

**OFFICIAL PROCEEDING
OF
SOUTH LAFOURCHE LEVEE DISTRICT
DECEMBER 14, 2009**

The Board of Commissioners of the South Lafourche Levee District met in a regular session at its regular meeting place, 17904 Highway 3235, Galliano, Louisiana, on Monday, December 14, 2009, at three (3:00) o'clock p.m., pursuant to the provisions of a notice of regular session duly promulgated and posted in accordance with the law.

The regular meeting for the month of December was called to order by President Ronald Callais. He directed the secretary to call roll.

Board members present: Ronald Callais
 Clarence "CJ" Marts, Jr.
 Lula Auenson
 Robert "Bobby" Eymard, Sr.
 Bob Faulk
 Mitch Danos
 Roy Gisclair
 Monty Vegas

Board members absent: Ernest J. "E.J." Gremillion

Also present were: Executive Secretary and General Manager Windell Curole; Administrative Assistant 5 Mary Punch; Clerical Assistant Amy Gisclair; Levee Maintenance Superintendent Jimmy Badeaux; Engineering Personnel Ben Hodson, Neil Angelette, Larry Picciola and John Plaisance; Attorney Bryce Autin; Corps personnel Joey Wagner, Maude Johnson and Bill Foret; Cory Kief of North Lafourche Conservation, Levee and Drainage District; Eugene Chauvin of LL&G; and news media.

READING OF THE MINUTES

The minutes of the November 9, 2009 Regular Meeting were approved unanimously upon a motion of Roy Gisclair and seconded by Lula Auenson.

PRESIDENT'S REPORT

President Ronald Callais updated everyone on the ALBL conference and announced the newly elected officers who include Steve Wilson of Pontchartrain Levee District as President and outgoing president Harris Brown of Tensas Basin Levee District as Vice-President. Mr. Callais briefed the board on others who were elected.

AUDIENCE COMMENTS

There were no comments from the audience.

VICE PRESIDENT'S REPORT

2010 PRIORITY LIST

Vice-President Lula Auenson announced that the Executive Committee had met on November 30, 2009 to prioritize projects for the upcoming year 2010. She directed General Manager Windell Curole to brief the board on the list of projects.

Mr. Curole reviewed projects that had taken place over the past three years. He announced that the State had finalized the agreement for the \$20M and the governor was expected to sign by the end of the month. Mr. Curole then reviewed the list of projects that the money would be spent on.

GENERAL MANAGER'S REPORT

Mr. Curole announced that former Governor Dave Treen had recently passed away. Mr. Curole stated that he had started working with the levee district under Mr. Treen's administration. He praised Mr. Treen for getting the ball rolling and being frugal with spending. He recalled how Mr. Treen helped the levee district by coming up with money two years in a row when the levee system was about to be de-authorized by the Corps. Mr. Curole added that had it not been for Mr. Treen's help in obtaining the needed funds, the levee system would have been de-authorized.

Mr. Curole informed the board that former employee and field supervisor EJ Rousse had recently passed away. Mr. Curole recalled how Mr. Rousse worked with his crew cutting costs wherever necessary as there was no extra money. Mr. Rousse was a dedicated employee whose determination and dedication insured success in difficult times.

Vice-President Lula Auenson recommended that the board send a letter of sympathy to the Rousse family. President Callais requested that Administrative Assistant Mary Punch and General Manager Windell Curole put a letter together for the board to sign.

MORGANZA SLIDE PROGRAM

General Manager Windell Curole showed slides of the coastal areas of Louisiana and the vast amount of land that is under sea level.

GENERAL WALSH LETTER

Mr. Curole presented a letter from General Michael Walsh. In the letter, the General addressed lessons learned since Hurricane Katrina and requested information from the levee district before commencing work on any project that is not conducted by the Corps. Mr. Curole stated that the levee district is taking risks which could result in the loss of federal help and requested that Corps representative Joey Wagner speak more on this subject later during his briefing.

ROW AGREEMENT – LAFOURCHE PARISH WATER DISTRICT

Attorney Bryce Autin presented the board with an agreement from the Lafourche Parish Water District and stated that everything looked fine except that there was no clause for hold harmless. Mr. Curole requested that Mr. Autin add a hold harmless clause to the agreement before it is signed, but recommended the board authorize Mr. Callais to sign the agreement when ready.

Moved by Bobby Eymard, seconded by Roy Gisclair and unanimously accepted, the board authorized President Ronald Callais to sign the Right-of-Way Agreement with the Lafourche Parish Water District after attorney Bryce Autin has added a Hold Harmless clause to the agreement.

RESOLUTION 09-10: RELEASE GLPC FROM COST SHARE OF LOCK EXPENSES

Mr. Curole explained that the Resolution 09-10 will release money previously committed to the South Lafourche Levee District by the Greater Lafourche Port Commission for cost sharing of the lock expenses. President Callais read the following resolution aloud.

Moved by Lula Auenson, seconded by Clarence Marts and unanimously approved, the following resolution was adopted:

RESOLUTION NO. 09-10

WHEREAS, the Greater Lafourche Port Commission (Port) did enter into an Intergovernmental agreement on March 21, 2006 with the South Lafourche Levee District (District) to share costs equally between the Port, the District and the Lafourche Parish Council for the installation of the Leon Theriot Lock; and

WHEREAS, the Port agreed to fund up to one-third (1/3) of the installation cost, not to exceed \$2,000,000 (two million dollars); and

WHEREAS, the installation of the Leon Theriot Lock has now been completed and paid by the State of Louisiana with no cost overruns to date;

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of the South Lafourche Levee District does officially release the Greater Lafourche Port Commission and its Board of Directors from the Intergovernmental Agreement signed on March 21, 2006 for the installation of the Leon Theriot Lock and any debts thereof.

UNANIMOUSLY ADOPTED on this 14th day of December 2009.

Mr. Curole added that in addition to the releasing of the Port from their obligation to cost share lock expenses, the Port has agreed to reimburse the levee district for floodgate personnel (Navigational Lock Operators) payroll expenses over the next three years.

CONSTRUCTION INSIDE LEVEE SYSTEM PERMITS

Mr. Curole stated that questions arise periodically about how construction inside the levee system is permitted. Mr. Curole presented two letters explaining how work is conducted inside the levee system.

HUNTING/FISHING LEASES

Mr. Curole stated that there are hunting and fishing leases that came with the property given to us by the State. We have not yet dealt with the leases. With no objections from the board, we will renew those leases for one year and then advertise for the following year. There were no objections from the board.

ENGINEERING REPORT

OFFICE OF PUBLIC WORKS

No one was in attendance from the Office of Public Works.

CORPS OF ENGINEERS

Corps of Engineers Joey Wagner stated that the Code of Regulations requires the levee district to advise the Corps anytime work is done. Mr. Wagner explained the process and asked the board to work with the Corps to see that the regulations are followed. In doing so, the process can continue to move forward.

Mr. Curole added that the Corps is requiring some items of work which are unaffordable by the Levee District. Mr. Curole questioned Mr. Wagner on the worst case scenario if the levee district does not cooperate. Mr. Wagner responded that the levee district could lose all federal assistance, including FEMA, if we do not comply. President Callais questioned how we could be affected if the work we are doing enhances the system. Mr. Wagner responded that it's ok as long as the Corps knows about the work prior to it being done. The Corps needs letters up front so they can get on board with the levee district. Mr. Curole addressed the board informing them that the levee district takes risks, but sometimes we need to in order to protect our community. We are doing solid engineering on our levee system. Since Katrina, everything is extremely expensive so we are doing the best we can with what we can afford. However, there are risks if we don't follow the Corps rules. Mr. Wagner added that the process of sending the letters before work is started is designed to help the levee district in case something happens.

Mr. Wagner announced that they had received \$5.8M for projects from the President's Budget. The Corps needs \$2.5M for post authorization study and the remaining, along with the levee district's cost share, will be used for construction.

C-North: The grass is growing on the levee. Gravel is being added to the Cypress Ridge road.

Mr. Wagner report the following:

- \$29M Supplemental Funds: LOOP Gate and T-Wall, Intracoastal Waterway Floodwall and the Golden Meadow Floodwall are the projects currently under design. We will be able to get two of the three under construction, but we will have to seek additional funding for the other one. We are working with Neil Angelette on these projects. Mr. Curole added that the Corps believes they can get the Golden Meadow floodwall to 13.8 ft by August 15, 2009.
- Crawfish Farms: The sheet pile has been procured and painted and should be arriving any day. The Corps has a camera system and will give access to the levee district to view the construction. This project is to be completed by hurricane season and is going to 13 ft.
- Post-Authorization Change: We will be reviewing three separate alternatives. Alternative 1 is to provide a levee system that is acceptable to the levee district without having to raise the entire system above the 1965 authorized elevation. Alternative 2 is modifying the system and making it a system to the new hurricane storm damage reduction guidelines. Alternative 3 will be the requirements to get to the new 100 year level of protection. This is the future 2080 elevation, but at this time, more studies are needed.
- We are currently waiting on OCPR for the agreement to cost-share rehab work. The rehab work is minor damage along the Pointe-Aux-Chene mitigation levee. There are five areas we will address. Three areas need additional rock so we plan to add rocks and grout. On Section E-North (Clovelly Farms) we plan to add approximately one mile of rip rap and vinyl sheet.

Mr. Wagner stated that Zoltan Montvai of Corps headquarters was down recently to tour the levee system, and he thanked levee field supervisor Jimmy Badeaux for giving the informative tour on Dec. 3, 2009.

Mr. Wagner stated they met with DOTD on Dec. 10 to review their designs on the GIWW floodwall. Evaluation studies must be done on Corps projects above \$10M. These studies take approximately 30 days. DOTD is working with the Corps on this.

The removal of the LOOP wall and replacement with an earthen ramp is to be constructed in 2010.

PROJECT ENGINEERS

LEON THERIOT LOCK PROJECT – PICCIOLA & ASSOCIATES

Program Manager Ben Hodson gave the following report:

- **Lemoine Industries – Debris Removal**
 - Change Order No. 1
 - We reached an agreement to settle and close out the project. This change order decreases contract by \$269,269.50.

Moved by Monty Vegas, seconded by Roy Gisclair and unanimously accepted, the board approved Change Order No. 1 which decreases the contract price by \$269,269.50.

- Substantial Completion

We recommend approving the Certificate of Substantial Completion so the Clear Lien process can begin for this project.

Moved by Mitch Danos, seconded by Clarence Marts and unanimously accepted, the board approved Certificate of Substantial Completion for the Debris Removal project.

- Pay Request No. 1 - \$128,097.45
We recommend payment of this request.

Moved by Lula Auenson, seconded by Bob Faulk and unanimously accepted, the board approved Pay Request No. 1 in the amount of \$128,097.45.

- **Leon Theriot Lock Completion Phase**
We are currently responding to multiple claims issued by the contractor.
- **Elevation of South Floodgate Sector Gates – Awarding of Contract**
Two bids were received on December 14, 2009. The low bidder was Dolphin Services, Inc. in the amount of \$768,342.00. We recommend awarding of the contract. The other bid given by F. Miller Construction was for \$1,583,761.47.

Moved by Bobby Eymard, seconded by Mitch Danos and unanimously accepted, the board approved awarding of the contract for the Elevation of the South Floodgate Sector Gates to the low bidder Dolphin Services, Inc. in the amount of \$768,342.00.

J. WAYNE PLAISANCE, INC.

Engineer John Plaisance reported the following:

- **Pump Station No. 1**
Jimmy Badeaux was requested to give an update on the elevation of the discharge pipes. Mr. Badeaux reported that two pipes were installed, the earth has been built up to the desired height, and the remaining three pipes have been removed. Cement mats will be placed Wednesday morning and then the pipes can be re-installed that afternoon. Everything should be complete in a couple weeks.
- **The East Golden Meadow Retention project**
John Wayne Plaisance is doing design work on the southern bank of the Yankee Canal. About 30,000 net yards of fill will be required. We are working to get this information to Neil Angelette so the contractor can get a quote for the fill and work can begin. It will probably take three lifts to get it to the required height. John Plaisance feels the rest of the canal is something we can do with a marsh buggy. This will probably be an additional net 25,000 yards. I'll get some budget numbers for the next meeting. I have the drawings and can give those to you today.

President Callais announced that he had attended a meeting on Friday at South Central Planning & Development in Houma called by Senator Norby Chabert. Various representative and senators from our area along with some State officials attended. Also in attendance was Dr. Roy Dokka of LSU Geoinformatics, members of the Terrebonne Levee District and the Morganza to the Gulf group. President Callais stated that the East Golden Meadow Retention job was very well received. Everyone commented on how well this project goes with the environmental concerns. It shows we can maintain our wetlands within our hurricane protection system. Mr. Plaisance added that we should be able to apply for the permit in the next week or so. We do not plan to change the wetland status. We can offer hurricane protection and still have wetlands protection.

LEEVE IMPROVEMENTS – ANGELETTE-PICCIOLA, LLC

Engineer Neil Angelette reported the following:

- **Section A-East – Raising to +16' (Present elevation is 13')**

Weeks Marine, Inc. is proceeding with this project which is scheduled to be complete by the spring of 2010. We are recommending approval of Pay Request No. 22 for \$218,983.62.

Moved by Lula Auenson, seconded by Roy Gisclair and unanimously carried, the board approved Pay Request No. 22 for \$218,983.62.

- **Section B-North – Raising to +12.5' (Present elevation is 10-11')**

Civil Construction Contractors, LLC has completed this project. We are recommending approval Change Order No. 1 for \$52,209.30. The change order is for the addition of 13,387 cubic yards of material as allowed in the contract for overbuilding at a unit cost of \$3.90 per cubic yard and for the addition of 24 days to the contract time for rain days. We are recommending approval of Pay Request No. 4 for \$47,033.37. This project is currently in the clear lien period.

Moved by Bobby Eymard, seconded by Mitch Danos and unanimously carried, the board approved Change Order No. 1 for the addition of 13,387 cubic yards of material at a cost of \$52,209.30, and for Pay Request No. 4 in the amount of \$47,033.37.

- **Section D-South – Raising to +13.5'**

Manson Gulf, LLC is proceeding with this project which is scheduled to be complete by the middle of 2010. We are recommending approval of Pay Request No. 9 for \$17,367.19.

Moved by Bob Faulk, seconded by Clarence Marts and unanimously carried, the board approved Pay Request No. 9 for \$17,367.19.

- **Section C-North Pipeline Walls (Present elevation is 8,8 & 9')**

We are finalizing our design and reviewing it with the Corps of Engineers and the pipeline companies. We anticipate being ready to advertise for bids in early January and completion of construction in the middle of 2010.

- **Section E-North – Raising to +13' (Present elevation is 10')**

We are finalizing the preliminary design for this project which will require additional right of ways from the farm. We met with the land owners last month to continue discussions on the project including the additional right-of-ways needed. We will be completing preliminary plans this month to be submitted to the Corps of Engineers and the land owners.

- **Section E-South – Raising to +13.5'**

We are proceeding with the preliminary design for this project which will utilize the material excavated from the borrow to achieve a levee height of +13.5'.

- **West Side Levee Improvements**

We are proceeding with preliminary design for raising the west side levees up to +16 in the south and +13 in the north.

LEGAL, PERMITS, AND RIGHT-OF-WAYS COMMITTEE REPORT

Chairman Mitch Danos announced that there were two permit requests received for review and that neither interfered with the levee.

On a motion of Mitch Danos, seconded by Monty Vegas and unanimously carried, the board approved Letters of No Objection for the following requests:

1. GREATER LAFOURCHE PORT COMMISSION

CUP NO: P20090953

LOCATION: Lafourche Parish, LA, P.O.B. RipRap at Lat 29° 08' 40.728"N / Long 90° 13' 06.269"W; P.O.E. RipRap at Lat 29° 08' 54.205"N / Long 90° 12'

35.377"W; Fish Dip at Lat 29° 08' 41.348"N / Long 90° 13' 05.612"W' POB Tidal Creek 1 at Lat 29° 08' 59.849"N / Long 90° 12' 13.479"W; POE Tidal Creek 1 29° 09' 38.940"N / Long 90° 12' 36.368"W; P.O.B. Tidal Creek 2 at Lat. 29° 09' 09.480"N / Long 90° 12' 42.510"W; P.O.E. Tidal Creek 2 at Lat 29° 09' 01.731"N / Long 90° 12' 14.080"W; P.O.B. Tidal Creek 3 at 29° 09' 36.035"N / Long 90° 12' 02.003"W; P.O.E. Tidal Creek 3 at Lat 29° 09' 37.282"N / Long 90° 12' 01.987"W; Freshwater pond at Lat 29° 09' 38.431"N / Long 90° 12' 34.758"W; Freshwater pond at Lat 29° 09' 35.490"N / Long 90° 12' 38.024"W; Levee Degradation at Lat 29° 09' 28.742"N / Long 90° 13' 17.104"W; Section 2 and 3 T23S R22E; Section 2, 3, 26, 27 and 37 T22S R22E; Golden Meadow, LA.

DESCRIPTION: Proposed installation of 28 mooring dolphins, 3100' x 10' RipRap, a 24' x 20' fish dip, composed of three (3) 8' x 20' concrete mats, two (2) Freshwater ponds, approximately 320' x 100', a 50' wide Levee Degradation, and three (3) tidal creeks. Tidal Creek 1 is approximately 5,387' in length, Tidal Creek 3 is approximately 2,828' in length, and Tidal Creek 3 is approximately 126' in length. Approximately 38,153 cubic yards of native material will be excavated and used as fill, 3,500 cubic yards of rock will be used as fill and 13 cubic yards of concrete will be used as fill. No other dredge or fill required. *Approximately 20.07 acres of wetlands, 3.63 acres of non-wet areas, and 0.72 acres of non-vegetated water bottoms may be impacted as a result of this proposed activity.

2. PLAINS PIPELINE, LP

CUP NO: P20090716

LOCATION: Lafourche Parish, LA; Cocodrie to Houma: Section 9, 20-24, T17S-R17E; Section 1-3, 5-7, 9, 13-38, T17S-R18E; Section 6, 8-20, 85, T18S-R18E; Section 5, 12, 14-21, T18S-R19E; Section 26-35, 38-42, 44-54, 62-64, 80, 81, 91, 92, 95, T19S-R18E; Section 21,22,T19S-R19E, Section 61-87, 96, 100, 101, T20S-R22E.

Golden Meadow to Houma: Section 14-24, T17S-R17E; Section 4, 11, 12, 22, 23, 27, 31, 37, 38, 40-42, 50, 51, T17S-R18E; Section 73, T17S-R19E; Section 49-53, 55, 59, T18S-R18E Section 2, 18, 19, 23-34, 43-47, 52-56, 58, 59, 65, T18S-R19E; Section 16-20, 23-27, T19S-R19E; Section 6-8, 17, 18, 19, 20, 21, T19S-R20E; Section 5, 8, 17, T200S-R22E;

(POB) Lat 29° 17' 57"N, Long -90° 38' 59"W, (POE) Lat 29° 25' 54"N, Long -90° 35' 43"W

(POB) Lat 29° 22' 21"N, Long -90° 15' 30"W, (POE) Lat 29° 30' 17"N, Long -90° 32' 17"W

(POB) Lat 29° 32' 02"N, Long -90° 33' 29"W, (POE) Lat 29° 33' 17"N, Long -90° 34' 57"W

DESCRIPTION: Proposed clearing within pipeline right-of-way. A total of approximately 14,000 cubic yards of chipped woody vegetation will be distributed to a maximum height of 6" along the right-of-way over a five year period. All equipment will remain on the right-of-way. All access points have been defined on the plats, No additional dredge or fill is required. *Approximately 42 acres of wetland, 21 acres of upland and 1 acres of non-vegetated water bottom may be directly impacted by the proposed work.

Mr. Curole added that Plains Pipeline has a pipeline going through the wall at Apache and we do not plan to cover the pipeline until we get permission from the owners. They have applied for a permit to remove the pipe, but we have not received a request as of yet. Our plans for the floodwall are to take the gate out and cover the entire wall. The ramp, which is about 15 ft in height, is almost complete.

BOARD ATTORNEY

Attorney Bryce Autin reported on the Corps' work at the Crawfish Farms pump station. We have a ROE over the Raphael road granted by LL&E. The Corps requested an agreement from the contractor stating they would be responsible for any damages caused to the road. The agreement is drafted, signed by the contractor and ready for board approval and signing.

Moved by Bobby Eymard, seconded by Roy Gisclair and unanimously accepted, the board authorized President Ronald Callais to sign the Right-of Entry Agreement giving Reeves Electrical Services, LLC ingress and egress for light traffic only across the Raphael Bridge and road accessing the Crawfish Farms pump station project.

FINANCE COMMITTEE

INVOICES

Chairman Roy Gisclair announced that the Finance Committee had reviewed the invoices. He advised that the invoices were in order and recommended they be paid.

On a motion of Roy Gisclair, seconded by Lula Auenson and unanimously carried, the board approved the payment of the invoices as presented.

PERSONNEL COMMITTEE

NEW HIRES FOR LOCK

Chairman Monty Vegas announced that the Personnel Committee had met earlier and agreed to hire Nathan Mayet to fill the position of MEO1 left vacant by field personnel moving to the lock.

Moved by Monty Vegas, seconded by Mitch Danos and unanimously approved, the board hired Nathan Mayet to fill the full-time position of Mobile Equipment Operator 1.

OLD BUSINESS

Mr. Jimmy Badeaux reported that the dragline had been repaired and was back in service.

Mr. Badeaux reminded the board that approval was given at an earlier meeting to purchase a set bearings for gear head repairs. The bearings have been ordered and the next units are ready to ship for repairs. An official quote for repairs will be given once they units are broken down and they can see what needs to be done.

Mr. Badeaux informed the board that the crew had brought the canal down to a minus 7 ft. before the rain began. They ran only two pump stations and were able to keep up with no extra personnel required. The canal in Larose is deeper and it definitely makes a difference with the water flow.

Upon an introduction by Mr. Curole, Cory Kief of the North Lafourche Levee, Conservation and Drainage District announced that he was in attendance to observe.

NEW BUSINESS

Mr. Badeaux reported that the pipes in the floodgate of the lock are open and void. An estimate of \$200,000 to fill with concrete was obtained. Mr. Badeaux stated that he is continuing to work on prices in hopes of lowering the cost.

With no further business to discuss, the board unanimously adjourned the meeting.

/s/Ronald Callais, President

/s/Windell A. Curole, Executive Secretary