

**Minutes of the Public Hearing and Regular Monthly Board meeting of the North Lafourche Conservation, Levee & Drainage District, July 19, 2022**

The Regular Monthly meeting of the North Lafourche Conservation, Levee and Drainage District Board of Commissioners was called to order on July 19, 2022, by President Cory Kief at 5:37 pm. The meeting was held at the district's office at 3862 Highway 1 in Raceland. The pledge was led by Tory Hebert and the invocation was given by Monique Crochet. President Kief called roll. Commissioners present were Cory Kief, Tim Allen Louis Andolsek, Rodney Foret, Darcy Kiffe, Tory Hebert. Commissioners Elmo Pitre, Percy Gasery, Adley Peltier, and Robert Pitre were absent. Others present were NLLD Executive Director Dwayne Bourgeois; Program/Project Manager Arthur Ostheimer; NLLD Administrative Assistant Madonna Viguerie; Executive Assistant Katie DeRoche; Project/Accounting Assistant Brandy Theriot, and various engineering professionals.

Public Hearing to consider the 2022 Revised Budget: C. Kief reported the Finance and Priority Committee met and reviewed in detail the Revised 2022 Budget and the board has a copy of the budget in their meeting packets and copies are available to the public. The Committee's recommendation to the board is for adoption as written. There being no discussion or public comment on the 2022 Revised Budget, M. Crochet, motioned, seconded by T. Hebert to close the public hearing. No discussion or public comment. Motion passed unanimously.

Approval of Minutes: Motion was made by R. Foret, seconded by M. Crochet, to approve the minutes of the following meetings: June 21, 2022, Finance & Priority Committee, June 21, 2022 Regular Board Meeting and June 29, 2022 Legal & Development Committee. No discussion or public comment. Motion passed unanimously.

Adoption of the Revised 2022 Budget: L. Andolsek motioned, seconded by R. Foret to adopt the Revised 2022 Budget.

**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. It was found that a protracted dredging project would not likely provide the protection from flooding that's needed. After shifting things, a bit, TBS provided a conceptual design and an estimate; but, that is not really practical either because of the cost. NLLD plans on clearing out some of the main drainage outfall channels and a small portion of St. Louis Bayou with NLLD's TAZ machine. Since some of this work will be in Terrebonne Parish, NLLD will be coordinating with TPCG. NLLD has reached out and they have no objection to the NLLD performing this work, but NLLD will be working on a CEA to cover its basis and then will revisit the potential drainage improvements in the area. Andolsek motioned, seconded by T. Hebert to allow the NLCLDD to enter into a Cooperative Endeavor Agreement with Terrebonne Parish Consolidated Government for access to St. Louis Bayou / Canal in parts of a Terrebonne Parish to provide for maintenance dredging of the same in the interest of NLCLDD drainage project for the Acadia Woods area and allowing the Executive Director to execute any and all contracts. No discussion or public comment. Motion passed unanimously.

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. NLLD is waiting on the final right of way areas and maps for valuation and will also work on executing the right of way at Talbot.

**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. NSU agreed to keep the drainage improvements NLLD was proposing in that area in the contract for the construction of the Coastal Center. The Coastal Center looks like they will be getting some additional P2 funding from last year that would take care of a good bit of the proposed improvements.

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. Sealevel has mobilized and begun working on the access on the southern end of the project. They are performing some clearing in preparation to install the stone. T. Allen asked if the garbage dumped by the public in the area was being addressed instead of pushed to the side and Tre with LCI said they are resolving that with the contractor being responsible for removal.

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. This year, NLLD did receive Capital Outlay Appropriations in HB2 for these projects. NLLD received a P1 appropriation of \$1,225,000, cash line payable from the Cap Outlay Savings Fund of \$3,000,000 and a P5 Appropriation of \$2,750,000 of the \$6M ask. So, when the board sees the delegation, especially Representative Zeringue and Senator Allain, please thank them for towing the line on this. LCI is continuing the work for the design of the capital project for the 2 of 12 project that will extend into 1 of 12 to Hwy 182. NLLD just received the packet from Division of Admin so NLLD will be reviewing to make sure all of the in-kind work can be captured. LCI is currently continuing the design of the mainline project. NLLD is continuing its work on the Sugarland property currently digging a bypass ditch for the Twin Oaks subdivision drainage. NLLD is also continuing to coordinate with LPG on the new Butch Hill Pump Station with the development of Sugarland. NLLD will be taking proposals some time over the next couple of months to move approximately 25K CY of material for the moving of the Element 2 levee between Twin Oaks and Butch Hill.

**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. The certificate of substantial completion was accepted last month. You will note that based on the new construction period below, the contractor is facing a substantial Liquidated Damages claim by the District and we have begun the process for considering the assessment of those claims anticipating formal adoption of the District's Policy Regarding Liquidated Damages later this evening. T. Hebert motioned, seconded by L. Andolsek to approve Change Order No. 11 to balance the contract amount to the actual work by a decrease of \$826,265.21 and an increase to the contract time by 2 days to extend the construction period to November 3, 2021 as requested by Onshore Materials, LLC and recommended by the project engineer. L. Andolsek asked why is there this reduction? A. Ostheimer said for not meeting the template designed for the canal. D. Bourgeois said it is good news to have this decrease; however, NLLD will probably have to spend this or more on the second lift of the project. Discussion ensued about the designed template of the project and the execution of the template by the engineer. No further discussion or public comment. Motion passed unanimously with Commissioner Darcy Kiffe temporarily absent missing the vote. T. Allen motioned, seconded by R. Foret to approve payment of pay request #30 in the amount of \$292,454.64 from Onshore Materials, LLC as

recommended by the project engineer. No discussion or public comment. Motion passed unanimously with Commissioner Darcy Kiffe temporarily absent missing the vote.

Lockport to Larose Reach B Levee Project: D. Bourgeois and A. Ostheimer reported NLLD will be receiving CPRA reimbursement of \$1M available this year for this project. The IGA was finalized and executed. CPRA is currently circulating the IGA for signature while also continuing the review plans for the project. NLLD has been going back and forth with CPRA to answer questions as they are presented during the review process. The NLLD will continue discussing the potential dirt pit for the project.

**D. Choupic Project Area:**

West Choupic & St. James Project Area Backwater Flood Protection: D. Bourgeois reported NLLD is working with Leonard Chauvin P.E., Inc. (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. NLLD is drastically re-thinking its options on this project.

**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 to have a project that will meet the needs of the area and prevent future flooding. LCI is continuing with the design for the project.

**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. Weather permitting, NLLD estimates that they will be ready for substantial completion in the next couple of weeks. Contract time expires on July 23, however LCI is working on a change order for contract time, which they should have ready for the Board's consideration next month possibly with substantial completion. D. Kiffe, seconded by M. Crochet to approve payment of pay request #7 in the amount of \$163,343.00 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.

60 Arpent Canal Clearing and Maintenance Project: D. Bourgeois and A. Ostheimer reported the NLLD's deep-water Marsh Buggy is being used for some long-term maintenance dredging of approximately 2 miles of the 60 Arpent Canal. Sealevel Construction is currently clearing the spoil bank and creating the retainage dike with support from the NLLD's machine. Once this is complete, NLLD will begin dredging the canal.

**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 June 28th for the monthly progress meeting. Clark is working on completion of the project but has slowed the last couple of weeks by the rain. NLLD is expecting them to request substantial completion soon as they have finished hauling in the material for the project and have a vast majority shaped to template. NLLD is also expecting a change order for additional time for the Board's consideration next month relative to weather and additional material that needed to be brought in. L. Andolsek motioned, seconded by R. Foret to approve payment of pay request #10 in the amount of

\$150,791.60 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. D. Bourgeois said he attended a USACE/CPRA/LBLD site visit last Thursday, July 12. The majority of the USACE effort on this project with these funds will be for parts of the UBRR project that are in Lafourche Parish as design as not been substantially advanced in these areas. The USACE Design team at MVN is substantially overloaded at this time and they have been directed by MVD to "sub-out" if you will some of the design work to other Districts within MVD. So, some of the folks from MVP (St. Paul, Minnesota) who will be working on the design under the oversight of folks at MVN were brought to the field.

#### **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. The certificate of substantial completion was accepted last month. The assessment of Liquidated Damages is under consideration by the Legal and Development committee who may make their recommendation to you later this evening. The project is currently in the clear lien period.

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. Outer Limit recently finished excavating and processing material from the property off Hamilton Street that the District purchased to be used on this project and others in the area. Since the earthen work is completed on the project, NLLD is now focusing on the design and tie-in of the levee across Hamilton Street at the T-Bois Pump. This work will include raising Hamilton Street and the installation of a large box culvert under the road to add some redundancy for the FDA pump capacity between T-Bois and Ludevine. NLLD is hoping to bid this fall.

Morganza to the Gulf Eastern Tie-in, reach 2 Interim Improvements: D. Bourgeois and A. Ostheimer reported Dynamic Group, LLC 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 ultimately provide \$3M for this project available through Capital Outlay / State Surplus funds. NLLD met with Dynamic on July 12th to discuss the project.

Dynamic is continuing to excavate, process, haul, and install material. NLLD asked Dynamic to address the areas below 5' to get that lift ahead of hurricane season. It appears they have either raised the levee to 5' or placed material adjacent to the levee so it could be installed quickly if it becomes necessary.

Currently their contract time is set to expire in August and NLLD expects the project to be a few weeks behind schedule relative to workdays remaining. T. Allen motioned, seconded by D. Kiffe to approve Change Order No. 4 to increase the contract amount by \$4,416.35 for additional pit surveys and aggregate for the access road, and an increase to the contract time by an additional 6 days as requested by Dynamic Group, LLC and recommended by the project engineer. No discussion or public comment. Motion passed unanimously. L. Andolsek motioned, seconded by M. Crochet to approve payment of pay request #8 in the amount of \$114,616.02 from Dynamic Group, LLC as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

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. Some of these needed funds have been included in this year's Annual Plan from CPRA. NLLD has been working with GIS Engineering on the development of this project. The executed IGA was returned to CPRA. GIS has submitted a set of drawings for review and have been submitted to CPRA. NLLD will be executing an engineering contract with GIS this month. NLLD will be pushing the project towards bidding this fall. NLLD needs to address the construction estimate that has escalated with the inflationary pressures with CPRA moving forward. 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. CPRA is reviewing and familiarizing themselves with the alignment NLLD presented them in June which has included some additional discussion and meetings with Intracoastal Consultants to answer or address any questions or concerns. Once they complete their review, NLLD will present the alignment to USACE.

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

Maintenance Projects: A. Ostheimer reported Sealevel is currently working on a maintenance lift of the St. Charles Bypass levee and is about 60-70% complete with the project. Outer Limit has started the maintenance work on Reach D4 through Allied Shipyard after getting the alignment adjusted. NLLD is still working to finalize some RoWs for a project in the Raceland Prairie 3 of 12 to address some seepage issues. Some flood side trees on the Des Allemands Levee were cleared. NLLD is installing some rip rap and a trash screen at the Edna Pump that was planned to be completed after the installation of the new pump. Golden Ranch has wrapped up the vegetation spraying earlier this month.

Morganza to the Gulf (MTG), Larose to Lockport Feasibility Report: D. Bourgeois reported Mitch Marmande with Delta Coast Consultants (DCC) is working on the design of the actual alignment of the levee within the district and the required 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. D. Bourgeois said he and Mitch are planning some additional meetings with the Corps but are waiting to use some western tie-in discussions that are ongoing as a templet.

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 IJJA. All entities involved with MtoG are also pursuing additional ongoing funding from the Federal Government and are encouraged in what is being heard. Everything is falling into place; but, all involved has to keep pushing for ongoing funding and to match the efforts and needs with the Corps. Even with funding coming, there needs to be a continuation of staying ahead of which projects are a priority and which other MtoG projects can be funded.

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

Equipment: A. Ostheimer gave an update on equipment for this month. The injectors had to be changed on the Linkbelt 130, which was under warranty. Some repair parts had to be ordered for the CAT 330 machine. The Marsh Buggy 350 was moved and working as expected.

Photo Presentation: A. Ostheimer presented photos and gave explanations on the following projects: 3 of 12 levee maintenance; 60 Arpent Canal; LtoL C4,C5,D1; Edna Barrios trash screen; Hollywood Canal; Natural Gas Levee/Natural Gas Pump; MtoG Reach 2/T-Bois Tie-In; T-Bois Levee; Valentine Pumps; St. Charles Bypass maintenance; Zeller/Larousse Levee

2022 Regular Legislative Session: D. Bourgeois reported on the updated funding and other legislation for the NLLD. The continued funding in the Annual Plan is as follows: L to L Reach B1 = \$1M, MtoG East Tie R2 = \$2.1M, Zeller / Larousse = \$1M, Gheens Natural Gas = \$2.75M, Ludevine Pump = \$2.8M, Hollywood Canal = \$5.1M which is carried forward at \$14.75 million total. The new funding in the Annual Plan is as follows: MtoG East = \$5M, MtoG East R3 = \$3.75M; the new funding in Capital Outlay is as follows:

Raceland Prairie = \$4.225M and that adds to \$12.975. In total, \$27.725 million is approved this year. Plus, working with the ALBL, NLLD was directly involved in a good bit of legislation that will improve how we are able to conduct business such as changes to purchase requirements, preservation of NLLD's statutory ROW, and other issues of governance. For example, HR227 where D. Bourgeois said he largely drafted an idea carried by Representative Zeringue, that he and C. Kief came up with to force several state agencies to work with ALBL to jointly address issues that impact this district, especially the NFIP which is currently not being carried by any agency. D. Bourgeois said he and C. Kief will be having a preliminary meeting on this with CPRA and Representative Zeringue after the CPRA meeting this week. Discussion ensued on the NFIP.

NFIP: D. Bourgeois reported there is currently not much expected real movement with NFIP reauthorization and RR2.0, or the RFI they recently put out. 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 passed both Chambers unanimously. D. Bourgeois said he also drafted questions for the record that Senator Kennedy has submitted to Mr. Maurstad with FEMA for the purpose of demanding answers the people of Louisiana deserve when it comes to RR 2.0. In the meantime, the best approach to have now is to educate the public on these drastic changes and have them contact LA's congressmen/Senators, especially in other states, as LA's legislators are already addressing this as best as they can. GNO, Inc. and another group out of Monroe County Florida and Fort Bend Texas are trying to help with that. Locally, just to add another layer to our issues with FEMA, we are working on new FEMA DFIRMS that are being presented for adoption by the Parish. Although better than originally provided due to the LAMP being used, there are still many areas in these maps that are non-sensical and unenforceable. As such, D. Bourgeois said he, LPG President Archie Chaisson, and Nicole Cutforth with APTIM and will be traveling to Dallas to meet with FEMA to go over the recent floodplain maps. This is an important component of RR 2.0 and NFIP.

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:

Coastal Advisory Team Meeting: 6/30/22

SCIA Banquet: 6/30/22

BIG Luncheon (Dwayne, Reggie & Windell Presentation): 7/11/22

Finance & Priority Committee: Committee Chair Louis Andolsek reported that the Finance and Priority Committee conducted a meeting on June 21, 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.

Legal / Development Committee: Committee member Rodney Foret reported the Legal/Committee met on June 29, 2022. The NLLD Board has a copy of those minutes in tonight's meeting packet. During that meeting, the Executive Director presented a draft process for handling potential assessment of liquidated damages, if applicable at the completion of a contract. The flowchart was well thought out by the staff and legal counsel. The committee had discussions for clarification and requested additional time for further consideration by the members. The committee met again earlier this afternoon for review of the final process as the board will find in the meeting packets. It is the committee's recommendation that this process be adopted by the board for use by NLCLDD on current and all future contracts. T. Allen motioned, seconded by R. Foret to adopt the North Lafourche Conservation, Levee and Drainage District's Policy Regarding Liquidated Damages as recommended by the District's Legal and Development Committee. L. Andolsek said after reading the draft Liquidated process, he found it to be well worded and gives the contractors opportunities to produce information that can be considered at a later date. No further discussion or public comment. Motion passed unanimously.

Accounts Payable: A motion was made by L. Andolsek, seconded by T. Hebert 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 4:45 PM F&P Committee meeting) on Tuesday, August 16, 2022, at the District's office located at 3862 Highway 1, Raceland, LA.

L. Andolsek motioned, seconded by M. Crochet to enter Executive Session at 7:11 pm, pursuant to LA R.S. 42:17A (2), to discuss the following items: the Procurement Contract with Marsh Buggy's Inc. for the Linkbelt 130 Marsh Buggy and the Construction Contract on the T-Bois Levee Improvement Project, NLCLDD Project No. 6800.56Z with Circle, LLC. No discussion or public comment. Motion passed unanimously. D. Kiffe motioned, seconded by M. Crochet to return to Regular Session at 7:41 pm. No discussion or public comment. Motion passed unanimously. R. Foret motioned, seconded by T. Hebert to allow the NLCLDD Executive Director to communicate with Marsh Buggy's Inc. to provide a deadline to respond to the potential liquidated damages and warranty issues and to discuss such issues with MBI and report to the Legal and Development Committee at its next meeting with the NLCLDD Executive Director's recommendation. No discussion or public comment. Motion passed unanimously. T. Allen motioned, seconded by D. Kiffe to allow the NLCLDD Executive Director to communicate with Circle, LLC to explore a resolution of the liquidated damages claim within the parameters the NLCLDD Executive Director discussed in Executive Session and prepare a balancing change order based upon his recommendation for Circle, LLC's approval if possible. No discussion or public comment. Motion passed unanimously. The meeting was unanimously adjourned at 7:44 PM on motion by R. Foret, seconded by L. Andolsek.

/s/Cory Kief, President

/s/Dwayne Bourgeois, Executive Director