

**Minutes of the Public Hearing and Regular Monthly Board meeting of the North Lafourche Conservation, Levee & Drainage District, May 17, 2022**

The Regular Monthly meeting of the North Lafourche Conservation, Levee and Drainage District Board of Commissioners was called to order on May 17, 2022, by President Cory Kief at 5:27 pm. The meeting was held at the district's office at 3862 Highway 1 in Raceland. The pledge was led by Elmo Pitre and the invocation was given by Tory Hebert. President Kief called roll. Commissioners present were Cory Kief, Adley Peltier, Louis Andolsek, Tim Allen, Rodney Foret, Darcy Kiffe, Tory Hebert, Robert Pitre, and Elmo Pitre. Commissioner Percy Gasery was absent. Others present were NLLD Executive Director Dwayne Bourgeois; Program/Project Manager Arthur Ostheimer; NLLD Administrative Assistant Madonna Viguerie; Field Coordinators Glenn Bourgeois and Travis Colombel; Executive Assistant Katie DeRoche; Project/Accounting Assistant Brandy Theriot, and various engineering professionals.

Glenn "T-Can" Bourgeois – Retirement announcement and resolution: D. Bourgeois read a resolution announcing Glenn Bourgeois' retirement. D. Bourgeois also stated how valuable G. Bourgeois was for the NLLD and the whole Lafourche Parish. The community and NLLD will be losing a true expert in the field and cherished employee of 10 years. The NLLD presented G. Bourgeois with a plaque of appreciation. G. Bourgeois shared a few sentiments of his time at the NLLD.

Approval of Minutes: Motion was made by E. Pitre, seconded by D. Kiffe, to approve the minutes of the following meetings: April 19, 2022, Regular Board Meeting and April 19, 2022, Finance & Priority Committee. No discussion or public comment. Motion passed unanimously.

**A. Thibodaux – West Project Area:**

Acadia Woods: D. Bourgeois and A. Ostheimer reported NLLD has been working with the City of Thibodaux, LPG and TPCG to try to sweep then possibly maintenance dredge the St. Louis Canal. The objective of this project is to bring improved drainage to the Acadia Woods area of Lafourche Parish and the City of Thibodaux. TBS has been engaged to run some hydraulic modeling. From that, NLLD has found that a protracted dredging project would not likely provide the protection from flooding that's needed; so, NLLD is shifting things a bit. TBS has begun a focused drainage study and performed the additional survey work. They are currently processing the information to review and discuss the best options for 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 called the Waverly No. 2 Channel Project. NLLD is working on RoW issues with the property owners before moving forward. The TRADS Committee met this afternoon. NLLD has support to finalize evaluations for purchasing rights-of-way to move forward with the project. The NLLD will finalize the evaluations based on each track of the property and return to the board with the values.

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

NSU Drainage Study: D. Bourgeois reported there are some possibilities of portions of this potential project being advanced along with some work on the Coastal Center and NLLD has addressed its funding needs with CPRA and the Governor's office. Heather with DDG is looking to help set up a meeting. The Coastal Center looks like they will be getting some additional P2 funding from last year.

Bayou Blue – Hollywood Backwater Flood Protection Project: D. Bourgeois and A. Ostheimer reported Sealevel Construction, Inc. is the contractor on this project that is designed to protect the areas around the Hollywood canal from storm surge by way of the GIWW. CPRA will be providing a little over \$6.5M GOMESA reimbursement for the construction. The contracts for the project have been executed and recorded. NLLD is planning on having the preconstruction meeting this week and issuing notice to proceed on June 6th.

Raceland Prairie District 2 of 12 Seepage Repairs: D. Bourgeois and A. Ostheimer reported NLLD made a

Capital Outlay Request in prior years for funding in support of NLLD's broader program of improvements to all these levees in these FDAs. Last year, NLLD did receive Capital Outlay Appropriations in HB2 for these projects. NLLD received a P2 appropriation of \$750K and a P5 Appropriation of \$3.75M of the \$6M ask. D. Bourgeois said he has been in touch with LA representatives and senators and plan to continue to meet with them and others. LCI is working on the design of the capital project for the 2 of 12 project that will extend into 1 of 12 to Hwy 182. In preparation for work in this area, NLLD is continuing the site preparation and excavation on the Sugarland property owned by the NLLD. The NLLD has cleared the property and began construction of a bypass ditch for the Twin Oaks FDA. NLLD is also continuing to coordinate with LPG on the new Butch Hill Pump Station with the development of Sugarland. Moving forward, NLLD will be managing a mix of self-performed work along with contracted work in an effort to expedite the work.

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

Lockport – Larose Levee Project Reaches C4, C5, and D1: D. Bourgeois 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 made a site visit to review the status of the work on May 11th. At that time, it appeared that the levee was to template, and this was confirmed by Neil based on survey information. There are still some punch list items that will need to be completed but based on the project being to design template everyone agreed the project is substantially complete. There was not enough time to get the paperwork for the Board to consider the motion this month, but it will be up for consideration at next month's meeting. L. Andolsek motioned, seconded by T. Allen to approve Change Order No. 10 to increase the contract time by an additional 6 days to extend the construction period to November 1, 2021, due to adverse weather conditions as requested by Onshore Materials, LLC and recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Lockport to Larose Reach B Levee Project: D. Bourgeois and A. Ostheimer reported Picciola & Associates continues to work on acquiring a ROW for a pipeline crossing for this levee reach. NLLD will be receiving CPRA reimbursement of \$1M available this year for this project and working with CPRA to finalize the documents for execution. NLLD is still working with CPRA to get the IGA finalized. CPRA is continuing the review plans for the project. Moving forward, NLLD will have Picciola continue to address any questions from CPRA. The NLLD will continue discussing the potential dirt pit for the project.

**D. Choupic Project Area:**

East 80 Arpent (Dixie Canal): D. Bourgeois and A. Ostheimer reported the Linkbelt/Wilco Deep-water Marsh Buggy is being used for some long-term maintenance dredging. The deep-water buggy is completed the dredging of the Dixie Canal. NLLD wanted to address a few maintenance issues prior to moving the buggy to the next job location. NLLD plans on having these items completed and tentatively moving the machine this week. The machine will be moved to the 60 Arpent Canal where it will perform work similar to the Dixie as it dredges app 2 miles of canals.

West Choupic & St. James Project Area Backwater Flood Protection: D. Bourgeois reported NLLD is working with LCI to re-align the proposed levee in an area that avoids the worst impacts to landowners yet may still be OK with the Corps. The goal is to establish that alignment and have a Pre-App meeting with the Corps to give a nod. NLLD will then continue notifying and working with the Choupic community impacted landowners to agree on a fair proposed project. NLLD is drastically re-thinking options on this and presented the basic concept to TRADs Committee earlier today.

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

Woodland Heights Levee: D. Bourgeois and A. Ostheimer reported this project will provide backwater flood protection from Woodland Heights to the public housing on Hwy 20 which had issues during last year's floods. NLLD has been working with the landowners in the area and have a project that will meet the needs of the area and prevent future flooding. LCI and the NLLD has executed a contract for the

design of this project, and they are currently working on the preliminary design of the project. The plan is to use the spoil from a new and existing drainage ditch to build a levee from the back of Woodland Heights along the 80 Arpent Canal that will extend North behind public housing and tie into Hwy 20.

**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. This construction is being partially reimbursed with GOMESA funding through CPRA. Sealevel has completed the Zeller side of the project and is currently working on the Larousse Side. Sealevel has been hauling in material that was required on the Northern side of the Larousse levee. Once this is complete, they will be shaping the levee moving toward Bayou Boeuf. R. Pitre motioned, seconded by A. Peltier to approve payment of pay request #5 in the amount of \$117,591.95 from Sealevel Construction, Inc. as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

LBW Backwater Protection Project: 308 Farmers Meeting: D. Bourgeois reported there are some federal rule changes being contemplated that would impact this potential project. NLLD will have to wait a bit to see how this all shakes out before re-grouping.

**G. Gheens Project Area:**

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 met with ASCE and Clark Construction on April 28th to discuss the project. Clark Construction has continued to improve the pace of construction and has moved app 40,000 CY of material based on the Engineer's estimates in the last month which is reflected in the pay request. Clark now has laid out a majority of the earthen material across the levee section. They still will have to process and install a good bit of material, but the level of protection is at 6/7'. R. Foret motioned, seconded by T. Hebert to approve payment of pay request #8 in the amount of \$604,982.42 from Clark Construction Enterprises, LLC as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

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. The project received some good news, getting a favorable Chief's report even before its full authorization by congress. But, the project, via the Corps, did receive \$8M in funding for PED. NLLD has a Capital Outlay request for \$2M for some design of the project that may see some funding in this session.

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

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. Circle, Picciola, and NLLD met onsite on May 9th for a substantial completion and all agreed that the project was substantially complete. Picciola has reviewed the cross section to verify the field inspection. Heading into hurricane season this is another project that NLLD is happy to have completed. E. Pitre motioned, seconded by T. Allen to approve payment of pay request #8 in the amount of \$176,832.05 from Circle, LLC as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

T-Bois Ludevine Levee Tie In: D. Bourgeois and A. Ostheimer reported this project will connect the T-Bois Levee on the eastern side of Hamilton Street to the Ludevine Levee on the Western side of Hamilton Street. It will provide some interconnectivity to the two FDAs. NLLD will take advantage of the property off of Hamilton Street that will be purchased to provide the material for this project and will hopefully be able to perform the earthen work as a proposal. Outer Limits has completed the excavation,

processing of material, and shaped the levee for the T-Bois Levee tie-in. They also have excavated and process some additional material to be uses on other projects in the area.

Morganza to the Gulf Eastern Tie-in, reach 2 Interim Improvements: D. Bourgeois and A. Ostheimer reported Dynamic Group, LLC that is the contractor for this project 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. NLLD met with Dynamic on May 10th to discuss the project.

Dynamic is continuing to excavate, process, haul, and install material. Dynamic has also been increasing the pace of construction during the last month. As of now a majority of this levee is at +5' or better which is a significant improvement. NLLD has asked Dynamic to address the areas below 5' to get that lift in ahead of hurricane season. A. Peltier motioned, seconded by D. Kiffe to approve Change Order No. 3 to increase the contract time by an additional 32 days due to adverse weather conditions for two days and thirty days for pit deepening as requested by Dynamic Group, LLC and recommended by the project engineer. No discussion or public comment. Motion passed unanimously. R. Pitre motioned, seconded by E. Pitre to approve payment of pay request #6 in the amount of \$189,923.52 from Dynamic Group, LLC as recommended by the project engineer. No discussion or public comment. Motion passed unanimously. D. Bourgeois stated all work in this area looks great; however, the T-Bois Levee is a bit steep and will need future work.

Ludevine Pump Station Replacement: D. Bourgeois and A. Ostheimer reported this project was developed out of the poor condition of the existing station and a conflict with the Reach 2 levee alignment. Recognizing this conflict and need, CPRA through GOMESA funding provided \$2.8M in the annual plan for construction of this project. NLLD is working with CPRA to finalize the documents for execution and seeking additional funds to cover project cost increases. CPRA has forwarded NLLD the IGA to execute. The NLLD is last to sign so once NLLD returns the IGA to CPRA the paperwork will be completed. NLLD met with GIS to discuss the pump station design on May 11th. NLLD will review the preliminary design drawings and return with comment to GIS over the next week. NLLD is hoping by next month to forward a set to CPRA to review. The back and forth with CPRA usually takes a couple of months, so NLLD is still on schedule to bid by the end of this year or sooner.

Morganza to the Gulf Eastern Tie-in, Reach 3 Interim Improvements: D. Bourgeois and A. Ostheimer reported funding for this project is included in the State's Annual Plan this year. The NLLD met with Intracoastal Consultants and Delta Coast on April 28th to discuss the project status. Since the USACE is now involved with MtoG, NLLD is working with Mitch at DCC to avoid any issues in moving forward. To cover NLLD's bases, NLLD has Intracoastal putting together a synopsis on the alignment and why this is the best alternative. NLLD is setting up a meeting with CPRA since they will be a part of the funding of the project to review the alignment. At some point NLLD will have to submit the plans to USACE and NLLD would like to make sure all of the bases are covered for the interim project and the future projects.

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

Maintenance Projects: D. Bourgeois and A. Ostheimer reported DDG solicited proposals for the St. Charles Bypass Maintenance lift which Sealevel was awarded the contract. NLLD has executed the contracts and plan on them starting ASAP. Sealevel has completed tying in the Legendre Canal Levee to the Choctaw Road. Outer Limits has started the maintenance work on Reach D4 through Allied Shipyard. NLLD also has a project in Raceland Prairie 3 of 12 to address some seepage issues that will take another month or so to line up. LCI has developed a plan and NLLD has met with the landowners who have stated a willingness to execute RoWs for the NLLD to perform the work. NLLD will be clearing some flood side trees on a few of levees over the next few months. NLLD also met with LCI and Golden Ranch to discuss the vegetation spraying which should be performed later this month.

Morganza to the Gulf (MTG), Larose to Lockport Feasibility Report: D. Bourgeois reported Delta Coast Consultants (DCC) is working on the design of the actual alignment of the levee within the district and to file the permit application. Now that there is a new start funding for the project, the goal is to closely integrate efforts with the Corps, especially pertaining to permitting. DCC has modified the Reach 1 permit and resubmitted to USACE to blend with projects permitting through the Corps CW.

Morganza to the Gulf: D. Bourgeois reported the Morganza to the Gulf project has its federal “new start” designation, a signed PPA and considerable funding for the project at \$378M through the IIJA. All involved are also pursuing additional ongoing funding from the Federal Government and are encouraged in what everyone is hearing. Everything is falling into place; but, there is still the need to keep pushing for ongoing funding and to match the Morganza’s efforts and needs with the Corps. NLLD, the State and TLCD have an established priorities list based on the largest vulnerabilities along the MtoG alignment for any funding received. It includes. 1)Humble (~\$44.25 Million, finishing the work from the new start) 2) GIWW-East Closure (~\$121 Million, closure and tie in near North American) 3) GIWW-West Engineering and Design (~\$13.25 Million,) 4)Reach A south – Minors Canal to Marmande Ridge (~\$119.5 Million) 5) Eastern Tie-In (~\$93.75 Million) 6) Minors Canal Flood Gate (~\$29.5 Million) 7) GIWW-West Construction (~\$112 Million) 8) F/L/I/H Levee Lifts (~\$82.75 Million) 9) Required Mitigation (~\$60 Million). Note that the highest priority after finishing what has been started at Humble is the Eastern GIWW closure. For economy, it made sense to work on the design of the GIWW western closure structure but its construction would come after the work on the western and eastern tie in (4 & 5) which are to be worked simultaneously. The Eastern tie in are projects known as Reach 1 from the GIWW to where starting Reach 2 is. It also includes what is called Reach 3 and 4 on the East side of Bayou Lafourche; With funding coming, everyone needs to continue staying ahead of which projects are a priority and which other MtoG projects can be funded through other opportunities. MAC presented to the MRC and had a flyover of the Morganza with ASA (civil works), Michael Conner and the Deputy Chief of USACE (Graham). D. Bourgeois said he and Chip Kline made a presentation and spoke to the entire USACE on Wednesday, May 11 last week on the MtoG at the USACE quarterly executive governance meeting where all 43 district commanders, nine division commanders and all the generals and SES from the USACE headquarters were in attendance. The presentation to the Corps was on how the USACE can be a better partner on big projects like MtoG. Colonel Murphy (New Orleans District Commander) said it was extremely well received.

**K. General Items:**

Equipment: G. Bourgeois gave an update on equipment for this month. The Track Machine’s turn table’s gear box was leaking because the bearings were frozen on the shaft and they were cut off. The Taz is working fine and the more it runs the better it operates. There is a trucking company from Lafourche Parish which will move the Deep Water buggy on a truck and save NLLD money.

Photo Presentation: A. Ostheimer presented photos and gave explanations on the following projects: Dixie Canal; LtoL C4,C5,D1; Natural Gas Levee; MtoG Reach 2; T-Bois Levee FDA and T-Bois Tie-In

NFIP: D. Bourgeois reported there is currently not much unexpected movement with NFIP and RR2.0, or the RFI they recently put out. In DC HFS is scheduled to meet on May 25th concerning Re-authorization which has to be at least temporarily addressed before the program expires on September 30th. In the State, there is HCR 84 to “memorialize congress to review and reform the National Flood Insurance Program’s pricing methodology known as Risk Rating 2.0.” which is moving along through the legislators.

Surface Lease for Hunting Privileges: The district has had property in the Lake Bouef area under a signed hunting lease agreements for the last ten years. The most recent lease expired. An advertisement for bids was published that brought in one bid. A new lease agreement has been executed for five years.

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: 4/20/22

Flyover w/ ASA-CW Conner: 4/21/22

Coastal Law Seminar: 4/21/22-4/22/22

SCIA Luncheon w/ Congressman Graves: 5/3/22

ALBL Annual Workshop: 5/5/22-5/6/22

USACE HQ Zoom Presentation on MtoG: 5/11/22

MAC Board Meeting: 5/17/22

Contract Discussions: As the board is aware, NLLD has several contracts that are in or will trigger the Liquidated Damages Clause on their contracts. (Construction and Taz) There are many things that the Board should consider on a case-by-case basis and there are mitigating circumstances that may or may not play into any decision to assess damages. All of this is too in the weeds to be vetted by the full Board at monthly meetings, at least not in a timely manner. D. Bourgeois reminded everyone that current contract law requires NLLD to sue for LD after all contract obligations have been paid. That is, NLLD can't simply withhold funds from final balance or retainage which makes this even more challenging. As such, D. Bourgeois asked that NLLD push these cases to NLLD's Legal and Development Committee for their consideration and recommendation to the full board. Because NLLD is required to pursue via legal proceedings, much of this will be in executive session for those meetings.

Finance & Priority Committee: Committee Chair Louis Andolsek reported that the Finance and Priority Committee conducted a meeting on April 19, 2022. 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.

Accounts Payable: A motion was made by L. Andolsek, seconded by E. Pitre 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. The President announced the next Regular Monthly Board Meeting will be at 5:20 PM (or immediately following the 5:15 PM F&P Committee meeting) on Tuesday, June 21, 2022, at the District's office located at 3862 Highway 1, Raceland, LA. The meeting was unanimously adjourned at 6:57 PM on motion by R. Pitre, seconded by E. Pitre.

Cory Kief, President: \_\_\_\_\_

Dwayne Bourgeois, Executive Director: \_\_\_\_\_