

**Minutes of the Regular Monthly Board meeting of the North Lafourche Conservation, Levee & Drainage District, October 17, 2023**

The Regular Monthly meeting of the North Lafourche Conservation, Levee and Drainage District Board of Commissioners was called to order on October 17, 2023, by vice President Tim Allen at 5:35 pm. The meeting was held at the District's office at 3862 Highway 1 in Raceland. The invocation was given by Tim Allen and the pledge was led by Katie DeRoche. Vice President Allen called roll. Commissioners present were Tim Allen, Rodney Foret, Darcy Kiffe, Adley Peltier, Tory Hebert, Cory Kief, Robert Pitre, Louis Andolsek, and Elmo Pitre. Commissioners Percy Gasery, Elmo Pitre, Cory Kief, Robert Pitre, and Monique Crochet 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, Program/Project Manager Arthur Ostheimer, NLLD Field Coordinator Travis Colombel, and various engineering professionals.

Election of Officers: The election of officers was held for the term beginning November 1, 2023, and ending on October 31, 2024. D. Kiffe motioned, seconded by a unanimous second that Cory Kief was nominated for president, Tim Allen was nominated vice president, and Louis Andolsek was nominated as secretary/treasurer. No discussion or public comment. Motion passed unanimously thus electing this slate of officers without further action.

Approval of Minutes: A. Peltier motioned, seconded by D. Kiffe to approve the minutes of Tuesday, August 15, 2023, and September 26, 2023 Finance & Priority Committee meetings and Tuesday, August 15, 2023, and September 26, 2023 Regular Board Meetings and Tuesday, September 26, 2023 Pump Station Assessment Committee meeting. No discussion or public comment. Motion passed unanimously.

**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 came in under budget and NSU was able to accept some bid 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 and A. Ostheimer reported Sealevel Construction, Inc. is the contractor on this storm surge protection project for areas around the Hollywood Canal. CPRA is reimbursing over \$6.5M in GOMESA funds for the project that includes drainage & levee improvements along with a closure and a pumping structure. The clear lien period has expired. However, there are still a few remaining items left for Sealevel to complete. As NLLD mentioned, last month, final completion may not occur until November due to supply delays for the fuel pump system and the generator. The structure is operable. R. Foret motioned, seconded by L. Andolsek to approve payment of Pay Request No. 15 in the amount of \$117,517.10 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 and A. Ostheimer reported this project for levee improvements in these FDA's will ultimately receive a total of \$6.975M in state reimbursements through Capital Outlay. The project was recently advertised for Public Bid, and LCI has a recommendation of award for the board's consideration. NLLD received bids for the project on September 26th here at the NLLD office. At that time, NLLD received 3 bids. Based on the currently available budget for the project, NLLD believes the recommendation for the base bid only should be

considered by the board. There is potential for additional capital outlay funding for this project which was pending at the time the bid package was prepared, but this additional funding has not been considered by the Bond Commission as of yet and even once approved, if approved, it takes some time to process. NLLD does plan on completing the two alternates as a Phase II and is preparing a separate bid to be advertised if the funding is available from capital outlay. T. Hebert motioned, seconded by A. Peltier, that NLLD awards the construction contract to Onshore Materials, LLC thus committing \$4,816,979.00 of NLLD's net assets towards NLLD Project No. 6200.75Z and authorizing the NLLD President to sign, execute, and administer a contract and any and all relevant documents, pending concurrence from Facility Planning and Control. No discussion or public comment. Motion passed unanimously.

Upper Bayou Folsé Watershed Backwater Flood Protection: D. Bourgeois reported now that NLLD is actively engaged in the Prairie levees and Hollywood Canal project, he will continue to submit funding requests through State Capital Outlay to support this project benefiting a substantial part of the district.

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

Lockport to Larose Reach B Levee Project: D. Bourgeois and A. Ostheimer 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 into the levee template. Currently, the majority of the levee is approximately 3' to 4' on the southern end and appx 5' on the northern end. Low Land is continuing to make really good progress each month. NLLD will continue to have Picciola do a quantity review on the project monthly to make sure that the quantities are consistent with the project's progress. L. Andolsek motioned, seconded by R. Foret to approve Change Order No. 4 from Low Land Construction Co., Inc. to increase the contract time by 6 days due to adverse weather conditions for the month of September as recommended by the project engineer. No discussion or public comment. Motion passed unanimously. T. Hebert motioned, seconded by D. Kiffe to approve payment of Pay Request No. 5 in the amount of \$312,503.64 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 and A. Ostheimer reported Sealevel Construction Inc. is the contractor on this project designed to improve the elevation of the Lockport to Larose Reach D2 & D3 Levee to an 8' elevation. CPRA will be providing \$827K reimbursement for construction. Sealevel is currently hauling material in and installing it on Reach D2. They have completed the lift on Reach D3, and it has been seeded based on a review of the survey by Picciola. As NLLD mentioned last month, NLLD does have a large change order for the Board to consider this month. This change order is the result of settlement/subsidence mostly on the Reach D2 levee of approximately 6" since the design survey was performed in July of 2021. The 6" of settlement is certainly much greater than what generally occurs, which amplified the value of the change order. L. Andolsek motioned, seconded by A. Peltier to approve Change Order No. 2 from Sealevel Construction Inc. to increase the contract time by 63 days, including 60 days for additional borrow material work and 3 days for adverse weather conditions for the month of September, and increase the contract amount by \$564,060.00 to add additional borrow material due to settlement, as recommended by the project engineer. No discussion or public comment. Motion passed unanimously. T. Hebert motioned, seconded by A. Peltier to approve payment of Pay Request No. 2 in the amount of \$779,937.18 from Sealevel Construction, Inc. as recommended by the project engineer. No discussion or public comment. Motion passed unanimously.

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 for this project but were recently notified that the application was not chosen for funding. However, NLLD did receive guidance from GOHSEP on improving NLLD chances for future award, including further development and definition of the project scope and cost benefit analysis. NLLD plans to work with Delta Coast to improve the application for future submission and will resubmit when the next grant cycle is announced. NLLD is also submitting a funding request for this project through the Capital Outlay Request process. Depending on how these funding requests shake out, next year NLLD will have to make some hard decisions for the protection of this area.

#### **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' and DNR wetland requirements. This re-evaluation is a bit more involved, but both agencies have shown openness to an open system design in recent pre-application meetings.

Bowie Forced Drainage System Levee Improvements: D. Bourgeois and A. Ostheimer 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 working on finalizing the bidding documents now that the geotechnical report has been submitted. The LON for the 5 pipelines has been received and NLLD is finalizing a couple of right of ways for the project. Ahead of the project, NLLD will have contracted with Sealevel to clear the trees off the levee and out of the drainage channel. A. Peltier motioned, seconded by R. Foret approving Bowie Forced Drainage System Levee Improvements, NLLD Project No. 6400.56Z for advancement through the bid advertisement, through the receipt and evaluation of bids and asking the project Engineer to make a recommendation to the Board for award of a contract to complete this project; allowing the Executive Director to sign any and all relevant documents. No discussion or public comment. Motion passed unanimously.

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

Woodland Heights Levee: D. Bourgeois and A. Ostheimer 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 has collected some additional survey information and performed some hydraulic analysis based on request for the pump station and the drainage channel that feeds the pump station. Based on this analysis, the scope of this project will increase and NLLD will have to incorporate some design changes and update the cost estimate. As the scope increased so is the overall benefit area for the project so NLLD will have some more information in continuing to adapt and move forward.

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

Zeller/Larousse Forced Drainage Area Systems Improvements: D. Bourgeois and A. Ostheimer reported LCI applied to LA Statewide Flood Control for Phase 3 of NLLD's project, aimed at enhancing the levee structures and drainage system safeguarding the Kraemer/Bayou Bouef community. The application has been approved by the committees, securing a \$5 million funding award for the approximately 2,500 linear feet along Kraemer Bayou Road during the last legislative session. LCI is starting the design process for the project. NLLD is still waiting for the CEA to be issued, which should occur in the next couple of months once all the budget items work their way through the process.

LBW Backwater Protection Project: D. Bourgeois reported at NLLD's forum for the local landowners and farmers on January 10<sup>th</sup>, NLLD reached a consensus to establish an alignment that avoids wetland impacts, identify the affected property owners, and initiate preliminary discussions based on those findings. Subsequently, NLLD has engaged in conversations with the Mill, which is collaborating with the farmers to explore the possibility of advancing the project through their processes. NLLD remains

committed to working closely with them and will provide further updates as this collaborative effort progresses.

**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. The efforts that the Corps has made on this have come off the rails a bit. As it appears right now, the Corps cannot provide reasonable protection for this area in any reasonable time frame. D. Bourgeois said he has been meeting with the LBLD and have spoken to CPRA and Corps leadership at MVN and has called for a meeting between those parties to try to get things sorted out

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

Industrial Ave Floodwall-North American Shipyard to Bayou Lafourche: D. Bourgeois and A. Ostheimer 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 segmented the project into four phases based on construction needs and is optimistic about securing funding for the initial stages. NLLD is also actively advocating for more substantial state-level funding and investigating various grant opportunities. In a collaborative effort, the parish has committed to contributing funding to support both road stabilization and flood protection aspects of the project. NLLD is working with Picciola to move forward with raising Industrial Avenue based on it having the lowest elevation of protection for the area. Picciola will be moving forward on preliminary design for this project.

Morganza to the Gulf Eastern Tie-in, Reach 1 Eunice Allemand: D. Bourgeois and A. Ostheimer 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. DCC is working on a plan to raise the elevation around Eunice Allemand to a +5' elevation. D. Bourgeois said he is working on advancing the MtoG Reach 1 with some Surplus funds NLLD received as part of this project with a potential haul road to push the Corps in NLLD's direction and advance their ability to have meaningful protection when the Sector Gate is installed in the GIWW. NLLD is continuing to work with DCC on a smaller scoped project for the area to raise the protection level along the Blackwater Canal. The landowner has offered to provide the material for this work at no charge to the NLLD. NLLD will be preparing a RoW for the landowner and moving towards construction as this should be able to be completed under NLLD's maintenance program.

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. This project is currently in the clear lien period. A. Peltier motioned, seconded by T. Hebert to approve payment of Pay Request No. 20 in the amount of \$109,137.78 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 and A. Ostheimer 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 is 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. Intracoastal Consultants had submitted the 35% plans to the USACE and CPRA and comments were received back which were minimal at this stage. Intracoastal will continue to move the design forward based on those comments. NLLD is continuing to work with RRS to finalize the RoW and are all agreeable with the RoW and will just need to finalize some of the language.

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 committed an initial \$2.8M, then an additional \$1.62M in the annual plan for construction of this project. GIS has submitted the value engineered design drawings on October 9th for review and comment. NLLD requested an adjustment to a couple of the features, and they are currently working on these revisions. These were minimal and should not take long. Once NLLD receives it, NLLD will forward it to CPRA for review. Hopefully CPRA will expedite this being NLLD is only submitting the changes and NLLD will receive concurrence to readvertise the project in the next few weeks. As soon as NLLD receives concurrence from CPRA, NLLD will readvertise the project.

T-Bois Ludevine Levee Tie In: D. Bourgeois and A. Ostheimer 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. NLLD has received the permits for the project from DNR and USACE. NLLD has finalized the draft of the CEA and forwarded it to LPG for review and execution. The geotech is moving forward with their work so that once the CEA is executed, NLLD is expecting to move to final design quickly.

**I. Maintenance and other Regional Projects:** A. Ostheimer reported GIS gathered some additional information for drainage improvements around Allied Shipyard/Ledet Lane to remove the connectivity to the GIWW in the system. NLLD will be scheduling a meeting to discuss the recommended improvements with GIS and LPG. The Linkbelt 350 is continuing to clear Grand Bayou. NLLD is clearing the RoW for Humble Canal to improve this drainage artery to the Valentine FDA. The TAZ unit should be continuing to work on opening back the drainage canal through the Greenwood mitigation bank a little north of Thibodaux over the next couple of weeks. NLLD is completing the emergency repairs and improvements on LtoL Reach B3 levee which runs along Bayou LeBleu based on a recommendation from Joe Picciola. NLLD is continuing to excavate the Butch FDA channel in preparation for the new Butch Hill pump station which is expected to be advertised in the 4th qtr of this year. NLLD is moving some of this material to Element 2 around the Fantastic Acres pump station where NLLD needs to raise some of the berm sections to fix a failure. NLLD identified areas to obtain borrow along Reach D1 to fix an area where the material was having accelerated settlement.

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. MtoG received \$8M in surplus funds more or less directed towards the MtoG project. So, MtoG team is working to try to advance that effort by looking at projects that can be credited at some point or otherwise provide MtoG with improvements in protection immediately. While the team is thinking this was going to be \$4M this year and \$4M next, it was recently found out that the entire \$8M is available today and the team plans to use it. D. Bourgeois said he is actively ramping up the efforts in this regard with the Corps. The team is

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 and A. Ostheimer 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 is assisting in the funding through reimbursements. (They were in fact THE funding source available to NLLD for completing this recovery work.) Grillot has completed the project and submitted the clear lien and the request for retainage. A. Peltier motioned, seconded by R. Foret to approve final payment of Pay Request No.4 for retainage in the amount of \$38,548.24 from Grillot Construction, Inc. as recommended by the project engineer. L. Andolsek commended the NLLD staff for identifying all the maintenance work. No further discussion or public comment. Motion passed unanimously.

**J. Equipment:** Travis Colombel gave an update on equipment within the last month. The CAT 330 was taken out of service due to a cooling issue. Mechanics found a broken drive belt for the AC compressor and water pump, which was caused by a frozen compressor clutch. The AC compressor and belt were replaced, and the 12,000-hour maintenance was conducted. The 330 is now back in service, working on the Butch Hill Channel Improvements. Persistent design issues with LB 130's main drive axel assemblies resulted in recurring cracks, necessitating multiple welder intervention and project delays. The assemblies have now been re-built by Wilco Marsh Buggies and re-installation is scheduled for tomorrow (10/18/2023).

**K. General Items:**

Photo Presentation: A. Ostheimer reported and presented photos on the following projects: Element 2; Greenwood; Hollywood Canal Pump Station; Humble canal; Reach 2 Channel; Reaches B1 and B3; and Reach D2.

NLLD Joined Lawsuit against FEMA on RR2.0: D. Bourgeois reported they are still waiting on the judge to rule from the hearing last month.

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:

MAC September Board Meeting: 9/21

Cory and Dwayne Meet with Hugh C. on NLLD / Freshwater District issues: 9/27

National Waterway Conference (Dwayne presented on RR 2.0): 10/3

Dr. Loren Scott Economic Forecast Luncheon (Katie attended): 10/4

LBLD Meeting on UBRR: 10/11

LP Sales and Use Tax Oversight Committee 10/16

Lafourche Lamp Data Review Meeting: 10/16

Finance & Priority Committee: Committee Chairman Louis Andolsek reported that the Finance and Priority Committee conducted a meeting on September 26, 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. The Finance & Priority Committee will be reviewing the Proposed 2024 Budget and L. Andolsek suggested the committee conduct the meeting at an earlier time in November.

Pump Station Assessment (PSA) Committee: Committee Chair Tory Hebert reported the board has a copy of the minutes from the PSA Committee meeting on September 26, 2023. During that meeting, the committee worked to outline what information the committee wants to review. There will be another meeting once NLLD has the opportunity to gather and report back to the committee.

Legal and Development Committee: Tory Hebert reported the Legal & Development Committee met

before today's meeting. T. Hebert motioned, seconded by R. Foret that based on the response of Dynamic Construction Group, the evaluation and report of the Executive Director and the report of GIS, the board moves that NLLD reduces the liquidated damages claim by 5 days to 179 days. No discussion or public comment. Motion passed unanimously.

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

With no other engineering reports or additional public comments, Tim Allen stated the next Regular Monthly Board Meeting will be at 5:20 PM (or immediately following the F&P Committee meeting) on Tuesday, November 21, 2023, at this office located at 3862 Highway 1 in Raceland.

NLLD Attorney Pat Amedee gave an update on Marsh Buggies, Inc. NLLD executed a settlement agreement with the bonding company. The meeting was unanimously adjourned at 6:57 PM on motion by R. Pitre, seconded by A. Pitre.

/s/Cory Kief, President

/s/Dwayne Bourgeois, Executive Director