

Minutes of the Regular Monthly Board meeting of the North Lafourche Conservation, Levee & Drainage District, November 21, 2023

The Regular Monthly meeting of the North Lafourche Conservation, Levee and Drainage District Board of Commissioners was called to order on November 21, 2023, by vice President Tim Allen at 5:13 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 Louis Andolsek. Vice President Allen called roll. Commissioners present were Tim Allen, Rodney Foret, Darcy Kiffe, Adley Peltier, Tory Hebert, Louis Andolsek, Robert Pitre and Elmo Pitre. Commissioners Percy Gasery, Cory Kief, and Monique Crochet were absent. Others present were: NLLD Executive Director Dwayne Bourgeois, 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.

Approval of Minutes: R. Foret motioned, seconded by E. Pitre to approve the minutes of Tuesday, October 17, 2023, Legal & Development Committee meeting, Finance & Priority Committee meeting, and the Regular Board meeting.

Public Comment: R. Pitre motioned, seconded by E. Pitre to deviate from the agenda to hear a public comment from Mr. Ray Cheramie, who resides at 118 Serville Lane, Larose, LA 70373. Mr. Cheramie reminded the board of a meeting Mr. C. Kief said NLLD would have with the Lafourche parish president about Edgar Guidry Pump Station, and he discussed concerns about the low level of water in the pump reservoir near where he lives. D. Bourgeois said in regard to the meeting with the Lafourche parish president, NLLD created a committee to discuss the conditions of the pump stations and Mr. Archie Chaisson will be invited to attend the committee meetings. T. Allen thanked Mr. Cheramie for expressing his concerns to the board and NLLD is addressing them. R. Pitre motioned, seconded by D. Kiffe to return to the regular agenda.

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. Sealevel has finally received the generator and the fuel system should be in this week. They have handled all the punch list items and plan on finalizing these final two items as soon as the fuel system is received. R. Pitre motioned, seconded by T. Hebert to approve Change Order No. 4 from Sealevel Construction Co., Inc. to decrease the contract amount by \$78,055.30 and balance the final contract quantities, as recommended by the project engineer. No discussion or public comment. Motion passed unanimously. L. Andolsek motioned, seconded by D. Kiffe to approve payment of Pay Request No. 16 in the amount of \$30,320.84 from Sealevel Construction, Inc. as recommended by the project engineer. No discussion or public comment. Motion passed unanimously. R. Foret motioned, seconded by A. Peltier to approve payment of Pay Request No. 17 for partial retainage in the amount of \$313,131.73 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 receive a total of \$4.225M in state reimbursements through Capital Outlay. The additional P1 award of \$2.75M did not receive a cash line of credit this year, so NLLD has resubmitted the request through Capital Outlay. The project was awarded last month to Onshore Material, LLC and concurrence was received from FP&C. The Board awarded this project last month. NLLD has received the concurrence to award from LA FP&C and the contractor has returned the executed contracts. Once the NLLD executes the contracts, NLLD will record the contract and schedule the preconstruction meeting.

Upper Bayou Folse 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. With wet weather last week, they were shifting the material from the old levee section into the new levee section. Low Land is continuing to make really good progress each month and the new levee elevation exceeds the old levee elevation. 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. R. Pitre motioned, seconded by L. Andolsek to approve payment of Pay Request No. 6 in the amount of \$278,814.93 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 has completed hauling material for this project. NLLD does have one hiccup in the crossing of the Williams Pipelines. Williams has requested some additional information from Geotech, which NLLD is providing. In the meantime, Sealevel has staged the material on either side of the pipeline so that it is ready for installation. T. Hebert motioned, seconded by E. Pitre to approve payment of Pay Request No. 3 in the amount of \$116,414.58 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. To secure funding, NLLD submitted a FEMA BRIC grant for this project but was recently notified that the application was not chosen for funding. However, NLLD did receive guidance from GOHSEP on improving NLLD's 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. LCI will proceed with preparing a permit application.

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. All work is planned in the footprint of the existing levee. Sealevel is just about done clearing the trees off the levee and out of the drainage channel. LCI is finalizing the bid documents for review and NLLD plans on starting the bidding process at the start of next year.

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. As the scope increased so is the overall benefit area for the project but as it incorporates additional area, NLLD is having to perform some due diligence. LCI has performed some additional hydraulic analysis which has highlighted some additional things that NLLD will need to address to move the project forward. NLLD will take the next few months to reset the design and construction estimates for the project. Once this is done, NLLD will reevaluate moving the project forward to construction with the Board.

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 once DOTD receives the project number.

LBW Backwater Protection Project: D. Bourgeois reported at NLLD's forum for the local landowners and farmers on January 10th, 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 has spoken to CPRA and Corps leadership at MVN. He attended a meeting between those parties to try to get things sorted out. In short, the meeting went a bit as expected. The Corps, believing, were doing a great job on the project at unbelievable speed. After some discussion about better communications, standards, and things NLLD and LBLD were wanting to do, NLLD and LBLD made some progress with the Corps expediting some things (Agreements) that need to be modified or completed so that NLLD and LBLD can improve protection while waiting for them to

complete their parts.

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. NLLD will be using approximately \$1.5M in surplus funding from CPRA for the project and they are currently drafting the IGA for the project. 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. In that regard, D. Bourgeois is working to see if NLLD can advance 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 working on the RoWs for the landowners so NLLD can move forward with construction of a maintenance project to raise the lowest areas along Hamilton Street in Eunice Allemand. NLLD is also working on permitting Reach 1 which will eventually tie into the GIWW Sector Gate. NLLD's plan is to move forward with sections along Reach 1 that can have immediate benefits while also better establishing the MtoG alignment with available surplus funding from CPRA for the MtoG project.

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. Dynamic has submitted the clear lien certificate and reduced their pay application to account for the liquidated damages previously assessed by the Board. This should close out this contract. A. Peltier motioned, seconded by T. Hebert, to approve Change Order No. 17 from Dynamic Group, LLC to increase the contract time by 5 days for levee slide repairs, as recommended by the project engineer. No discussion or public comment. Motion passed unanimously. R. Foret motioned, seconded by A. Peltier to approve the payment of Pay Request No. 21 for retainage in the amount of \$28,677.30 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. NLLD met with DCC and IC regarding the responses and expect those responses to be

returned to USACE ASAP. Intracoastal will continue to move the design forward based on those comments. NLLD is continuing to work with RRS to finalize the RoW, but it is progressing.

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 is still working on some revisions to the value engineered drawings. Once NLLD receives it, NLLD will forward it to CPRA for review. Hopefully CPRA will expedite this since NLLD is only submitting the changes and will receive concurrence to readvertise the project in early 2024.

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. LPG is in agreement with the CEA language, but they would like to present it along with a couple of other CEAs NLLD has pending with them. NLLD is working with them to finalize these CEAs also and hope to finalize this ASAP. The geotech is moving forward with their work so that once the CEA is executed, NLLD is expecting to move to final design and bidding 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 has cleared the RoW for Humble Canal and have begun the excavation to improve this drainage artery to the Valentine FDA. The TAZ unit should be completing the work to open back the drainage canal through the Greenwood mitigation bank a little north of Thibodaux over the next couple of weeks. It was slowed up a bit this month for maintenance. NLLD has completed the emergency repairs and improvements on LtoL Reach B3 levee which runs along Bayou LeBleu. 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. NLLD has a dragline excavating material from the canal for future installation on the levee.

Morganza to the Gulf: D. Bourgeois reported the MtoG team is pursuing additional ongoing funding from the Federal Government and is generally encouraged in what's being heard. Everything is falling into place; but everyone must keep pushing for ongoing funding and to match efforts and needs with the Corps. MtoG received \$8M in surplus funds more or less directed towards the MtoG project. So, the 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. The team had a meeting last week with Corps PMs just after the bi-weekly PDT meeting, specifically to address the need for alignment lockdown. The meeting went well and D. Bourgeois believes the team will have some final action on that in the next couple of weeks. Last Wednesday, November 15, CPRA, NLLD and TLCD again presented the MtoG project to USACE's ASA Michael Conner along with a few members of his staff, Col Jones, Mark Wingate, and the Project Management folks. The meeting went well and was another opportunity to differentiate the benefits of this project from other levee projects. Although the weather prevented a fly-over, the team

was able to demonstrate the advances made on the project and the benefits already being realized. Finally, through MAC and work directly, the team is looking for legislation in allowing to do more of the work in parallel with the Corps to be able to complete this vital flood protection as rapidly as possible.

J. Equipment: Travis Colombel gave an update on equipment within the last month. There were loose bolts and nuts on the Link Belt 350 car-body were addressed by Wilco Marshbuggies Inc. promptly torquing and tightening them accordingly. After completing the installation of the new drive assemblies, the Link Belt 130 resumed service briefly. However, faulty bearings on the Fecon mulcher forced it out of service again, pending bearing replacement.

K. General Items:

Photo Presentation: A. Ostheimer reported and presented photos on the following projects: widening of the channel at Butch Hill Pump Station; Greenwood Mitigation Bank; Taz grinding trees on the bank; Reach B and B3.

NLLD Joined Lawsuit against FEMA on RR2.0: D. Bourgeois reported there is no update on the hearing. He stated there is a positive outlook with the new administration in Baton Rouge heading this lawsuit.

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: 10/17

CPRA Board Meeting: 10/18

NSU Coastal Center Interviews: 10/19

MAC Meeting: 10/20

Lafourche Parish DFIRM Response Discussion: 10/25

Terrebonne Freshwater Distribution Discussion: 10/30

RR 2.0 Presentation to Realtor Investors: 11/1

BTNEP Q4 Management Conference: 11/2

NSU Coastal Center Groundbreaking: 11/7

BTEF Meeting: 11/7

BTNEP Management Meeting: 11/9

MAC Annual Meeting: 11/9

UBBRR Meeting with CPRA, NLLD, MVP, and MVN: 11/13

ASA Presentation Meeting: 11/15

Waters of US meeting: 11/15

Congressman Graves Breakfast: 11/17

Finance & Priority Committee: Committee Chairman Louis Andolsek reported that the Finance and Priority Committee conducted a meeting on October 17, 2023 and there are a copy of those minutes in the meeting packet. During that meeting, the committee reviewed and approved the Payables report that was recommended and accepted for approval by the full board during the Regular Board meeting that followed. The Finance & Priority Committee will be reviewing the Final Revised 2023 Budget and the Proposed 2024 Budget next month; therefore, the December 19th meeting is scheduled for 4:45PM.

Legal and Development Committee: Tory Hebert reported that there is copy of the minutes from the Legal & Development Committee meeting on October 17, 2023. During that meeting, liquidated damages were reviewed and assessed for the NLLD Project No. 6800.63Z, Morganza to the Gulf Eastern Tie In, Reach 2 Interim Improvements. The L&D Committee also met before today's meeting to consider amending the NLCLDD By-Laws and accepting an open meeting law process to bring the meetings into compliance with Act 393 of the 2023 Regular Legislative Session. In short, this Act changes the requirements for providing access to meetings for person with disabilities qualified under the Americans with Disabilities Act (ADA) when so requested by these persons. Because amending NLLD's By-Laws requires the board to have the revised By-Laws in their possession at least one week prior to making

changes to them by a 2/3 vote of the Board, NLLD will ask the board to consider both the Changes to the NLCLDD By-Laws and the Act 393 Process in the form of a Motion at NLLD's December Board Meeting. T. Hebert asked that the board be on the look-out for receipt of the Draft versions of those documents in the coming days. The committee will also report the minutes for today's meeting next month for the full board's consideration.

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, December 19, 2023, at this office located at 3862 Highway 1 in Raceland.

R. Pitre motioned, seconded by R. Foret to enter executive session to discuss the annual evaluations and salary reviews for 2024 of all NLLD employees: Dwayne Bourgeois, Executive Director; Travis Colombel, Field Coordinator; Katie DeRoche, Executive Assistant; Arthur Ostheimer, Project/Program Manager; Brandy Theriot, Project/Accounting Assistant; and Madonna Viguerie, Administrative Assistant. No discussion or public comment. Motion passed unanimously. R. Pitre motioned, seconded by D. Kiffe to return to regular session. No discussion or public comment. Motion passed unanimously. L. Andolsek motioned, seconded by T. Hebert to take any action authorized by the board in executive session. The meeting was unanimously adjourned at 8:04 PM on motion by R. Pitre, seconded by A. Pitre.

/s/Cory Kief, President

/s/Dwayne Bourgeois, Executive Director