

**Minutes of the Regular Monthly Board meeting of the North Lafourche Conservation, Levee & Drainage District, July 18, 2023**

The Regular Monthly meeting of the North Lafourche Conservation, Levee and Drainage District Board of Commissioners was called to order on July 18, 2023, by President Cory Kief at 5:20 pm. The meeting was held at the District's office at 3862 Highway 1 in Raceland. The pledge was led by Darcy Kief and invocation given by Tim Allen. President Kief called roll. Commissioners present were Tim Allen, Rodney Foret, Darcy Kiffe, Adley Peltier, Tory Hebert (arrived at 5:22 pm), Cory Kief, and Elmo Pitre.

Commissioners Percy Gasery, Monique Crochet, Robert Pitre, and Louis Andolsek were absent. Others present were NLLD Executive Director Dwayne Bourgeois; NLLD Administrative Assistant Madonna Viguerie; NLLD Executive Assistant Katie DeRoche; NLLD Project/Accounting Assistant Brandy Theriot, and various engineering professionals. Program/Project Manager Arthur Ostheimer and NLLD Field Coordinator Travis Colombel were absent. D. Bourgeois presented A. Ostheimer's report.

Approval of Minutes: Motion was made by D. Kiffe, seconded by E. Pitre to approve the minutes of the following meetings: Tuesday, June 20, 2023, Finance & Priority Committee, Tuesday, June 20, 2023, Regular Board Meeting, and a Special Board, Thursday, June 29, 2023. No discussion or public comment. Motion passed unanimously.

Audit Report for December 31, 2022: C. Kief reported Broussard and Company, CPAs, LLC provided audit services through the LA Legislative Auditor for the year ending December 31, 2022. Their report was emailed to the NLLD board members, and it can be found at the LLA website. Mr. Michael DeFalco, CPA was the team leader for the audit, and he joined the NLLD meeting to answer any questions regarding the audit. He gave positive feedback on NLLD's audit and reported no findings.

Formation of NLLD Project Committee: Wanting to assess the condition of pump stations throughout the parish, it was the general consensus of the Board that this effort would be best taken up by the creation of a project committee that will report back to the board as is allowed in Article VI of the NLCLDD By-Laws. T. Allen motioned, seconded by D. Kiffe to approve the resolution that the NLCLDD Board President create and appoint membership to a Pump Station Assessment Project Committee (a.k.a. PSA Project Committee) in accordance with Article VI of the NLCLDD By-Laws. The stated purpose of this committee is to gather information, study and make reports and recommendations back to the full Board concerning the condition of the pump stations of Lafourche Parish within the NLCLDD. It was further resolved that the PSA Project Committee shall operate in accordance with Article VI of the NLCLDD By-Laws. No discussion or public comment. Motion passed unanimously. C. Kief appointed the membership as follows: Tory Hebert as Chairperson, Rodney Foret as Vice Chairperson, Darcy Kiffe as voting member three, Elmo Pitre as voting member four, Adley Peltier as voting member five, and Cory Kief as ad hoc, non-voting member.

**A. Thibodaux – West Project Area:**

D. Bourgeois stated there is nothing to report in this project area. However, NLLD is working with the High Tide Consultants and City of Thibodaux to potentially identify some projects moving forward.

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

NSU Drainage study: D. Bourgeois reported the bid opening for the NSU Coastal center was June 13th. The Bids came in under budget and NSU was able to accept some Alternates. NSU got \$2M in capital outlay funding specifically to address some of the drainage issues NLLD had identified. But, there remain some questions as to where those funds can be spent. So, between the project being under budget and the additional funds, NLLD will be working with NSU to see how much of their Drainage issues NLLD previously worked with DDG to identify and propose solutions might be taken care of in this process.

Bayou Blue – Hollywood Backwater Flood Protection Project: D. Bourgeois 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, which includes drainage and levee improvements, along with closure and pumping structures. CPRA is providing a little over \$6.5M GOMESA reimbursement for the construction. Sealevel is working toward completing the pump station. The structure of the station is close to completion and the pumps and engines have been installed. They were working on completing the building last week. The remaining item as far as operation of the structure is the fuel tank installation. MWI is scheduled for August 2nd to perform the pump start up at which point should signal substantial completion of the project. A. Peltier motioned, seconded by T. Hebert, to approve payment of Pay Request #12 in the amount of \$25,833.64 from Sealevel Construction, Inc. as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Raceland Prairie District 1 of 12 and 2 of 12 Levee Improvements: D. Bourgeois reported NLLD requested and received Capital Outlay funding for levee improvements in these FDAs, including a P1 appropriation of \$1.225M, a cash line from Capital Outlay Savings Fund of \$3M, and a P5 appropriation of \$2.75M. Available funding to start this project is \$4.225M. As of the most recent legislative session information, the \$2.75M P5 funding was moved to P1 this year, bringing NLLD's total to \$6.975M. This funding will be administered by the Office of Facility Planning and Control and NLLD has executed the CEA. NLLD is continuing to finalize preparation to begin advertisement of the project. There are a couple of more right of ways to finalize. LCI has completed the design and submitted it to FP&C. FP&C reviewed the project and returned their comments which were minimal. NLLD is planning on finalizing the last details of the project and begin advertising in mid-August and consideration of the award at the September Board meeting.

Upper Bayou Folsse Watershed Backwater Flood Protection: D. Bourgeois reported NLLD explored the synergy between its efforts and that of Lafourche-Terrebonne Soil and Water Conservation District to submit projects for funding assistance. After meeting with stakeholder groups, NLLD identified projects to pursue funding for farmland within the district. Now that NLLD is working on the Prairie levees and the Hollywood Canal project, NLLD has also submitted a funding request through State Capital Outlay for a project that benefits this large part of the district.

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

Lockport to Larose Reach B Levee Project: D. Bourgeois reported Low Land Construction Company, Inc. is the contractor on this project designed to increase the stability and the protection elevation to +7" for about 6,400 LF of the levee. CPRA will be providing \$1M State Surplus reimbursement for the construction. Low Land is continuing to install material and has a majority of the ditch backfilled that ran parallel and built to a +1 elevation. They have also installed the materials around both the pipeline crossings in the project. They will have to continue to periodically place material on the Shell pipeline based on the LON agreement with them throughout the project. R. Foret motioned, seconded by D. Kiffe to approve Change Order No. 1 to decrease the contract amount by \$87,240.00 due to a change in material used for the storm drainpipe as recommended by the project engineer. No discussion or public comment. Motion passed unanimously. E. Pitre motioned, seconded by T. Allen to approve Change Order No. 2 to increase the contract time by 4 days due to adverse weather conditions in June 2023 as recommended by the project engineer. No discussion or public comment. Motion passed unanimously. T. Allen motioned, seconded by D. Kiffe to approve payment of Pay Request #2 in the amount of \$335,012.27 from Low Land Construction Company, Inc. as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Lockport to Larose Reach D2 & D3 Levee Improvements: D. Bourgeois reported NLLD is working with Picciola & Associates on a project to improve the elevation of the Lockport to Larose Reach D2 & D3 Levee to an 8' elevation. NLLD had completed an initial project in 2017 that brought the elevation up to 6.5'. With expected settlement in consolidation, the elevation lost approximately a foot of protection. NLLD was able to work with CPRA to move the excess funding app \$800K from TLBB Element 2 to help fund this project. NLLD is completing the execution of the contracts and plan on having a pre-construction meeting ASAP so that NTP can be issued for the project.

Lockport to Larose Reach D5 Levee Improvements: D. Bourgeois reported GIS has been working to develop flood protection options for Allied Shipyard to Bayou Lafourche, but none of the options in their submitted report are ideal due to high costs or the need for a buyout of residences. To secure funding, NLLD submitted a FEMA BRIC grant with Delta Coast Consultants and are exploring other options for protection and funding.

**D. Choupic Project Area:**

West Choupic & St. James Project Area Backwater Flood Protection: D. Bourgeois reported NLLD is working with LCI to realign the proposed levee to reduce negative impacts on landowners while meeting the Corps' wetland requirements. Reconsidering the options is taking a bit more effort. Both the Corps and DNR were receptive to an open system design at recent pre-application meetings, so LCI will move forward with preparing a permit application.

Bowie Forced Drainage System Levee Improvements: D. Bourgeois reported NLLD is working with LCI on a design to improve and repair the current protection from Bayou Onion to Grand Bayou. This will require letters of no objection for 5 pipeline crossings and all work is planned in the footprint of the existing levee. LCI is progressing with design documents and rights of way and targeting the 3rd/4th quarter to begin advertising the project. They are still waiting for the final geotechnical report to complete the design template for the levee.

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

Woodland Heights Levee: D. Bourgeois reported this project aims to prevent backwater flooding in the Woodland Heights Subdivision and Hwy 20 public housing. After collaborating with landowners, NLLD feels it's developed a solution to meet the area's needs and reduce the risk of future flooding. LCI is gathering additional survey information now that the TAZ unit has cleared the existing levee in the area. NLLD is sweeping the drainage ditch and expect to complete this work by the end of the week.

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

Zeller/Larousse Forced Drainage Area Systems Improvements: D. Bourgeois reported LCI applied on NLLD's behalf to LA Statewide Flood Control for Phase 3 of this project to improve the levee structures and drainage system that protect the Kraemer/Bayou Bouef community. The application has been approved by the committees, and the \$5M funding award for the approximately 2500 linear feet along Kraemer Bayou Road was appropriated in the last legislative session. NLLD has issued an engineering contract to LCI to begin design for this work. They are currently waiting for the Geotech proposal to get started.

LBW Backwater Protection Project/308 Farmers Meeting: D. Bourgeois reported at NLLD's informational forum for the local landowners and farmers on January 10<sup>th</sup>, NLLD agreed to establish an alignment that would not get NLLD into trouble with wetland impacts and identify the impacted property owners and begin preliminary discussions based on that. Subsequently, NLLD has had some conversations with the Mill who is working with the farmers to see if they might be able to advance the project through their processes. So, NLLD remains committed to working with them and NLLD will report back more as this effort develops.

**G. Gheens Project Area:**

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. MVP will help support MVN with this project as it moves along.

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

Industrial Ave Floodwall-North American Shipyard to Bayou Lafourche: D. Bourgeois reported NLLD is working with Picciola and Associates on a project to enhance protection along Industrial Park Road to Bayou Lafourche, raising the elevation to around 9'. NLLD divided the project into four phases based on the type of construction required and are confident to receive some funding for the initial stages. NLLD is pushing for more significant funding at the state level and exploring various grant opportunities. The parish has agreed to contribute some funding to the project for a combined effort of road stabilization and flood protection. NLLD had Picciola do a detailed survey of the elevation protection in the area. NLLD will be concentrating its efforts on the areas with the lowest elevations which appear to be along Industrial Park Road.

Morganza to the Gulf Eastern Tie-in, Reach 1 Eunice Allemand: D. Bourgeois reported NLLD has been working with Delta Coast on a project to improve some existing inside flood protection levees that allowed some flooding of homes and property in this FDA during Hurricane Ida. Due to its location, NLLD is having to look at this protection project as it might have future benefits to the adjacent alignment of future reach 1 of the MtoG Eastern Tie In. NLLD received the report from DCC regarding the elevations of the ring system around Eunice Allemand and the planned access points for the MtoG Reach 1 levee. A meeting with Ted Falgout was held on July 13th to discuss the plan and NLLD believes to have a good path forward to raise the elevation around Eunice Allemand to a +5' elevation. DCC will continue refining the plan and get some quantities, but this will be handled as a maintenance project and will not have to be advertised.

Morganza to the Gulf Eastern Tie-in, reach 2 Interim Improvements: D. Bourgeois 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 held its monthly progress meeting with Dynamic and GIS on July 11th at the NLLD's office. They have completed approximately 11,500 linear feet of levee which has been partially accepted based on completion of the 28-day settlement period. They have approximately 6,000 LF of levee left to complete. Dynamic has submitted a schedule with a planned completion date of August 15th. A. Peltier motioned, seconded by E. Pitre to approve Change Order No. 14 to increase the contract time by 1 day due to adverse weather conditions in June 2023, as recommended by the project engineer. No discussion or public comment. Motion passed unanimously. E. Pitre motioned, seconded by T. Hebert to approve payment of Pay Request #18 in the amount of \$111,470.15 from Dynamic Group, LLC as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

Morganza to the Gulf Eastern Tie-in, Reach 3 Interim Improvements: D. Bourgeois reported funding for this project is included in the State's Annual Plan this year. NLLD had originally met with the USACE on November 7th of last year regarding the Eastern alignment including Reach 3 and NLLD had the follow up meeting with them June 12. There have been positive movements from USACE taking into consideration the alignment suggested, and this project will be moving along. NLLD has submitted the permit application and are continuing to move forward with the design and RoWs for the portion of the Reach 3 alignment in which the PAC alignment and NLLD alignment were consistent. NLLD is finalizing

the exhibits for the RoW for RRS and hope to have that executed by the end of July. CPRA is circulating the IGA for review and signature.

Ludevine Pump Station Replacement: D. Bourgeois 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 committed an initial \$2.8M, then an additional \$1.62M in the annual plan for construction of this project. NLLD received bids for the pump station on June 13th which were all over budget. After letting that set in a couple of days, NLLD requested GIS to review the drawings from top to bottom to include discussions with the bidding contractors to identify design items that could either be eliminated or adjusted for better constructability. NLLD met with GIS, LPG, and CPRA on July 12th to review these items and believe to have a path forward to rebid the project. GIS has some more items to vet within the design and should have this finalized in the next two weeks, but the overall cost for the project can be reduced, and NLLD can add additional available funds (app \$600K over two years starting next year) to readvertise the project in the next 30-45 days.

T-Bois Ludevine Levee Tie In: D. Bourgeois reported this project will connect the T-Bois Levee to the Ludevine Levee and build a new bridge across the Blackwater Canal funded by LPG for Eunice Allemand residents. In March, the NLLD board approved a CEA for NLLD to construct both projects, with LPG reimbursing NLLD for their share of the work. This arrangement benefits both parties and provides controlled interconnectivity between the two FDAs. Picciola and Associates submitted the permit application to DNR and USACE for review which seems to be close to being issued. NLLD finalized the draft of the CEA and plan to move forward with the Geotech work ASAP.

**I. Maintenance and other Regional Projects:** D. Bourgeois reported NLLD is waiting on GIS to gather some additional information for drainage improvements around Allied Shipyard/Ledet Lane to be able to remove the connectivity to the GIWW in the system. The Linkbelt 350 is currently working in the Legendre Canal for some clearing and maintenance work which is progressing well. LCI is assisting by coordinating pipeline crossings and acquiring access over private properties. NLLD has started clearing 25' of the protected side of the interior drainage channel that parallels Reach 2. NLLD will need access along the canal to remove debris and spoil to open the channel back up once Reach 2 is complete. NLLD mobilized the TAZ unit to open back up the drainage canal through the Greenwood mitigation bank a little north of Thibodaux. NLLD is continuing the levee improvements on the north side of Des Allemands.

Morganza to the Gulf: D. Bourgeois reported all involved are pursuing additional ongoing funding from the Federal Government and are generally encouraged in what's being heard. Everything is falling into place; but everyone has to keep pushing for ongoing funding and to match efforts and needs with the Corps. Even with funding coming, there needs to be a continuing staying ahead of which projects are a priority and which other MtoG projects can be funded through other opportunities. All is continuing to work with the Corps on land rights issues to speed up the process of construction while keeping the cost down. Finally, through MAC and working directly, all are looking for legislation to do more of the work in parallel with the Corps to be in a position to complete this vital flood protection as rapidly as possible.

Drainage Canals Debris Removal: D. Bourgeois reported this project includes vegetative debris removal from canals in the Chackbay and Lockport areas. The fallen trees were a result of Hurricane Ida, and NRCS has agreed to assist in the funding through reimbursements. (They were in fact THE funding source available to NLLD for completing this recovery work.) All South Consulting Engineers has been the program manager for the Ida claims, and they handled all project specifications for public bid. Notice to proceed was issued for May 23rd and Grillot Construction notified ASCE that they had wrapped up work last week. ASCE will be scheduling a substantial completion inspection to make sure the entire scope has been completed, but by all accounts, the contractor has performed well and in a very timely manner.

The original time for the project was expected to be 120 days. As the change order noted there was in some areas a significant increase in the volume of trees that were not visible and had to be removed. NLLD is still within the NRCS grant funding to the NLLD for this work. E. Pitre motioned, seconded by A. Peltier to approve Change Order #1 to increase the contract amount by \$179,648.80 for adjusted contract quantities and the actual site conditions, as requested by Grillot Construction, LLC and recommended by the project engineer. No discussion or public comment. Motion passed unanimously. T. Hebert motioned, seconded by T. Allen to approve payment of Pay Request #2 in the amount of \$667,696.86 from Grillot Construction, LLC as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

**J. Equipment:** D. Bourgeois reported there were a few fixes on the equipment this month.

**K. General Items:**

NLLD Funding in this Legislative Session: D. Bourgeois reported the veto override session starts tomorrow; but, NLLD is happy to report that the NLLD was not on the Governor's veto list and that NLLD did pretty well in getting supplemental funding for its projects this session. NLLD is receiving as new funding: \$8M From CPRA in Surplus Funds for MtoG Eastern Tie in and related work, \$5M From DOTD Statewide Flood Control for Phase 3 Zeller / Larousse Flood Protection, \$2.75M From Capital Outlay (HB2) for Raceland Prairie Levee Improvement. This brings the total new money to \$15.75M. Also important in all of this is that NLLD's unspent (old) money is additionally still in the approved spending plans to be spent as expected totaling an additional \$19.3M being GOMESA and Surplus funds from CPRA and capital outlay funding via this area's Legislators and the Administration. So, by the work of the NLLD, with the help from the CPRA, LA State Legislative Delegation and the Governor, NLLD is currently augmenting the funds from its local taxpayers by some \$35M in state and federal funds in the implementation of projects in the district.

NLLD Joined Lawsuit against FEMA on RR2.0: D. Bourgeois reported FEMA initially had conversation with the AG's office where they proposed to push back the hearing for the preliminary injunction by as much as 9 months. The AG office was willing to give FEMA a couple weeks as a professional courtesy. But, FEMA immediately filed for an extension with the courts requesting an extension to the end of October. As is required with such a request, FEMA filed a memo saying why they needed the time and the AG's office argued as to why it should not be extended in their Memo. In the end, the judge assigned to the case quickly issued his order, which largely aligns itself with the AG's office timeline and sets the schedule for the preliminary injunction proceedings as follows: FEMA's response due Aug. 8, the reply due Aug. 11, and the live hearing on Aug. 18 at 10am in New Orleans.

NLCLDD John Deere Thibodaux Resolution: D. Bourgeois reported John Deere – Thibodaux is planning a \$29 million expansion in Lafourche Parish. As an incentive for doing this expansion in Lafourche, Kristi Lumpkin, the Lafourche Parish grants and economic development director has asked the North Lafourche Conservation, Levee and Drainage District Board to consider rebating John Deere's sales and use tax on qualifying materials, machinery, and furniture and/or equipment in the amount of 0.25% up to \$72,500. T. Allen motioned, seconded by E. Pitre to approve the resolution as written for a rebate of sales and use tax on qualifying materials, machinery, and furniture and/or equipment from North Lafourche Levee District at the 0.25% of Sales and Use Tax not exceeding \$72,500.00 for John Deere-Thibodaux. Discussion ensued about this being a huge benefit to Lafourche parish. No public comment. Motion passed unanimously.

Association of Levee Boards of Louisiana Annual Meeting: D. Bourgeois reported ALBL will host its annual meeting on December 6-7, 2023 in New Orleans for whoever is interested in attending.

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:

Bayou Region Legislative Lunch: 6/26/23

USACE ERDC: 6/27/23

ROR Annual Meeting: 6/28/23

BIG- Dwayne gave presentation: 7/10/23

MAC Board Meeting: 7/11/23

CPRA Board Meeting: 7/12/23

SCIA Luncheon: 7/18/23

Finance & Priority Committee: Committee Vice Chairman E. Pitre reported that the Finance and Priority Committee conducted a meeting on June 20, 2023. 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 E. Pitre, 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; Hugh Caffery who sits on the Bayou Lafourche Fresh Water District Board gave a positive comment to the NLLD Board regarding its operations. C. Kief also stated to him that he would like to set a meeting with Hugh Caffery, himself, D. Bourgeois and others within the region on the flow of Bayous Lafourche, LeBleu & Grand Water. Hugh Caffery agreed that a discussion would be a good idea. There were no other public comments.

C. Kief stated the next Regular Monthly Board Meeting will be at 5:20 PM (or immediately following the F&P Committee meeting) on Tuesday, August 15, 2023, at this office located at 3862 Highway 1 in Raceland.

At 6: 42 pm, D. Kiffe motioned, seconded by R. Foret to enter executive session to consider motion to enter Executive Session, pursuant to LA R.S. 42:17A (2) – to discuss the Procurement Contract with Marsh Buggy's Inc. for the Linkbelt 130 Marsh Buggy. No discussion or public comment. Motion passed unanimously. E. Pitre motioned, seconded by T. Hebert to return to regular session at 7:39 pm. No discussion or public comment. Motion passed unanimously. R. Foret motioned, seconded by E. Pitre to take any action authorized by the board in executive session. No discussion or public comment. Motion passed unanimously.

The meeting was unanimously adjourned at 7:40 PM on motion by E. Pitre, seconded by D. Kiffe.

/s/Cory Kief, President

/s/Dwayne Bourgeois, Executive Director