

Minutes of the Regular Monthly Board meeting of the North Lafourche Conservation, Levee & Drainage District, August 16, 2022

The Regular Monthly meeting of the North Lafourche Conservation, Levee and Drainage District Board of Commissioners was called to order on August 16, 2022, by President Cory Kief at 5:19 pm. The meeting was held at the District's office at 3862 Highway 1 in Raceland. The pledge was led by Tim Allen and the invocation was given by Percy Gasery. President Kief called roll. Commissioners present were Cory Kief, Tim Allen, Louis Andolsek, Rodney Foret, Darcy Kiffe, Tory Hebert, Elmo Pitre, Percy Gasery, Adley Peltier, Robert Pitre, and Monique Crochet who arrived at 5:25 pm. There was a full board present. 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. C. Kief recognized Heather Hendrix who is running for District Judge in Lafourche Parish.

Approval of Minutes: Motion was made by E. Pitre, seconded by T. Hebert, to approve the minutes of the following meetings: July 19, 2022, Finance & Priority Committee, July 19, 2022 Public Hearing & Regular Board Meeting and July 19, 2022 Legal & Development Committee. No discussion or public comment. Motion passed unanimously.

Audit Report for December 31, 2021: C. Kief reported Broussard and Company, CPAs, LLC provided audit services through the LA Legislative Auditor for the year ending December 31, 2021. Their report was emailed to the board members, and it can be found at the LLA website. Mr. Michael DeFalco, CPA was the team leader for the audit, and he is here this evening to answer any questions regarding the audit. Mr. DeFalco gave his report. He stated there were no problems with the audit. The audit went very smoothly. T. Allen asked how the NLLD staff prepares for the audit compared to other state agencies. Mr. DeFalco said NLLD prepares very well for the audit compared to other state agencies. The board commended Madonna on her work for the audit. D. Bourgeois said it was a pleasure working with Broussard and Company, CPAs, LLC, as they are very knowledgeable and have experience in the levee board business.

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 bring improved drainage to the Acadia Woods area of Lafourche Parish and the City of Thibodaux. NLLD will use the TAZ machine to clear out some of the drainage ditches in the area and then re-group on any proposed projects. I'll ask Arthur for an update on the status of the CEA with TPCG for access to the St. Louis Bayou / Canal in parts of Terrebonne Parish flowing from Acadia Woods. The NLLD, with Pat, has a draft copy of the CEA for review. NLLD will finalize this draft and submit to TPCG for their review and comment. TPCG will have to present the CEA to their Council for approval so it will take at least 30 days to get this fully executed. Once NLLD does have this executed, the Taz unit will be moved to the area to clear the drainage channels.

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 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 is 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 have completed clearing the area but have been slowed by the weather. A. Peltier motioned, seconded by P. Gasery to approve Change Order No. 1 to increase the contract time by 14 days to extend the construction period to July 3, 2023 due to inclement weather and site conditions in July 2022, as requested by Sealevel Construction, Inc. and recommended by the project engineer. No discussion or public comment. Motion passed unanimously. R. Pitre motioned, seconded by T. Hebert to approve payment of pay request #1 in the amount of \$454,117.05 from Sealevel Construction, Inc. as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

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. The funding will be administered by the Office of Facility Planning and Control. They are working on the funding agreement. The NLLD, LCI, and Rene Becnel with FP&C met to discuss the project on 8/10 here at the NLLD office. At that meeting, the funding requirements for the project were discussed. The next step is to finalize the CEA with FP&C to get that aspect of the project started. LCI is continuing the design of the project. NLLD is continuing the work on the Sugarland property currently digging a bypass ditch for the Twin Oaks subdivision drainage. T. Allen motioned, seconded by M. Crochet to allow the Executive Director to sign any and all related documents with the State of Louisiana, Division of the Administration, Office of Facility Planning and Control on FP&C Project Number 50-N71-21-01. No discussion or public comment. Motion passed unanimously.

Bayou Folse Watershed Backwater Flood Protection: D. Bourgeois reported on this project that NLLD had been framing up for a little bit. Commissioner Tim Allen suggested NLLD explore if there would be any synergy between NLLD's efforts and efforts of the Lafourche – Terrebonne Soil and Water Conservation District, a local governmental group under the USDA Natural Resource Conservation Service (NRCS). Their goal was to submit a couple of projects that might be considered for funding by NRCS. NLLD met initially with some folks from LTSWCD, LA Department of Ag and Forestry and NRCS where everyone sorted out the opportunity for receiving some funding assistance for design of a project that benefits farmland within the District and came up with a couple of projects. One along US90 near Des Allemands and D. Bourgeois said he suggested a consideration of an Upper Bayou Folse backwater protection project that NLLD had already been considering and everyone felt this project would check all the boxes. D. Bourgeois said he agreed to ask ASCE to frame up something along US90 and LCI to work on framing something up along the lines NLLD had been thinking about. LCI suggested some alternatives and there were a few meetings of refining that. The larger group met again with NLLD on August 9, 2022, this time along with Commissioner Bob Pitre, where it was decided to submit an application.

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 in June. The project is complete and the clear lien period has expired. NLLD did not receive the request for retainage but does expect to have this information next month. The NLLD is still waiting for requested as-built information from the engineering for NLLD's files and use.

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. A meeting was held with Picciola, Geotechnical Engineer, and CPRA to discuss comments/questions returned by CPRA. Picciola is currently coordinating the responses with the Geotech to submit to CPRA.

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 and will begin pushing to begin work in the fall. NLLD met with LPG to discuss operation of the pump and will need to work through a few details.

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 finishing the Larousse Side. Last month, NLLD estimated they would be ready for substantial completion in the next couple of weeks. Unfortunately, weather did not permit and there is still approximately 1800LF to shape or 2 weeks of work. A. Peltier motioned, seconded by R. Pitre to approve Change Order No. 3 to decrease the contract amount by \$6,512.80 to adjust to the actual quantities used, and to increase the contract time by an additional 25 days to extend the construction period to August 17, 2022, due to inclement weather conditions as requested by Sealevel Construction, Inc. and recommended by the project engineer. No discussion or public comment. Motion passed unanimously. R. Pitre motioned, seconded by A. Peltier to approve payment of pay request #8 in the amount of \$156,475.45 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 August 3rd for the monthly progress meeting. Clark is working on completion of the project but has been slowed by the rain. Although the project is not built to template, NLLD can say based on information from ASCE field personnel, that as of July 20th the protection elevation is at 7' which is the project goal. NLLD does expect Clark, once the weather permits, to complete the final dress work on the levee and request substantial completion. R. Foret motioned, seconded by L. Andolsek to approve payment of pay request #11 in the amount of \$25,901.85 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 the NLLD and the LBLD have been working cooperatively to get this design further down the road. The project received a favorable Chief's Report. The project, via the Corps, did receive \$8M in funding for PED and MVP is working on the PED under the oversight of MVN.

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 in June. The assessment of Liquidated Damages was considered by the Legal and Development committee, and they recommended to charge the contractor with 36 days of liquidated damages and balance the remaining contract time with a change order. L. Andolsek motioned, seconded by P. Gasery to approve Change Order No. 6 to decrease the contract amount by \$18,000.00 representing 36 days of liquidated damages at a rate of \$500.00 a day and to increase the contract time by an additional 35 days to extend the construction period to April 2, 2022, as requested by Circle, 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 the final pay request for retainage in the amount of \$15,077.49 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. 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. NLLD met with Picciola on August 4th and discussed moving the Phase 2 project forward without the asphalt work. NLLD will not perform the asphalt work over concerns that it would be damaged during construction of the new Ludevine Pump Station. This approach will allow NLLD to install the protection across Hamilton Street immediately while allowing the traffic to consolidate the installed material. This will also allow additional time to coordinate the possible replacement of the Eunice Allemande Bridge which would be funded by LPG.

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 surplus funds. NLLD met with Dynamic on August 9th 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 in 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. NLLD did ask them to get the entire levee to a minimum of 5' and for GIS to send over a centerline elevation profile to

confirm level of protection. L. Andolsek motioned, seconded by A. Peltier to approve Change Order No. 5 to increase the contract time by an additional 45 days of which 15 days are related to July 2022 adverse weather conditions and 30 days are related to trucking issues from Hurricane Ida, pit processing changes and access route adjustments, as requested by Dynamic Group, LLC and recommended by the project engineer. No discussion or public comment. Motion passed unanimously. T. Allen motioned, seconded by M. Crochet to approve payment of pay request #9 in the amount of \$65,841.79 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. The IGA was finalized and executed, and NLLD is seeking additional funds to cover anticipated 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. GIS has submitted a review set of drawings which was forwarded to CPRA for review. CPRA has returned comments/questions and GIS is currently working on the response. NLLD met with GIS to discuss the project timeline on August 10th and will be pushing the project towards bidding this fall.

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. NLLD has been discussing the alignment with CPRA and trying to get all the information they have requested. Once they complete their review, the alignment will be presented 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 75% complete with the project. Outer Limit has started the maintenance work on Reach D4 through Allied Shipyard. They are currently working on clearing the area where the levee will be realigned to. NLLD met with the landowners in order to finalize the RoW agreement for a project in the Raceland Prairie 3 of 12 to address seepage issues. The installation of rip rap and a trash screen at the Edna Pump was completed. The TAZ unit has been working with LPG on clearing the drainage connection between Cyprien and Butch Hill.

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 permit. 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 we are waiting to use some western tie-in discussions that are ongoing as a template.

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 IJIA. 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, everyone 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 through other opportunities. There are follow-up meetings with the Corps and OMB as well as LA DC Delegation in the coming months.

K. General Items:

Equipment: A. Ostheimer gave an update on equipment for this month. MBI will come tomorrow to fix

the Linkbelt 130 back to operating. The CAT 330 has some hoses and valves being replaced and should be back up and running next week.

Surplus/Disposal of mud-boat, motor and trailer: NLLD no longer needs this vessel now that NLLD has shifted the equipment balance. It would be best to surplus the unit. NLLD Attorney Pat Amedee read the resolution aloud regarding this action item. R. Pitre motioned, seconded by T. Allen to surplus/dispose the mud-boat, motor and trailer. No discussion or public comment. Motion passed unanimously.

Photo Presentation: A. Ostheimer presented photos and gave explanations on the following projects: 60 Arpent Canal; Stops logs at Allied Shipyard; Hollywood Canal; Zellar/Larousse Levee; Natural Gas Levee/Jesse Dufrene Tie-In; Lockport to Larose 1 of 12; MtoG Reach 2; St. Charles Bypass; and Twin Oaks Pump

NFIP: D. Bourgeois reported the NFIP will expire on September 30, 2022 and will likely be reauthorized by a CR taking it into next year at some point. However, there is currently not much expected real movement with NFIP reauthorization and RR2.0, or the RFI they recently put out. D. Bourgeois said he has 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 and still waiting for those replies. The ALBL is working to get the State AG to file suit showing damages and non-compliance with the APA from the development and implementation of RR 2.0. Many locals have been willing to present their personal flood insurance rate increases and this can be used to further the case in filing suit on FEMA for the implementation of RR 2.0. Locally, just to add another layer to these issues with FEMA, the new FEMA DFIRMS are being worked on that will be 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, LPG Public Works Director Dillon Baronne, Nicole Cutforth with APTIM travelled to Dallas on August 7-8 to meet with FEMA to go over the recent floodplain maps. The meeting went well; however, they still do not completely understand the geographical area here. The differences this region has in flooding than any other flooding zones in the U.S needs to continue to be pushed. But, D. Bourgeois said he believes they do know the consequences of them not getting this right.

Association of Levee Boards of Louisiana Annual Meeting: D. Bourgeois reported ALBL will host its annual meeting on Nov. 30- Dec. 1 in New Orleans and to let Katie know if there is interest in attending.

Permanent Roof Installation Update: D. Bourgeois reported Edward J. Laperouse Metal Works, Inc. is installing the permanent roof this week that has been approved in the 2022 Revised Budget.

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:

SCIA Luncheon: 7/19/22

CPRA Board Meeting: 7/20/22

Texas FEMA trip on DFIRMS: 8/7/22-8/8/22

BTNEP Management Conference: 8/11/22

ALBL Executive Meeting: 8/12/22

SCIA Luncheon: 8/16/22

MAC Meeting: 8/16/22

Finance & Priority Committee: Committee Chair Louis Andolsek reported that the Finance and Priority Committee conducted a meeting on July 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. The committee also reviewed the director's recommended revisions to the 2022 Budget and recommended it for adoption by the full board.

Legal / Development Committee: Committee Chair Percy Gasery 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 the final process for handling liquidated damages, and that was later adopted by the full board as the NLCLDD Liquidated Damage Policy. The committee also went into executive session to discuss the procurement contract for the Linkbelt 130 MB with Marsh Buggy's Inc. and the T-Bois project construction contract with Circle, LLC.

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, September 27, 2022, at the District's office located at 3862 Highway 1, Raceland, LA. R. Pitre motioned, seconded by L. Andolsek to accept the recommendation made by the Legal and Development Committee regarding the Procurement Contract with Marsh Buggy's Inc. for the Linkbelt 130 Marsh Buggy and the Construction Contract on Lockport to Larose C4, C5, D1 Project, NLCLDD Project No. 6300.50Z/6300.61Z with Onshore Materials, LLC. No discussion or public comment. Motion passed unanimously. The meeting was unanimously adjourned at 6:40 PM on motion by R. Pitre, seconded by T. Allen.

/s/Cory Kief, President

/s/Dwayne Bourgeois, Executive Director