**PROCEEDINGS OF A REGULAR MEETING OF**

**THE BOARD OF COMMISSIONERS OF**

**THE MORGAN CITY HARBOR AND TERMINAL DISTRICT**

**October 10, 2016**

The Board of Commissioners (“Board”) of the Morgan City Harbor and Terminal District (“District”) met in regular session at the District’s office at 7327 Highway 182, Morgan City, Louisiana on October 10, 2016 at 5:00 p.m. Gary Duhon, Vice President convened the meeting with Commissioners Deborah Garber, Thomas Ackel, R. Scott Melancon, Tim Matthews, Sr., and Joseph Cain in attendance. Duane Lodrigue and Ben Adams were absent. Also present at the meeting were Raymond Wade, Executive Director; Tori Henry, Office Manager; Cindy Cutrera, Manager of Economic Development; Gerard Bourgeois, Board Attorney; Representative Beryl Amedee; Michael Knobloch, Knobloch Professional Services; Tim Connell, U.S. Army Corps of Engineers; Captain Blake Welborn and Chief Clayton Franklin, United States Coast Guard (“USCG”); Clayton Breaud, GSE/Providence Engineering; Chris Fetters and Mike Lowe, GHD Services; along with members of the media and general public.

The meeting was called to order and the presence of a quorum was noted. Mr. Wade led the invocation and the Pledge of Allegiance was recited.

It was moved by Mr. Melancon and seconded by Mrs. Garber that the minutes of the Regular Meeting of September 12, 2016 be approved and adopted, with said motion carrying unanimously.

It was moved by Mrs. Garber that the report of receipts and disbursements for the month of September, 2016 be received and accepted and that all invoices presented to the Board for the month of September, 2016 be paid.

Captain Welborn reported that the vessel passages from this month were about the same from the previous month.

Chief Franklin reported that they dropped two buoys in the Berwick Bay area and four buoys around Mile Marker 142 due to shoaling. Mr. Wade noted that Al Mistrot advised him that the dredge will return to Berwick Bay in approximately six weeks after completing an emergency job at Old River.

Chris Fetters reported that: (i) they, along with the Port had a meeting with the Corps on September 27th to discuss the progress of the dredge demonstration, with an outcome of a finding report to be released in December; (ii) if a 408 permit is needed for the Port to maintain the lower Bar Channel, it will likely take 18 months to obtain between the environmental, engineering and legal processes. Mr. Bourgeois noted that before the meeting he reviewed the 408 guidelines and was convinced there was no reason that we would need to seek a 408 permit, but was very shocked by the Corps legal take on the process 408 with stating every single 404 permit will need a 408 permit. At the end of the day it was agreed that we should apply for both the 404 and 408 permits, rather than fight if it is needed, because it would cost less time and money. Mr. Cain noted that 95% of a meeting he attended aboard the M/V Mississippi was about the 408 permit process, with the Corps noting they have added two additional personnel to help speed up the process.

Tim Connell reported that: (i) the funding stream for the Corps has been cut with regards to maintaining the channel to $5 million, which will not get us a fully open channel; (ii) with regards to Mr. Cain’s comment, the procedural review plan has been approved and available for us to use but it’s not much different because you still have to go through the second NEEPA process, checklists and summary of findings; however, it does shorten it somewhat for “regular and usual” types of events such as pipeline crossings.

Mike Knobloch reported that: (i) FY14 Port Security Grant is now in a 3 month post deadline, with final reimbursement to be done at the November meeting; (ii) FY15 Port Security Grant is being maintained according to schedule; (iii) FY16 Port Security Grant requires an EHP, which will be completed within a month; (iv) we had our annual Coast Guard inspection and will amend our Facility Security Plan (FSP) to reflect our move to the new building and the addition of additional cameras at our port terminal site, with changes being submitted to the Coast Guard tomorrow; (iv) As a result of our FEMA Desk Review, an update is needed to our Plan Implementation and Procedures Manual (PIPM) reflecting the changes of citations from previous laws due to consolidation, which was covered in the Super Circular Workshop myself and Tori attended last week; (v) AIC has imported all DOTD traffic cameras in Louisiana into the TACCS system except for the void between Lafayette and New Orleans. Mr. Wade noted how impressive the system is.

Cindy Cutrera reported that: (i) Senator Cassidy, Congressman Boustany and Charles Brittingham of Senator Vitters office lead the fight to include provisions into WRDA Bill; (ii) an update was provided to our stakeholders last week on the shoaled area at Mile Marker 142 and the Bar Channel and notified them that we are planning a Channel Users/Stakeholders meeting to go over 2016 WRDA bill and its effect on long term strategy to keep the Atchafalaya River at 20 feet year around; (iii) Pre-demo surveys are currently on the Corps website so we have requested full surveys of the Bar Channel, Atchafalaya River and Bayou Chene. Mr. Connell noted they will begin surveying in the next two weeks; (iv) CPRA invited us to a meeting along with DOTD and Corps to advise us to monitor what is going on in the master plan and to look for projects close enough to the Atchafalaya River where it would be feasible to use that material and make a recommendation to do so. We will continue to monitor diversions and request modeling of what effects they may have on the Atchafalaya River; (v) While reviewing the master plans projects we came across Deer Island Pass Realignment, a CIAP project which will dredge around the mouth of the Atchafalaya River to Deer Island Bayou to increase the flow into the Atchafalaya Bay. Mr. Wade noted there is a dozen other agencies who have money and we are chasing any possible bucket of money to work with them where mutually beneficial; (vi) During the last CPRA meeting, a WRDA update was provided including several sections regarding beneficial use. She has checked with Jeff Corbino of the Corps to see if we might be a candidate for a pilot project, which he agreed, after WRDA has been finalized and approved. They also discussed CPRA dredging program and she thanked Mr. Tamporella for sharing a video on Mississippi River sediment as a reliable resource. A 2017 Master Plan update was given and the plan will be released to the public in January, with several meetings being held across the state for public comment and community conversation meetings will be held this month, which Mac will attend one; (vii) Other meetings included Navigation Focus Group, Restore Council Meeting where Mac submitted a public comment requesting that the council give special consideration to projects that attempt to use dredge material from the Atchafalaya River to increase beneficial use, UNO community resilience project group, Dr. Loren Scott’s Economic Outlook Luncheon, GPAA Fall Meeting, PAL Meeting, Representative Amedee’s Town Hall Meeting, Infrastructure Task Force Meeting with DOTD and Port Priority meeting with DOTD about Swiftships application; (viii) The Department of Agriculture held a marsh burning class as well as the Sherriff’s Office held training here this month.

Mr. Patrick Cloutier asked if any of the funding from Port Priority could be used for flood proofing of other companies along the River and Mr. Bourgeois advised that Port Priority Program funding can only be used on Port owned land.

Mr. Bourgeois presented: (i) a Resolution opposing any future lawsuit against various oil companies targeted with coastal zone management suits for land loss within the St. Mary Parish Coastal Zone. Mr. Melancon moved to authorize said Resolution, which was seconded by Mrs. Garber and carried unanimously.

**RESOLUTION**

A RESOLUTION OPPOSING ANY FUTURE LAWSUIT AGAINST VARIOUS OIL COMPANIES

TARGETED WITH COASTL ZONE MANAGEMENT SUITS FOR LAND LOSS WITHIN THE

ST. MARY PARISH COASTAL ZONE

WHEREAS, it has come to the attention of the Morgan City Harbor & Terminal District (“District”) that our Governor, John B. Edwards, has requested that St. Mary Parish and/or its District Attorney file damage suit(s) against various oil companies for land loss to the coast of St. Mary Parish; and

WHEREAS, the District believes that these type of lawsuits only focus on one cause for land loss in St. Mary Parish without taking into consideration prior logging activities, farming activities, hunting and fishing activities, changes made to water flow by the State of Louisiana and the U.S. Army Corps of Engineers, destruction of offshore oyster reefs, hurricanes and natural subsidience; and

WHEREAS, the District believes that even if the suits are widely successful, the amount awarded would not be sufficient to repair our coast nor to offset the losses to our economy as a result.

THEREFORE BE IT RESOLVED that the Morgan City Harbor & Terminal District does hereby request that our Parish Council, District Attorney and Governor avoid any suit against the various oil companies targeted with Costal Zone lawsuits and instead work collaboratively with all to address coastal land loss as a whole.

NOW, THEREFORE, BE IT RESOLVED that the President of the Morgan City Harbor & Terminal District is hereby authorized to take all other appropriate steps to set forth the District’s opposition to these lawsuits.

Mr. Bourgeois also advised that the Port received a request from Conrad Shipyard today to consider it for a Foreign Trade Zone designation. Mr. Cain moved to expand the agenda to include discussion of the letter from Conrad Shipyard seeking support for its Foreign Trade Zone subzone designation, which was seconded by Mr. Matthews and carried unanimously. Mr. Ackel then moved to authorize Mr. Wade to sign such Letter of Support on behalf of the District, which was seconded by Mrs. Garber and carried unanimously.

Mr. Bourgeois also reported that: (i) The Coast Guard renewed the AXE/ANT lease for another year; (ii) he, Mac and Cindy met with Port Priority Program to discuss the Swiftships application, where it was determined that the application should meet the program requirements but has a seven-year backlog on payment of the State’s share. He noted this would necessitate bond funding; but even with the financing, you are looking at a good return to the Port and community. It was also determined at the meeting that the application process can be done in house instead of outsourcing like we’ve done in the past.

With no further business to come before the Board, the meeting was adjourned.

Attest:

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Thomas Ackel, Secretary