

**ATCHAFALAYA BASIN LEVEE DISTRICT**

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Port Allen, Louisiana

September 3, 2011

A Regular Board Meeting of the Board of Commissioners for the Atchafalaya Basin Levee District was held at the Office of the Board in Port Allen, Louisiana at 4:00 p.m., Wednesday, August 3, 2011. President John Grezaffi called the meeting to order. Mrs. Janice Jarreau called the roll. The following members were present:

COMMISSIONER PARISH

Glenn Angelle Iberia

Gerald Alexander Ascension

Bill Flynn West Baton Rouge

John Grezaffi Pointe Coupee

Karen Jewell Iberville

Stephen Juge Pointe Coupee

Moise LeBlanc St. Martin

Gerald LeGrand St. Martin

Harry Marionneaux Iberville

Earl Matherne Assumption

Barry Soileau St. Landry

Absent:

Cory Chustz West Baton Rouge

Daniel Hebert Iberville

Also Present:

INDIVIDUAL REPRESENTING

Bill Andrews HNTB

Buck DeFee HNTB

Bryan Jones HNTB

Johne Basilica HNTB

OCPRA Rick Dugas

Larry Ardoin DOTD

Doug Taylor DOTD

Steve Marionneaux Levee Board Attorney

Bruce Guidry Levee Board Police Captain

Cecil Tessier Assistant Executive Director

Richard Sparks Levee Board Operations Superintendent

Kristy Marcantel Human Resources Analyst

Peggy McCutcheon Accounting Technician

Janice Jarreau Administrative Program Manager

Crissi Canezaro Administrative Coordinator

Will Tyson Executive Director

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The Commissioners reviewed the minutes of their Board meeting held July 6, 2011. Mrs. Janice Jarreau read the following resolution:

**R E S O L U T I O N**

WHEREAS, the Board of Commissioners for the Atchafalaya Basin Levee District

sets forth a procedure for the sale of old office furniture found to be surplus and no

longer needed; and

WHEREAS, the Board of Commissioners for the Atchafalaya Basin Levee District

desires to sell the furniture described in Exhibit “A” attached hereto and made a

part hereof by reference, has been submitted; and

THEREFORE BE IT RESOLVED, that the Atchafalaya Basin Levee District is

authorized to proceed with the sale of said surplus furniture by sealed bid process.

I, Janice G. Jarreau, Secretary for the Board of Commissioners for the Atchafalaya Basin

Levee District, do hereby certify that the above and foregoing is a true and correct copy

of excerpts of the Minutes of the Board of Commissioners for the Atchafalaya Basin

Levee District, a Regular Meeting held in Port Allen, Louisiana, on Wednesday,

August 3, 2011.

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Janice G. Jarreau, Secretary

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Mr. Tyson asked the board to note that on page 3 he previously indicated we spent approximately $843,000 on the recent flood fight. However, since then, he has determined that we spent $1,040,000 on the flood fight, and we should expect reimbursement for 75% of that total. Commissioner Barry Soileau moved, seconded by Commissioner Gerald LeGrand and unanimously carried to adopt the minutes as presented and that they be published in the official journal of this board.

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A meeting of the Executive Committee of the Board of Commissioners for the Atchafalaya Basin Levee District was held on Wednesday July 13, 2011, at the Board Office in Port Allen, Louisiana. 1st Vice Chairman Daniel Hebert called the meeting to order. The following members were present:

Daniel Hebert, 1st Vice Chairman

Harry Marionneaux, 2nd Vice Chairman

Moise LeBlanc, Member

Barry Soileau, Member

Bill Flynn, Ex-Officio Chair

John Grezaffi, Ex-Officio Chair

Absent:

Steve Juge, Chairman

Also Present:

Commissioner Gerald Alexander

Commissioner Glenn Angelle

Commissioner Gerald LeGrand

Commissioner Cory Chustz

Commissioner Karen Jewell

Commissioner Earl Matherne

Karen Oberlies, Corps of Engineers (via conference call)

Rich Varruso, Corps of Engineers

Bruce Guidry, Levee Board Police Captain

Richard Sparks, Levee Board Operations Superintendent

Janice Jarreau, Administrative Program Manager

Kristy Marcantel, Human Resource Analyst

Peggy McCutcheon, Accounting Technician

Cecil Tessier, Assistant Executive Director

William Tyson, Executive Director, Levee Board

Steve Marionneaux, Levee Board Attorney

Commissioner Marionneaux moved, seconded by Commissioner Soileau and unanimously carried to move Item #4 on the agenda to Item #1.

1. Discuss Corps of Engineers Levee Inspection Report - Ms. Karen Oberlies and Mr. Rich Varruso of the Corps of Engineers addressed the committee. Ms. Oberlies attended via teleconference. Mr. Varruso explained to the committee that the Corps has changed from their five tier inspection system to a three tier system. The title of the three tiers include: acceptable, minimally acceptable and unacceptable. He explained what generates each level. He said the criteria really has not changed from what the Corps looked for in the past, but we now have a checklist to make it more consistent. Each item has criteria they look for in the Flood Damage Reduction Segment/System Inspection Report. He said under this new system, if there is even one thing that must be corrected, you will receive minimally acceptable rating. The Atchafalaya Basin Levee District recently received this rating on April 29th. Mr. Tyson said the items listed were a few encroachments, a 6" rut and armadillo holes. Commissioner Soileau said the wording of this level could cause extreme problems for the district. Mr. Varruso said there have been concerns voiced throughout the country, and they are looking at changing the wording of the tier levels. One possibility is exceptional, acceptable and unacceptable. Mr. Varruso said that Louisiana has not had problems, but in other areas of the country, the Corps of Engineers has had problems getting corrections made that were listed on their reports.

Mr. Tyson said the reason he asked Mr. Varruso and Ms. Oberlies to meet with us is that the terminology needs to be changed, and it will have to be fixed on the Washington level. He said this is on our list to push further to try to get it changed as soon as possible. Mr. Tyson said this could hurt our economic development in the district, as well as create a perception that the levee district is not doing their job. He said we will have an opportunity to explain our dissatisfaction to the General in a few weeks at the low water inspection.

Mr. Varruso said we should tell people that “minimally acceptable” means “accepted”. He said that another change in the reports is that items that have nothing to do with the Atchafalaya Basin Levee District, but are performance items, will be listed in the report. The report will state the Corps of Engineers will take care of these item. This makes it a report on the levee, not the levee District.

President Grezaffi asked Mr. Varruso if the Corps of Engineers would consider changing their criteria to lower the level to open the Morganza Spillway. Mr. Varruso said that the opening during the last high water event, from the Corps’ perspective, proved that their plan worked. He said a lot of politics got involved, but we will have a post report and we can look at that. Mr. Tyson said he personally feels the trigger needs to be less than 45', perhaps as low as 42'. He said even though their plan worked this time, the drought helped considerably.

Commissioner Flynn said we had a slide on one of the levees that the Corps has been aware of for four to five years. During the recent high water event, we had to put a stabilization blanket on the slide to protect the levee.

Mr. Varruso said the Corps has another program that is being developed at this time. They started working a year ago on “Levee Screening”. This is a tool to look at performance in the past and consequences. It is entitled the Levee Safety Action Qualification System. Each levee is rated 1-5, with 5 being a levee with a good chance of performing and low consequences. The 1 would be low chance of performance and high consequences. Funding will be based on this program in the future. He said for example in New Orleans with new levees, they are still rated 2-3 because of the consequences. Commissioner Soileau said this all needs to be explained to the insurance companies, as it will have a negative effect on policies. Mr. Varruso said the insurance companies should only care about FEMA accreditation.

Commissioner Soileau moved, seconded by Commissioner LeBlanc and unanimously carried to ask Mr. Tyson to write a resolution, addressed to our Congressmen, the Governor, and State Representatives voicing our concerns relative to these matters. The resolution would be considered by the full board at its next meeting.

2. Request from Mr. David Allemond to discuss the entrance ramp at McGee’s Landing - Mr. Allemond was unable to attend the meeting due to a doctor’s appointment. The commissioners asked that he reappear at a later time, bringing drawings, etc. of what he needs to do, so that the committee can review and decide.

3. Request permission to make a presentation at the Regular Board Meeting in August from Mr. Bryan Jones of HNTB - Commissioner Grezaffi said this is the same company that did the survey for the state using computerized technology at the time of the high water. He said also OCPRA in the Northern Districts are using a machine to monitor seepage, etc. OCPRA has not gotten back with Commissioner Grezaffi on this. Mr. Tyson said the private companies are trying to do this, and DOTD is doing it to provide visual records and x & y coordinates. They should merge these and come up with one system. Commissioner Grezaffi said he would appreciate us allowing them to make this presentation at the next board meeting.

4. Request for a Consent to Assign by Energy XXI, LLC Onshore - Mr. Tyson said he forwarded this request to Mr. Steve Marionneaux. The well was in St. Mary Parish, and the lease was done in 1950's. He asked our attorney if we need to transfer this to St. Mary Parish, and what are we required to do. Mr. Marionneaux said the 2010 Legislation addressed this issue directly. Mineral leases were specifically provided for in the Act. He said we probably should have turned this over to them in August, 2010. He said we are doing an in-house audit to determine the royalties since that date. Commissioner Marionneaux moved, seconded by Commissioner Soileau and unanimously carried to bring this to the full board for their decision.

5. Discuss Act 371 - Mr. Tyson advised the committee that this Act allows for an expanded procurement system where levee districts can piggy back on other municipality bids. It also has fines set for towboats mooring in and around the levee. The Act modified the protected side corridor from 6' to 15', and provides penalties for unauthorized hauling or riding on the levee. The penalty is to be set by the levee district, not to exceed R.S. 14:63. He said we will have to adopt a policy and put signage up as well. Commissioner Marionneaux moved, seconded by Commissioner Soileau to request that the President, Executive Director, Levee Board Attorney and Levee Board Police Captain prepare a plan and present it at the next board meeting for their consideration.

6. Discuss ABLD vehicle domicile - Mr. Tyson said he has some employees who have moved out of the district, and he feels we should set a limit for vehicle domicile. Commissioner Marionneaux moved, seconded by Commissioner Soileau and unanimously carried to set the limit as 30 miles outside the district.

There being no further business to come before the committee, upon motion by Commissioner

Bill Flynn, and unanimously carried, the meeting adjourned.

Respectfully submitted,

/s/Daniel Hebert, 1st Vice Chairman /s/Harry Marionneaux, 2nd Vice Chairman

/s/Moise LeBlanc, Member /s/Barry Soileau, Member

/s/Bill Flynn, Ex-Officio Chairman /s/John Grezaffi, Ex-Officio Chairman

Mr. Tyson advised the board that the primary topic discussed at the Executive Committee meeting was the new three tier system adopted by the Corps of Engineers to be used for levee inspections. The new system includes “Acceptable”, “Minimally Acceptable” and “Unacceptable”. He said we received a minimally acceptable rating, but very few levees, if any, could ever exceed minimally acceptable ratings. This has a negative connotation, and could effect insurance coverage for the area as well as economic development. Mr. Tyson said he spoke with U. S. Senator David Vitter about the matter, and he is very aware of the problem. Commissioner Steve Juge moved, seconded by Commissioner Earl Matherne to adopt the following resolution and to distribute copies to the Governor, State Representatives and Senators, as well as our Congressional delegation:

R E S O L U T I O N

WHEREAS, the Atchafalaya Basin Levee District is in receipt of a

recent periodic inspection report from the U.S. Army Corps of Engineers; and

WHEREAS, the Atchafalaya Basin Levee District received a Minimally

Acceptable rating of a 3 tier inspection system; and

WHEREAS, the terminology used in the Flood Damage Reduction Segment/

System Inspection Reports, written by the U.S. Army Corps of Engineers, to define minimally acceptable is misleading and will potentially impact insurance rates and business development and

WHEREAS, very few systems, if any, will ever exceed minimally acceptable ratings

based on the current inspection criteria, and

WHEREAS, the Atchafalaya Basin Levee District feels there are many items

listed inside this inspection report that inaccurately depict the true condition of our system; and

WHEREAS, the Atchafalaya Basin Levee District safely passed waters of an epic

flood event during this flood season; and

NOW, THEREFORE BE IT RESOLVED, the Atchafalaya Basin Levee District

hereby requests your assistance in bringing forth the needed changes to this inspection

process.

Vote:

Yeas: Commissioners Gerald Alexander, Glenn Angelle, Bill Flynn, John Grezaffi,

Karen Jewell, Stephen Juge, Moise LeBlanc, Gerald LeGrand, Harry Marionneaux,

Earl Matherne, and Barry Soileau

Nays: None

Absent and not voting: Commissioners Cory Chustz and Daniel Hebert

The vote in favor thereof being unanimous, the resolution was declared duly adopted.

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I, Janice G. Jarreau, Secretary for the Board of Commissioners for the Atchafalaya Basin Levee District, do hereby certify that the above and foregoing is a true and correct copy of resolution adopted August 3, 2011, Regular Meeting, the Board of Commissioners for the Atchafalaya Basin Levee District, Port Allen, Louisiana.

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Janice G. Jarreau, Secretary

Vote:

Yeas: Commissioners Alexander, Angelle, Flynn, Grezaffi, Jewell, Juge, LeBlanc, LeGrand, Marionneaux, Matherne, and Soileau.

Nays: None

Absent and not voting: Commissioners Cory Chustz and Daniel Hebert

The resolution passed unanimously.

Commissioner Stephen Juge moved, seconded by Commissioner Glenn Angelle and unanimously carried to adopt the minutes of the Executive Committee Meeting as presented.

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President John Grezaffi introduced members of HNTB and invited them to present a brief review of the program they were recommending. He said that during the recent flood fight he saw a small version of this presentation, and realized that if it was implemented statewide, it would be helpful. He said we dealt with many different entities during the flood fight, and this would have centralized the data needed to make decisions. Mr. Bryan Jones of HNTB said the system they are proposing captures the data electronically, and allows you to manage your assets using this data. He said they have walked DOTD through this process, and we can do the same with levee boards. The program synchronizes the database and the files using handheld units that can be taken to the field. This program is currently being used in North Louisiana.

A representative from DOTD described to the board how they used the program during the flood flight. He said they identified sand boil locations, slides, etc. He said this is invaluable information. While they were using the system HNTB worked with them and they are making some adjustments to the program based on DOTD’s needs.

Board members indicated they liked what they heard, but they have several questions. President John Grezaffi asked if this could be brought to the Executive Committee so that some of these questions can be answered. Mr. Tyson said his question is that you have this system going with DOTD, but the Corps has a system. Are the two integrated, or do they overlap? Commissioner Glenn Angelle moved, seconded by Commissioner Steve Juge and unanimously carried to refer this to the Executive Committee. Commissioner Steve Juge said he would like a simple 10 minute presentation to show exactly how this could be used, and what it would look like. He also asked if DOTD is sharing this data with the Corps of Engineers.

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Commissioner Harry Marionneaux moved, seconded by Commissioner Karen Jewell and unanimously called to approve a fence permit request from Mr. Canella and Mr. Carline.

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President John Grezaffi encouraged the other Commissioners to attend the Mississippi River Commission Low Water Inspection on August 18, 2011. There is no limit on the number that can attend.

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Mr. Tyson advised the board that relative to Act No. 1020, they determined the amount of royalty collections from Dune Energy since August of 2010. The total is $5,444.24, which will need to be forwarded to St. Mary Levee District. This well is in their parish and was separated from the Atchafalaya Basin Levee District, effective August 15, 2010. President Grezaffi asked that this be referred to our attorney and then to the Executive Committee for further review.

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Commissioner Bill Flynn suggested we stucco and paint the front wall of the board room so that it matches the other side. Mr. Tyson said we could also re-brick the wall. President John Grezaffi asked that this be sent to the Executive Committee as well.

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Mr. Rick Dugas advised the board that the Executive Director of OCR has retired.

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There being no further business to appear before the board, upon motion by Commissioner

Barry Soileau and unanimously carried, the meeting adjourned.

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Janice Jarreau, Secretary John Grezaffi, President

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Linda E. Alwood, Contract Stenographer