS committee to find the best path forward on the project. NLLD has drafted an agreement or understanding for the right of way along Talbot so the owner is clear to what is being agreed upon.

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

NSU Drainage Study: D. Bourgeois stated in the future, updates on the project will be based on whatever the Committee wishes to report for the project each month. D. Bourgeois passed on to the Board that Mr. Terry Breaux with NSU extended his appreciation for agreeing to help fund this project in the future.

Bayou Blue – Hollywood Backwater Flood Protection Project: D. Bourgeois and A. Ostheimer reported The State's Annual Plan includes future funding expected from GOMESA funds for engineering and construction. Leonard Chauvin P.E., Inc. (LCI) completed the design and is working on the bid documents. LCI is continuing to finalize some revisions to the plans and expected to be complete with the revision by the end of this week. Then, it will be submitted to CPRA for review and work towards advertising as soon as possible.

TLBB Element 2, (Lockport to Mathews Levee Improvement Project): D. Bourgeois and A. Ostheimer reported the Lemoine Company, LLC is the contractor on Phase II which is the canal relocation and berm construction. This phase is included in an IGA with CPRA for GOMESA funds reimbursement. Lemoine has completed the main excavation work and they are currently working back towards the start of the project removing some of the excess material near where the dams were. NLLD is discussing the possibility of moving this material into section across the levee and Lemoine is working on pricing to give to LCI. L. Andolsek motioned, seconded by D. Kiffe to approve payment of pay request #17 in the amount of \$50,322.20 from The Lemoine Company, LLC as recommended by the project engineer. No

discussion or public comment. Motion passed unanimously.

Cyprien FDA Channel Improvements/Cyprien Discharge Channel Levee Improvements: D. Bourgeois and A. Ostheimer reported Sealevel has completed the levee work but they still have some rip rap and aggregate to place along with few other cleanup items and expect them to be complete in the next two to three weeks, weather permitting.

Butch Hill and Twin Oaks Pump Station and FDA Improvements: D. Bourgeois reported this project as discussed when considering the purchase of the property owned by the Sugarland Country Club at LPSO Sheriff's Sale is a large project that would combine the Twin Oaks and Butch Hill Pump Stations which are both in disrepair along with improving the overall FDAs and performing levee maintenance on the surrounding levees. Sugarland Country Club was sold by the bank to a local interest. NLLD has been working with the new owners to negotiate a right of way on the property for the various drainage improvements and to purchase material NLLD can use to improve the levees in the surrounding areas. NLLD is also finalizing the NOPET evaluation for the pump station and FDA improvements for this area and reviewing funding opportunities in coordination with LPG. NLLD has shifted its focus to purchasing the approximately 100 acres needed to accomplish work which is in line with the Board's concerns as compared to buying property NLLD did not need at the LPSO sale. The details of the purchase were discussed at the T-RADS committee meeting on April 27. The meeting was very productive in getting through the weeds of acquiring this property. The purchase price of the entire property was previously appraised by Logan Babin at \$4,520.00 per acre, totaling \$452,000.00 for the portion NLLD needs. However, it was agreed by the committee to attain the actual appraisal value of the approximately 100 acres and to purchase the tract acquired at the lesser of \$452,000.00 or the actual fair market value from a new appraisal. Ultimately, the net savings for the rebuilding of the pump stations is \$1.6 million and \$478,000.00 for the levee improvements and totaled at an estimated \$2.2 million. The committee discussed the following concerns for purchasing this property: the amount of detention a pond would provide in a below sea-level area, an access bridge to be built, and the price of material and the cost of hauling compared to buying material from landowners. After these concerns were presented and discussed with Leonard Chauvin, it was determined that purchasing the property is more cost effective and efficient. L. Andolsek, committee Chairman, stated the T-RADS committee thoroughly discussed this with everyone present and his personal concerns were acquiring a new appraisal value of the specific land the NLLD wants to purchase in case the amount would be lower. Another concern was the cost of constructing the bridge. However, the cost of the cubic yards that can be removed from the field and the amount of detention in a pond outweigh the cost of the bridge. The LPG has to be involved in constructing an expensive pump station, but the NLLD would be contributing in a major way towards the cost of the whole project. D. Bourgeois mentioned there is still no appraisal value for the specific property as of yet. D. Kiffe asked if the LPG will provide partial funding for the bridge. D. Bourgeois said no. However, L. Andolsek said the LPG and private landowners will benefit from the bridge by having access to it. Therefore, the bridge needs to be vetted from outside traffic. L. Andolsek lastly mentioned his concern for the cost of the new pump station at \$10 million not being built right away. But, the construction of new levees and detention from the pond will take some pressure off of the new pump station not being immediately built. The cost of the bridge will be \$450,000 and is not in the budget. Only enough to purchase the property is currently in the budget. D. Bourgeois showed the NLLD Board on the map where this work will take place and all were okay with this decision as well. L. Andolsek motioned, seconded by S. Bergeron that it is the determination of the Board that the purchase of the proposed approximately 100 Acre tract of land would have economic benefits to the Butch Hill / Twin Oaks FDA, would be beneficial to the Replacement / Consolidation of the Butch Hill and Twin Oaks Pump stations and would provide needed material for the Raceland Prairie Levee System Rehabilitations if

acquired at the lesser of \$452,000.00 or the actual fair market value of the tract. Further, allowing the NLLD President to sign any and all documents related to this purchase as authorized by this Board. No further discussion or public comment. Motion passed unanimously.

Raceland Prairie District 2 of 12 Seepage Repairs: D. Bourgeois and A. Ostheimer reported this project will address seepage and the bid opening was conducted last Thursday. NLLD executed the contracts with Low Land Construction for the project and the pre-construction meeting is scheduled for tomorrow. At that meeting the NTP will be set for the project.

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

Lockport – Larose Levee Project Reaches C4, C5, and D1: D. Bourgeois and A. Ostheimer reported Onshore Materials, LLC is the contractor on this project that is phase 1 and 2 of the improvements to the levees in these reaches. NLLD met with Angelette Picciola (A/P) on May 13th to discuss the project. The contractor has been working on the southern end of the project shaping the excavated material into the levee template. They also are working capturing some of the material that remained in the canal with their marsh buggy excavator. Based on discussion with A/P the contractor plans on performing the working around the pipeline and pump station once they get to that area as they work from the southern end. NLLD has a meeting scheduled with Neil Angelette and the contractor on Thursday. D. Kiffe expressed his concerns because even though there has been rain weather, he noticed days that the contractor could be working near the borrow pit but is not doing so. N. Angelette said Onshore has been working elsewhere on the project. C. Kief stated that Onshore has done very good work for the NLLD. However, there is an apprehension with this project from the board members. D. Kiffe and C. Kief both mentioned that maybe there is not enough equipment on this project. The board agrees there needs to be some motivation given by the NLLD and Neil Angelette to Onshore to prioritize the two low spots of the project, especially with hurricane season approaching. D. Bourgeois said he will be at the meeting this Thursday and not overstep any authority but will convey the Board's worries. D. Bourgeois mentioned, regarding hurricane season, the area is still better than when they started. L. Andolsek motioned, seconded by A. Peltier to approve Change Order No. 6 for an additional 41 days to extend the construction period to June 3, 2021 due to weather conditions as requested by Onshore Materials, LLC and recommended by the project engineer. No further discussion or public discussion. The motion passed with 6 yays and 2 nays.

Lockport to Larose Reach B Levee Project: Picciola & Associates continues to develop the preliminary design and budgets for the proposed three phases of this levee reach. NLLD was able to execute the mitigation contract for the project. The mitigation for this project cost \$80K for the 6.1 acres needed from the bank. Although NLLD is never happy about paying for mitigation, by reducing the impacts and the increase in available banks (13) NLLD was able to significantly reduce the original mitigation cost estimate (\$1M to \$80K). At this time, NLLD has everything ready for construction needed to budget funding (\$1.38M) to move the project forward. NLLD will also start to work on the Reach B Phase II which although has a lower construction estimate of \$968K is expected to have significant RoW issues to overcome which will take time.

Comeaux Drive Drainage Project: D. Bourgeois reported the NLLD and the Town of Lockport have had studies and work done since early 2018 to get resolution for their drainage problems. NLLD engaged LCI to advance the design and ROW requirements to help the Town pursue funding during the coming year. NLLD has also asked the Parish and LP DD#1 to get involved in the search for funding. The Town has submitted a Capital Outlay request for funding which NLLD will support. NLLD has sent preliminary plans and cost estimates for the work north of Hwy 1, to the Town for their review.

**D. Choupic Project Area:**

East 80 Arpent (Dixie Canal): D. Bourgeois and A. Ostheimer reported Linkbelt/Wilco Deep-water Marsh

Buggy is being used for some long term and long overdue maintenance dredging and is continuing to dredge the canal and has slowed based on high-water conditions over the last couple of months. There was some significant water near or just above 3' throughout these areas last week.

**E. St. James Project Area:** D. Bourgeois reported NLLD is developing items in the PA via this drainage study by Duplantis Design Group. The plan here is to allow Thibodaux to develop this area in a proactive, forward looking way and to avoid trying to correct for unplanned difficult drainage issues in the future. NLLD has DDG's findings from the study. The TRADS Project Committee will take this issue up in a future meeting. Once that is done, the Committee will report back.

Legendre Canal Levee Protection - Concerns of Ms. Dana Landry: Sponsored by Commissioner Adley Peltier: As allowed by NLLD By-Laws (Article 7.6 (a)), Ms. Dana Landry approached Commissioner Adley Peltier and asked that her concern of flooding at 418 Choctaw Road, Thibodaux be added to tonight's agenda. Commissioner Adley Peltier agreed to sponsor her request. Ms. Landry stated she has a cement wall as levee protection for her property, which is an extension from the dirt levee. She presented pictures to the board. The wall has gotten progressively worse over the years because the wall has deteriorated and the water levels are staying very high. The land under the wall is eroding and the water is constantly saturating the land around the wall. A. Ostheimer said he has gotten with Leonard Chauvin P.E. Inc. to begin evaluating the solutions for this problem. Ms. Leila Legendre who resides at 435 Choctaw Rd. in Thibodaux also made a public comment request to resolve the issue of motorized vehicles trespassing on the levees behind her home, which are deteriorating them. She stated the levee has breached last week because of the trafficking from motorized vehicles and is nervous about the flooding. D. Bourgeois said he will send out a presser reminding the public to no longer trespass along these levees. A. Ostheimer is also checking to see what NLLD can do to create better flood protection with a levee in the area. C. Kief stated he will call the Lafourche Sheriff's office to assure they are enforcing the law of no trespassing on the levees, especially during these rain events. Lastly, Ms. Rochelle Thibodaux who resides at 332 Robyn St. in Gray, filled a public comment request. She was concerned about the drainage in Kraemer near Coteau Rd and Laurel Valley. D. Bourgeois stated that Ms. Rochelle could go to the office to speak to him separately and in detail about the flooding issues in the area.

**F. Lake Bouef Watershed Project Area:**

Zeller/Larousse Forced Drainage Area Systems Improvements: D. Bourgeois and A. Ostheimer reported Phase 2 of this project is designed to provide structural stability to the system and improve the levee to a 5' elevation. CPRA has included \$1M for this project available this year (FY2021) in its Annual Plan coming from GOMESA and the IGA is fully executed. NLLD has received the concurrence to begin advertising the project this week and plans to have the pre bid on June 3rd and accept bids on Monday June 14th. There should be a recommendation at the June Board meeting.

**G. Gheens Project Area:**

Des Allemands Bulkhead Project: A. Ostheimer reported the levee has been put into elevation and NLLD is currently monitoring it to see if it has stabilized. As of now there is not any additional settlement. All South Consulting Engineers is continuing to monitor.

Jesse Dufrene FDA Levee Improvements: D. Bourgeois and A. Ostheimer reported Onshore Materials, LLC is the contractor for this project which is being partially reimbursed with GOMESA funding through CPRA and designed to raise four miles of levee height from +4' to +7'. The substantial completion was approved in March. Onshore has addressed the punch list items for the project and is currently in the clear lien period. ASCE has finalized the project quantities and there will be a significant decrease in the contract generally because the material performed much better than expected. T. Allen motioned, seconded by D. Kiffe to approve the Balancing Change Order No. 7 to decrease the contract price by

\$494,417.85 to adjust to the actual quantities used on the project as requested by Onshore Materials, LLC and recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Natural Gas FDA Levee Improvements: D. Bourgeois and A. Ostheimer reported Clark Construction Enterprises, LLC is the contractor for this project that is designed to improve the levee elevation to 7'. The construction is being reimbursed with GOMESA funding through CPRA. NLLD is currently executing the contracts for the project. There was a slight clerical error, so they had to revise and resubmit them. NLLD expects this to be completed soon and the pre-construction meeting to be scheduled.

Upper Barataria Risk Reduction (UBRRP) Project: D. Bourgeois reported this project is included in the State's Master Plan for 2017. The NLLD and the LBLD have been working cooperatively to get this design further down the road. Field and Design work has been progressing well on this project.

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

New Valentine/Ludevine FDA: D. Bourgeois and A. Ostheimer Onshore Materials, LLC is the contractor for this project to stabilize about 5,500 feet of the levee running from Hamilton St. in Larose towards the Ludevine Pump Station along the Blackwater Canal. Onshore is continuing to install material in the levee template. The weather has slowed the project down some, but they have made some intermittent progress on the project. R. Foret motioned, seconded by A. Peltier to approve payment of pay request #12 in the amount of \$224,038.50 from Onshore Materials, LLC as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

T-Bois Levee FDA: D. Bourgeois and A. Ostheimer reported Circle LLC is the contractor on this project that includes maintenance work on the area of the levee from Hamilton St. to North American Shipyard. NLLD held the preconstruction meeting for the project on March 30th. The contractor has started mobilizing and installed mats for access to the discharge pipes and started work on the project.

Morganza to the Gulf Eastern Tie-in, reach 2 Interim Improvements: D. Bourgeois and A. Ostheimer reported this project is designed to enhance nearly 20,000 LF of levee improvements to an approximate 7.5' elevation and modify the Ludevine Pump Station to account for the modified levee section. The CPRA will provide \$3M for this project available through Capital Outlay / State Surplus funds and the IGAs were executed. NLLD received concurrence to start advertising the project today and will be opening bids for the project here at the NLLD office on June 15th.

Ludevine Property: Earlier this evening NLLD had a discussion with the Finance and Priority Committee on an idea to address needs for several projects going and or expecting to receive funding for at this time. In short, NLLD feels that acquiring approximately 14 acres of a tract of land could have the following general benefits: 1) It can tie in the Ludevine Levee to the T-Bois Levee; 2) It will provide material for the planned second lift to the Ludevine Levee; 3) It will provide material for the MtoG Reach 2 (see above) allowing NLLD to save significantly on that project; 4) It will include a better location and reduce the construction cost for the Ludevine Pump Replacement Project included in this year's Annual Plan. NLLD has been continuing to plan and develop the new Ludevine pump station project which has \$2.8M in funding pending the approval of the annual plan. As part of the evaluation process, NLLD evaluated multiple potential locations and determined the most cost-effective location was a site with access via Hamilton Street. This location is in the intersection of several of NLLD projects that are currently under construction, budgeted, or planned for construction in the immediate future. As an opportunity to improve the performance of the new Ludevine pump station, improve the access, and decrease the estimated cost on multiple projects NLLD discussed the possibility of purchasing the property that was needed for not only the pump station but also to tie the Ludevine and T-Bois levees together. Based on the positivity of that discussion NLLD requested an appraisal of the property which NLLD has summarized in the benefit analysis. NLLD can save \$1,039,414.00 with these four projects. P.

Gasery motioned, seconded by L. Andolsek that it is the determination of the Board that the purchase of the proposed 14.23 Acre tract of land would have economic benefits to the Ludevine & T-Bois levee tie-in, would be beneficial to the replacement of the Ludevine Pump station, and would provide needed material for the second lift of the Ludevine Levee and the MtoG Reach 2 Project if acquired at the offered value of \$120,000 being less than the actual fair market value of the tract. Further, allowing the NLLD President to sign any and all documents related to this purchase as authorized by this Board. L. Andolsek stated NLLD will be acquiring dirt at a cheap price for this purchase. No further discussion or public comments. Motion passed unanimously.

Morganza to the Gulf Eastern Tie-in, Reach 3 Interim Improvements: A. Ostheimer reported Outer Limit Contractor will continue the clearing and NLLD has requested for TBS to schedule the wetland delineation. Based on the delineation it will determine the permitting along with helping develop the project alignment.

**I. Maintenance and other Regional Projects:**

Maintenance Projects: A. Ostheimer reported NLLD has a lot of maintenance work to perform; however, the weather has significantly slowed down much of this work. NLLD does plan on performing maintenance work on both the Four Point Levee and St. Charles Levee ASAP.

Morganza to the Gulf (MTG), Larose to Lockport Feasibility Report: D. Bourgeois and A. Ostheimer reported Delta Coast (DCC) is working on the design of the actual alignment of the levee within the District and to file the permit application. DCC has modified the Reach 1 permit and submitted the information and will continue to monitor the permit.

Morganza to the Gulf: D. Bourgeois reported the Morganza to the Gulf project has received its federal "new start" funding of \$12.46 million to begin construction of the replacement of the Humble Canal flood control structure. The Construction Kick-off meeting was done on this and is progressing well. But, this is only the beginning. The next steps for the project in the future will be to secure funding on an annual basis. MAC is proposing different funding options and must be aware of all legislative actions needed to take to stay ahead. One such potential partial funding option may occur, and Congressmen Scalise and Graves are working together to make a joint appropriations request. D. Bourgeois made DC meetings last week, May 11-13 and to discussed MtoG with LA delegation. MAC is positioning the project to receive additional federal funding from several directions in addition to the expected Corps / Congressional Appropriations process now that MtoG has a new start designation for the project. Additionally, MAC is working to get some State Capital Outlay funding for portions of this project as well. C. Bourgeois will be in Baton Rouge a few days this week pursuing those opportunities for as well.

Morganza to the Gulf (MTG), Reaches K & L and Structures: D. Bourgeois reported the CPRA will be providing \$18.2M in funding for the Grand Bayou Flood gate between Reaches K & L in Lafourche Parish. This gate, along with the levees being constructed along Reaches K & L will have a very positive impact on the levees and gravity drainage on the west side of Bayou Lafourche as Grand Bayou is a big source of storm water for those areas. SLDD has contracted with Sealevel Construction for this work and this work is progressing on schedule.

Equipment: G. Bourgeois reported the following equipment updates for the month. NLLD will go to MBI at the end of this week to check on the issue with the TAZ buggy. C. Kief asked if there is another machine NLLD can use in place of the TAZ buggy until it is ready. G. Bourgeois said he does not think there are any other machines at MBI such as the TAZ.

Photo Presentation: A. Ostheimer presented photos and gave explanations on the following projects: New Ludevine Levee; C4,C5,D1; Choupic Area; St. Mary; the wall in Ms. Legendre's and Ms. Landry's properties.

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

**CPRA Board Meeting: 4/21**

**Legislative Committee Meeting on Annual Plan: 4/21 (Also met with CPRA Chip & Bren)**

**Meeting with 5TH Ward Drainage district t: 4/22**

**ALBL Legislative Committee Call/ Steve Scalise Offshore Wind Call: 4/27**

**NFIP Meeting with CPRA's Lindsay Cooper: 4/28**

**Testified at SB 87 with Cory Kief and Reggie Dupre: 4/29 (Also supported Annual Plan)**

**Association of Levee Boards of Louisiana (ALBL) Annual Workshop: 5/6 – 7**

**DC Meetings: 5/11-13**

**Port Fourchon and LSU Coast & Environment: 5/14**

**CPRA Annual Plan Hearing (Natural Resources and Environment): 5/18**

**MAC Meeting: 5/18**

Finance & Priority Committee: Committee Vice Chairman L. Andolsek reported that the Finance and Priority Committee conducted a meeting on April 20, 2021. The NLLD Board has a copy of those minutes in tonight's meeting packet. During that meeting, the committee reviewed and approved the Payables Report that was accepted by the full board in the Regular meeting that followed. And as reported last month, in that same meeting the committee reviewed the budget revision and the compliance questionnaire for the annual audit.

Thibodaux & Raceland Area Drainage Study: Committee Chairman L. Andolsek reported the Thibodaux & Raceland Area Drainage Study (T-RADS) Project Committee met on April 27, 2021. The NLLD Board has a copy of those minutes in tonight's meeting packet. During that meeting, the committee reviewed and approved the conditional recommendation of purchase of the proposed approximately 100 Acre tract that was recommended and accepted (or rejected) by the NLLD Board of Commissioners under the conditions previously discussed and detailed at this Regular Board meeting. The committee will be scheduling additional meetings in the future to address other projects that have been assigned to the committee for consideration.

Accounts Payable: A motion was made by L. Andolsek, seconded by A. Peltier to accept the Payables Report as given. No discussion or public comment. Motion passed unanimously.

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

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

Executive Session: R. Foret motioned, seconded by D. Kiffe to enter Executive Session pursuant to LA R.S. 42:17 A (2) to discuss filed Citation litigation of John B. Wald, ET AL Vs Lafourche Parish Government, ET AL, 17<sup>th</sup> JDC, No. C-142317 and pending litigation of Sea Level Construction, Inc Vs Cherokee Native Services, LLC. ET AL, 17<sup>th</sup> JDC, No. C-141674. No discussion or public comment. Motion passed unanimously. D. Kiffe motioned, seconded by P. Gasery to return to regular session. No discussion or public comment. Motion to enter regular session passed unanimously and there were no actions taken.

The President announced the next Regular Monthly Board Meeting will be at 5:30 PM (or immediately following the 5:15 PM F&P Committee meeting) on Tuesday, June 15, 2021 at the District's office located at 3862 Highway 1, Raceland, LA. The meeting was unanimously adjourned at 7:58 PM on motion by R. Foret, seconded by L. Andolsek.

/s/Cory Kief, President

/s/Dwayne Bourgeois, Executive Director