**MINUTES OF APRIL 19, 2016**

**Board of Commissioners of**

**Bayou D’Arbonne Lake Watershed District Regular Meeting**

Union Parish Courthouse Annex

303 East Water Street

Farmerville, LA 71241

1. Roll Call – President Bruce Hampton called the meeting to order. Commission members present were Bruce Hampton, David Hopkins, Steve Cagle, Trotter Hunt and Terri Towns. Absent was Cary Brown. Also present were Bill Carter, Ron Riley, Robert Lemoine, Tracy Ambrose, Jim Farley, Betty Farley, Jean Fiebelkorn, Larry Kenley, John Kelley, Carolyn Kelley, Devin Davis, Glenn Hutto, and Leslie Towns.
2. Invocation/Pledge of Allegiance – Terri Towns led the invocation, and David Hopkins led the Pledge of Allegiance.
3. Public Comment Registration – Jim Farley and John Kelley signed to make public comments.
4. Agenda Approval – Motion was made by Steve Cagle and seconded by Terri Towns to approve the April 2016 agenda. The motion passed unanimously.
5. Approval of Minutes – Motion was made by David Hopkins and seconded by Steve Cagle to approve the minutes of the March 2016 meeting. The motion passed unanimously.
6. Treasurer's Reports – The March 2016 treasurer’s report was presented. Motion was made by David Hopkins and seconded by Steve Cagle to approve the report. The motion passed unanimously.
7. Old and New Business:

1. Recent Flooding Issues – Ron Riley stated that at the last meeting, the Lake Commission passed a resolution authorizing the Union Parish Police Jury to utilize the Terrell Island boat launch area for purposes of temporary storage of damaged building materials but stated that the location did not meet FEMA requirements. There was some discussion about how well the tainter gate worked during the flooding and how much worse the flooding would have been without it.

2. Channel Markers – (a) FEMA Claims – Steve Cagle questioned whether the Lake Commission would qualify for help from FEMA for the loss of or damage to the channel markers on the lake. Mr. Hampton recommended that they closely document the hours worked repairing the markers, whether volunteer or for pay. Ms. Towns also recommended taking before and after pictures. Mr. Hampton agreed to look into it with the help of Mr. Carter and Mr. Riley to get the required forms to make a claim. Mr. Carter advised that there may be a May time limit, so he recommended that the Commission authorize the President to file FEMA claims. Mr. Cagle made a motion to authorize the President to file FEMA claims in connection with flood issues. Ms. Towns seconded the motion, and the motion passed unanimously.

 (b) Repair Status – Mr. Cagle stated that many channel markers are missing or bent over. He stated that 250 red and green markers are made and at the Sheriff’s Department ready to be installed. He further stated that his brother knows where the channel markers should be placed, and his brother agreed to volunteer his time to replace the markers if we hire several people to help him. Mr. Hampton questioned whether the Lake Commission can hire his brother or allow him to volunteer his time if he has other people working under him. Mr. Carter asked Mr. Riley how they handled this in the past and stated that we need some sort of procedure in place so that they are placed on the right tree or pole. Mr. Riley said they also put them out in association with driving new piles or they had volunteers previously. Ms. Towns said she and her husband also went out with one of their employees and put them up previously. Mr. Carter asked how she knew which trees to place the markers on, and she stated that they placed them on existing markers that were still in place. However, Mr. Hampton stated that the markers have washed off the pilings, and Ms. Towns stated that several poles have also floated away so they will need Mr. Riley’s help to locate where they should be placed. Mr. Cagle recommended that we go in with the markers we have, place them on the poles and then get with Mr. Riley to straighten the poles that are leaning and re-mark the ones that are missing. Some discussion was made about finding a way to get it started and get the new markers on the poles. Ms. Towns stated that the pole on the bridge where the gauge was located is also missing. Mr. Carter said Mr. Riley has handled this previously and if he is comfortable with getting the markers on the right poles or trees, then we can allow this but under some sort of supervision with Mr. Riley’s approval. However, if we are talking about hiring someone, it is different. Mr. Carter asked Mr. Riley if we hire someone what he would do, and Mr. Riley said they previously had declared an emergency. Mr. Hampton said we are not in the realm of public bidding. If we are talking two or three weeks of work, then we need to get some quotes. Ms. Towns suggested using someone who is required to do public service hours, and Mr. Hampton agreed if there is someone to supervise them. Mr. Riley said he cannot go out to check the poles for several weeks. Mr. Carter asked Mr. Riley and Mr. Cagle to come up with a plan to address this and to go through Mr. Riley’s purview. Mr. Hampton agreed that Mr. Riley should supervise the repair and replacement of markers and pilings. Mr. Hunt asked if we should authorize a dollar amount to get started. Mr. Cagle recommended not going over $1,500 until we can see what we need to do engineering wise. That budget is for part-time helpers to go in a boat to help hang the markers. Mr. Carter agreed if everyone else is on board. Mr. Hampton stated that the budget is strictly for markers because we will need a barge to straighten the pilings. Mr. Cagle and Ms. Towns made a motion to repair and replace the markers with Mr. Riley’s and Mr. Cagle’s supervision with a $1,500 budget. The motion passed unanimously.

3. 2016 Drawdown – Mr. Carter stated that we are still searching for the documentation of the current policy. If it is able to be found, we will review and discuss whether it should be revised. Mr. Hunt asked what we should do if we cannot find it. Mr. Carter said if we do not find it by the next meeting, we need to start talking about drafting another one. The drawdown typically begins the day after Labor Day and through Thanksgiving. Then Wildlife & Fisheries comes in and asks us to extend it through winter to try to kill the vegetation. Mr. Hampton stated that we will revisit this next month.

4. Lake Information Pamphlet – Ms. Towns said she has not worked on it very much because she has some questions about issues that we may want to look at differently. She has marked areas that she knows needs to be changed. Mr. Hampton stated that Ms. Towns provided us the old pamphlet that was published in 2004 which needs to be updated. We will continue to update it and revisit it on a month-to-month basis until it is done.

5. Boat Ramp Rules/New Signs – Update – Mr. Riley stated the first thing he wants to do is to agree on how many signs we need. There are 13 ramps on the lake, including the one ramp below the spillway on the Farmerville side. We got a quote for 11 signs. He said we talked about not signing Ken’s Landing and Highway 151 because they are not in the lake. They are in the creek and they are not on our map, so people can’t look on the map to see where they are. Mr. Riley recommended that only 11 signs be installed, which will save some money. The next question he had was where the signs will be placed. We were going to put them near the boat ramps and put a notice on the back of the sign indicating No Wake Zone within 300 feet of the ramp. This would not apply to Hog Pen and Gills Ferry ramps since there isn’t 300 feet of water in front of the ramps. Mr. Cagle said it is a state law that 300 feet from any boat ramp is a no wake zone. Mr. Riley said if we place the signs near the water, we may lose our signs because of wave action. He suggested placing the signs on the entrance to the ramp so that when you drive in you will see the sign. He passed out some aerials with suggestions on where to place the signs. For instance, he stated that the sign for Stow Creek would be placed on Highway 15 where you come in. He asked that the Commission consider putting the signs where you can see where you are and the address when you first drive in to the ramp. At these locations, he sees no need for the no wake zone on the back of the sign. Mr. Hunt said we will save money with a single-sided sign. Mr. Hampton stated that later when we have a website, Ken’s Landing and Highway 151 will be mentioned, so it would be a good idea to put signs at those locations, too. Mr. Riley said if we sign Highway 151, we would almost certainly need a DOTD permit because it is on their right-of-way. Mr. Cagle stated that Ken’s Landing is a boat ramp by itself and is not on a public road. Mr. Riley felt that would be another reason to not place the sign there. Mr. Cagle felt that Ken’s Landing should have a sign but not for Highway 151. Mr. Cagle stated that if we only have a single-sided sign, then we would save enough money to buy the other two signs and that way every ramp that involves the lake has a sign. There was some discussion about the price difference between a two-sided sign and a single-sided sign. Mr. Carter said if the signs are placed near the road and you want people to read them, they probably will not read them. Mr. Carter also believes the wake on the sign is important near the Highway 33 bridge. He recommended putting the no wake zone on the signs near Jake’s Landing and the bridge where there is a lot of boat traffic. Mr. Cagle stated that he would prefer to have the signs at the ramps. He felt the addresses would be incorrect if someone gives a 911 address. However, Mr. Riley stated that they are addressed where you enter the road to go to the boat ramp, not where the ramp itself is located. Mr. Hopkins stated that the poles that were washed out have been there only a year so he prefers that the signs are not so close to the water. Mr. Cagle asked if we could get them closer to the ramp without being too close to the water. Mr. Riley asked members to mark the aerials he distributed where they believe the signs should go and email them to him. Mr. Hopkins said some of the activity is not just for boats; it is for people who hang out so the signs need to be placed where everyone can see them no matter which entrance they use. Mr. Cagle recommended that we get the signs 60 feet off the highway right-of-way so someone in a truck with a trailer can stop and read it if they want to and it is off the right-of-way, and Mr. Riley agreed. Everyone agreed to make a circle on the paperwork Mr. Riley distributed and email it to Mr. Riley for his thoughts. Mr. Hopkins asked about Ken’s Landing and Highway 151. Mr. Hampton stated that we need one for Ken’s Landing but Highway 151 is the Highway Department’s responsibility. Mr. Riley stated that with this in mind, we need 12 signs. Our quote has expired, but Mr. Riley said he will talk to Rapid Signs in the morning to let him know where we stand. Mr. Riley also asked that everyone look at the next to last drawing he distributed. This is a drawing of the sign that was designed. The back of the sign will be removed unless the signs are close to the water. None of the signs will be within sight of the boat ramps. The price has already been approved for 11 double-sided signs, so that price will change. A motion was made by Mr. Cagle to authorize Mr. Riley to order 12 single-sided signs, with the installation location to be chosen. Mr. Hunt seconded the motion, and the motion passed unanimously.

6. Mega Ramp Update – Mr. Riley stated that they sent in the information to the State regarding the grant for the mega ramp, and it was deemed administratively complete. We are now waiting for them to tell us to send in a signed application, and that usually occurs around the first of June. It looks promising.

7. Maricopa Island Project – (a) Address by Developer – Mr. Jim Farley and Dr. John Kelley addressed the Commission with a joint presentation. Mr. Farley informed the Commission that he is the grandson of Genie Stansbury, and he represents his family. He was here when the lake was formed and has knowledge of how the land was obtained. He stated that Armand Rabun, Alvin Green, and a group of people decided to make a reservoir. Mr. Rabun was a local attorney and President of the Lake Commission at that time. In the late 1950’s, they conducted a land survey to ascertain what was 80-foot contour line to know what land was included to be inundated by the compound. Afterwards, Mr. Rabun went to the landowners to obtain a lake servitude. They did not buy the land but they bought the right to put water on it. Many people were in favor of the lake. His own father was in favor of the lake and lost 30 acres to impoundment, as did most people. Some of the older landholders were not receptive to the idea. Mr. Rabun approached his grandmother but she would not initially agree. Mr. Rabun eventually talked her into agreeing to a lake servitude. In return, he gave her concessions in a document he marked as Exhibit 1 which he handed out to the Board members. His grandmother gave up 205.71 acres of land for $3,978.72. In return, Mr. Rabun gave her the right to build a ramp, or a dump as they referred to it then, to her cut off land. She could do it at her option when she wanted to, but she had to take it out of the $3978.72 that she received from the Lake Commission. In 1957, it was turned into plantation pine and it remained that way until the drawdown in 1991. They harvested it at that time and never replanted it. Mr. Farley stated that he would like to see the land returned to a productive nature. He and his fellow landholders went into a venture to see what they could do. They had several options including a subdivision, a sod farm, and pastureland for cattle. But they have to get to it because it was cut off. They approached the Corps of Engineers since they have jurisdiction of the lake. Stanley Reed, Kendall Terrell and Mr. Farley went to the Corps of Engineers in Vicksburg and met for 2½ hours with several department heads to present what they wanted to do. He asked if he would get in trouble by doing this because they have jurisdiction. They had no problem with it, so he applied for a permit. The Corps suggested that, as a courtesy, he go to the Lake Commission since he had a deeded right to do this. Mr. Farley stated that Steve Cagle was vice president of the Lake Commission at the time, so he invited Mr. Cagle to his home and they had a 2½ hour meeting which was attended by Kendall Terrell, as well. Mr. Cagle suggested that they build either a drive-through culvert or a bridge. Mr. Farley informed Mr. Cagle that the terms of the agreement by the Lake Commission in 1960 just called for a road bed. However, Mr. Farley said he would alter the plan if the Lake Commission wanted to install a drive-through culvert. Mr. Farley stated that Exhibit 3, which he handed out to the Board, calls for a bridge that would cost $30,000 but he believes that is a typo and should actually be $230,000. Mr. Farley explained to Mr. Cagle at that time that his plans were to build a bridge. His legal counsel advised him not to do that because he would be liable forever because the parish and state would not take liability for the bridge, and because he would have the cost of maintenance of the bridge. He opted not to take on that cost or liability but he agreed to cooperate with the Commission if they wanted to build a bridge. At that time, he applied for a permit from the Corps of Engineers, and they sent the Lake Commission a letter soliciting a public hearing. Mr. Farley stated that they had no problem with a public hearing. Things were going smoothly until the Gazette wrote an opposing article, a copy of which is shown on Exhibit 2 which was handed out. He then called Noel James, the President of the Commission, and asked what happened. The reporter was telling everyone the bridge would be a disaster. That was the stance that the Lake Commission took at that time. There were many agencies who responded and wanted information, and they responded. He stated that he brought Dr. John Kelley into the venture because he has 25 years of experience working with the Corps. They waded through a lot of enquiries and demands from different agencies and they responded to them all. It was a long, slow, expensive process. They had a plan for construction during the drawdown, which is the proper time to do it according to the Corps because of having less effect on the lake. Even the Choctaw Indians had some concerns that they satisfied. They did not want to violate anything or do anything that would hurt the environment. Mr. Farley stated that he has built three subdivisions near the lake previously, and he went overboard on all of them because he is conscious of keeping the lake clean. Mr. Farley also stated that he met with a colonel over the Southern Division of the United States in Vicksburg, and the colonel told him to resubmit the permit and ask for a road to be built. They did that and changed the permit for a road 207 feet long. It was engineered for about 87 feet of elevation, which is below the 100-year flood plane but it is a work road. The letter written by Mr. Cagle to the Corps in July 2015 referred to a subdivision. They were not asking for a subdivision. They were asking for a work road. Mr. Hampton asked Mr. Farley who owns the property on the land side where the dump will originate. Mr. Farley said he owns the land on the island side and on the land side. It is a subdivision, Diamond Point, so it goes to one of those creeks in Diamond Point which he developed. It is connected into a public road. The reason Mr. Hampton asked is because someone told him they didn’t think Mr. Farley owned the property. Mr. Farley confirmed that he owns that lot and he also owns the land underneath the lake where he is going to put a road. He said it is not someone else’s land, it is not public land, but it is his land. He believes he and the landowners should have some jurisdiction over their own property. The colonel answered one question that was very important. When you inundate water and the edge becomes wetlands, the lake is engineered to 80-foot contour lines so that puts the wetlands at 81½ feet - a foot and a half above the contour lines of the lake. He asked the colonel if the Corps had jurisdiction of the wetlands at 81½ feet down to 80, and he said yes. He then asked if the Corps had jurisdiction at 82 feet, and he said no. There are some wetlands on the island and they are not touching those wetlands. Also, on the signature page on Exhibit 1, Robert Dawkins witnessed this, and he asked Mr. Dawkins if he knew of any precedent set by this agreement. Mr. Dawkins said he remembered when his grandmother went to the office, and Mr. Dawkins said the language is self-explanatory. Mr. Farley then introduced Dr. John Kelley, who has a PhD in environmental science.

Dr. Kelley stated that he moved back to Farmerville during his retirement. Dr. Kelley said this project is simply to build a road to the island. Someone commented that the road did not meet the flood plains specification because it calls for a 92-foot contour. He believes it is foolish to build a 92-foot high road to an 87-foot high island. It is not a public road, but it is a work road. Dr. Kelley said they are trying to take the wetlands around the island and put that in the Wetlands Reserve Program with the USDA. If they are allowed to do that, this permanently sets aside all the wetlands on the island in perpetuity with the USDA. In return, the USDA will pay a fee of $1300 to $1400 per acre, which helps offset some of the costs to get over there. When they did a wetlands survey of the island, they found no wetlands above 81½. The wetlands are not pristine. They are formed wetlands since this is agricultural land and were formed when the lake was made. But they are wetlands today and the Corps treats formed wetlands just like natural wetlands. The timber is not pristine. Most of it was cut in 1991 and one of the problems with it is that it was allowed to grow back. It is a jungle now. To be able to do any management, whether to put it in pasture or for any other use, they have to be able to get over there. To put it in the Wetlands Reserve Program, the USDA requires road access to the site, or they will not take it into the Wetlands Reserve Program. Whatever they do over there, it will not impact any wetlands other than where the road crosses. It has been said it might affect the storage capacity of the lake to put a berm across there. That is negligible compared to what the mega ramp will take up in terms of water. As an example, the road will take up .185 acre feet of water space, which equates to one gallon in 689,189 gallons of water in the lake. This can’t even be measured so this is no loss to speak of in terms of storage capacity. The mega ramp will take more than that, and it still won’t have an effect on the lake. By putting the wetlands in the Wetlands Reserve Program, they are protected in perpetuity and that takes care of the wetlands situation.

Dr. Kelley said there has has been talk about silt deposition when the road is built. However, they will build the road while the lake is down. They will not try to build it in the water because of the difficulties of getting compaction of the road base under water. As far as endangered species, there are none on the island. Someone wrote that spotted owls would be displaced. Dr. Kelley stated that there are no spotted owls east of the Rocky Mountains. They are in the Pacific Northwest. There have been all kinds of things that have been said that are not true in terms of what will happen to the wetlands or the island itself. They performed a historic site survey of the area where the road would go because the Choctaw Nation requested it for Indian artifacts. There has been a subdivision built on an Indian site on the edge of town and nothing was said about that. But they have dealt with unbelievable objections. The area where the road is going, at an 80-foot contour, has an average depth of one foot. You cannot get a boat through there with a motor, but you can get a canoe or kayak through there. He went there to pick up the Corps people the first time, and the lake at that point was 79.9 feet. He couldn’t do it with his boat and motor, so he had to go back and get a little boat.

Dr. Kelley stated that they claimed the vegetation will take over the area. If you go there in the middle of summer right now, the vegetation is so thick you cannot get through it unless you have an airboat. The other thing that is occurring is there is a bend in the old creek channel just as you reach the island and it bends hard back to the right as you are going downstream. When it overflows, it deposits silt. That silt deposition is what is occurring right now and you won’t be able to get through there in another 15 years in a kayak.

Dr. Kelley said there is not much else he can say other than what he has related to the Corps. They have answered all the questions, and the Lake Commission has the answers in Exhibits 4 and 5. Exhibit 4 is the Lake Commission’s letter dated 2012. Some of this relates to the subdivision which was discussed at that time but which is not in this proposal. The last page contains the responses he wrote to the Corps over the Lake Commission’s questions. Exhibit 5 is the letter that the Lake Commission sent this year to the Corps and it asked many of the same questions that were asked in the first letter. Both of the letters referred to the Louisiana Department of Wildlife & Fisheries and the letter they wrote to the Corps in 2012. He pointed out that the letter was bogus and Wildlife & Fisheries’ Commission stepped on their shirttail when they claimed they sent a biologist to do a “site investigation.” He has done many site investigations for the Corps and for the military, and a site investigation is several volumes thick when complete. Their site investigation encompassed them just riding past the outside of the island in a boat. They never exited their boat. He sent a copy of his response to that letter. Dr. Kelley stressed that this was not a site investigation and everything said was just someone rambling and “assuming” that was correct when it was not.

Mr. Farley returned to the podium to reiterate that they are not trying to get anyone in trouble. They simply want their project reviewed and approved. The man who wrote the Wildlife & Fisheries letter gave Dozier Creek some free publicity and said the road wasn’t needed because there is a lot of land available over and through Dozier Creek. The man suggested that there is plenty land near Dozier Creek to build a subdivision. Mr. Hampton interrupted and said there was no need for a discussion about this because the Lake Commission does not take a position about this. Mr. Farley stated that he is strictly here to ask the Lake Commission to honor the contract that was entered into in 1960 with their predecessors to the letter of the law and, if they agree to do that, they only need to notify the Corps of the Lake Commission’s intention and its stance on the matter. He met with the Corps last week, and there is a very short list of what is standing between them and a permit to get this approved. He respectfully asked that the Lake Commission consider his request and submit its findings to the Corps. If the Lake Commission cannot approve it, then he requested that they notify him in writing. He thanked the Lake Commission and commended the Lake Commission for its work. Mr. Hampton asked Mr. Farley if he would welcome a public hearing on the matter. Mr. Hampton stated that the Lake Commission pushed for a public hearing so the landowners who might be affected by the road could voice their opinions, not just members of the Lake Commission. Mr. Farley said he has never had any reservations about a public hearing. The Corps contacted the Lake Commission and, according to them, the Lake Commission refused to have a meeting. The Corps then contacted the Police Jury and requested a public hearing, and they refused to have a meeting. He stressed that he has no objection to a public hearing but the Lake Commission and the Police Jury refused to have one. Mr. Hampton stated that we will put this on the agenda to address the Lake Commission.

(b) Update – No updates.

8. Commission Website – Mr. Hampton began the discussion by stating that the Lake Commission should have a website. Mr. Cagle and Ms. Towns both said it has been discussed in the past. Ms. Towns spoke with Lum Farr, and he said we could link the Lake Commission website to the Chamber of Commerce’s website. She said if we link our website to the Chamber’s, we need to join the Chamber which is a $50 fee. Mr. Farr told her which company they are using and the cost per year. Mr. Hampton stated that it will only cost a few hundred dollars per year for a website. The Lake Commission members were all in favor of the website. Mr. Cagle said we will have to decide on who will design the website and who will maintain the website. Mr. Hunt believes it should be done in concert with the revision of the pamphlet. He said we could put the basic information on the website, and Ms. Towns said it would be easy to change. Mr. Hampton said he thought of it in terms of the flood. People could go to the website to obtain information about the lake. We could link it to the gauges and the weather service predictions easily with a simple website, and the website could also show the GPS coordinates of the ramps and other information that we can change. It should not require a lot of maintenance in terms of change. If someone with a calendar of events is willing to do so, they could insert the different events on the lake. He suggested appointing a committee to look into the website. He knows Lum Farr has done this before, and he knows a young man who builds websites who works at Marion State Bank, Buster Craig. Mr. Carter said Claiborne Parish has a website, and Mr. Hopkins said Toledo Bend does a good job of promoting their lake. Mr. Hampton suggested starting out small with something that will contain basic information and it can take off from there. Mr. Carter said we need to get prices and information on who can design the website. Mr. Towns suggested that we have advertisers pay for advertising, as well, to help offset the cost. Mr. Hampton said no action is needed tonight, but we would like some presentations and put this on the agenda.

H. Public Comment – No additional public comments.

I. Adjourn – A motion to adjourn was made by Mr. Cagle and seconded by Mr. Hunt. The motion passed unanimously.