**REGULAR MEETING**

**November 2, 2011**

 **The Board of Commissioners for the Lafourche Basin Levee**

**District met this day in regular session at its official domicile**

**at 21380 Hwy. 20 in Vacherie, Louisiana and was called to order**

**by its President Joseph Dantin at 6:00 pm.**

 **Present: COMMISSIONERS… Commissioner, Leonce Carmouche,**

 **Assumption Parish; Stanley Folse, St. James Parish; Robert LeBlanc,**

**Assumption Parish; Warner Sylvain, St. John the Baptist Parish; Wayne**

**Waguespack, St. James Parish, Commissioner, John Boughton, St. James**

**Parish, President Joseph Dantin, Commissioner Dale Dennis, Sr.,**

**Ascension Parish were present.**

 **A quorum was present to conduct business.**

 **Messrs. Larry Buquoi, Attorney; Kristi Vicknair, Administrative**

 **Assistant 5HhUM and Randy Trosclair, Executive Director were present.**

**Commissioner Robert Monti, St. Charles Parish; Commissioner, Russell Loupe,**

**St. Charles Parish; Commissioner William Sirmon, St. Charles Parish and**

**Clinton Rouyea, External Accountant were absent.**

 **The meeting opened with a prayer and the pledge of allegiance to**

**the flag.**

 **There were no audience comments in reference to agenda items.**

 **On motion of Commissioner Waguespack, seconded by Commissioner**

**Dennis, Sr., and unanimously approved, the minutes of the regular meeting**

**October 5, 2011 be accepted and filed in the minutes of the Board.**

 **On motion of Commissioner Folse, seconded by Commissioner Dennis, Sr.**

**and unanimously approved, the following report of cash available**

**for distribution of the month of October 31, 2011 be accepted and filed**

**in the minutes of the Board.**

 **FIRST AMERICAN BANK:**

 **Checking account balance June, 2011 643,885.90**

 **Deposits/Transfer In – July, 2011**

 **Revenues/Refunds 50,993.12**

 **Matured D-Notes 1,204,062.83**

 **Interest on Checking 37.28**

**Funds Transferred In 1,987.30**

 **Total Cash Available $ 1,900,966.43**

 **Cash Disbursements: Operating Expenses 160,235.53**

 **Purchased D-Notes 1,434,940.00**

 **Funds Transferred Out 1,987.30**

 **FIRST AMERICAN BANK BALANCE July 31, 2011 $ 303.803.60**

 **INVESTMENTS: Discount Notes $ 11,105,082.82**

 **TOTAL BOOK BALANCE FOR: October 31, 2011 $ 11,408,886.42**

 **On motion of Commissioner Carmouche, seconded by Commissioner**

**Waguespack, the following resolution was proposed and unanimously adopted.**

**BE IT RESOLVED, that the request from Pacer Fitness to hold the Second Annual Rock n Run 5k on the levee starting and ending at Boogies Lounge & Grill in Luling, Louisiana be granted.**

**On motion of Commissioner Folse, seconded by Commissioner**

 **Sylvain, the following resolution was proposed and unanimously**

**adopted.**

**BE IT RESOLVED, the regular board meeting of the Board is for Wednesday, December 7, 2011;**

 **WHEREAS, the Annual Meeting of the Association of Levee Boards is held December 7-10, 2011; and**

 **WHEREAS, it is imperative that the commissioners be in attendance at said meeting.**

 **NOW, THEREFORE, BE IT RESOLVED that the regular meeting for Wednesday December 7, 2011 be changed to Monday December 5, 2011 at 6:00 p.m., FURTHER, BE IT RESOLVED that the regular meeting for Wednesday January 4, 2012 be changed to January 11, 2012 at 6:00 p.m.**

**Engineers Thomas Holden, Mark Wingate, Durand Elzey and David Ulm of the Army Corps of Engineers Engineers, were also present to give a update on the status and progression of the work on the Donaldsonville to the Gulf of Mexico Flood Control Mississippi River Project and to discuss the letter that was sent to Colonel Fleming, Senator Landrieu, Senator Vitter and Congressman Landry that was made part of the minutes on a motion by Commissioner Folse and seconded by Commission Sylvain.**

**Col Edward R. Fleming**

**District Commander**

**USAED, New Orleans**

**P. O. Box 60167**

**New Orleans, LA 70816**

**Dear COL Fleming:**

**Reference is made to the Donaldsonville to the Gulf Feasibility Study.**

**Over the last few months, the Lafourche Basin Levee District has been in contact with your project delivery team regarding the Donaldsonville to the Gulf Feasibility Study. In May of this year, my office was provided with a CD containing project files for review and comment. Upon review of this information, we subsequently met with your team and requested additional project data and documentation. After reviewing the data provided and discussion with your office, my Board (see attached list), LBLD consultants, and others, we have developed numerous questions that require responses in order to proceed with and complete our independent review of the project information developed to date.**

**Attached are questions and concerns that we would like an expeditious reply to if possible. As a cost-sharing local sponsor, along with the Coastal Protection and Restoration Authority, it is our duty to our citizens that we exercise due diligence to ensure that every consideration has been appropriately analyzed. We are concerned that the focus appears to have shifted from providing the much-needed hurricane protection to smaller “tidal” protection systems.**

**As part of our review of the overall status of this project, we are also requesting an accounting of all Federal and non-Federal funds that were provided for the project.**

**Based on our experiences following the aftermath of Hurricanes Katrina, Rita, Gustav and Ike, and our primary mission of flood control, the Lafourche Basin Levee District requests that the emphasis in the Donaldsonville to the Gulf study be focused on flood risk reduction and the protection of lives and property consistent with the environment.**

**I remind you that in your representative’s May 2011 presentation to our Board, we were promised he would return this fall with a project update. We anxiously await your updated report of the progress made on this study and look forward to continuing to work with you and your staff to advance this much needed project.**

**Sincerely,**

**Randy Trosclair**

**Executive Director**

**CF: Mark Wingate**

 **Garret Graves**

 **Jerome Zeringue**

 **Bobby Jindal**

 **Questions for the Corps on the**

**Donaldsonville to the Gulf (D2G) Feasibility Study**

1. **What is the period of analysis for this study? Why was this period selected for this study? Was there a sensitivity analysis conducted to see what, if any impact would occur by varying the period of analysis?**
2. **Please provide a list of all of the planning assumptions made during the conduct of the study.**
3. **It is noted that Principles and Guidelines states that the appropriate consideration should be given to environmental factors that may extend beyond the period of analysis. Were any considerations given to environmental factors that may extend beyond the period of analysis? If so, please identify what factors were considered. Also, was information from the LSU Study (Roberts and Blum), the Natural Resources Defense Council study, and the NOAA relative to future conditions in 2100 incorporated into the future w/o project condition? If not, please explain.**
4. **What is the future without project condition used in the Donaldsonville to the Gulf study? Is there a write-up describing this? This item was requested at the August meeting and it was stated that it would be in the Feasibility Scoping Meeting (FSM) report. Since that time it was stated that the FSM report is not available and will not be provided. If the Future without condition remains as was used in the Recon report, then the Corps needs to revisit because there are predictions by the scientific community now available that more accurately depict conditions expected to occur by 2100. If information from the LSU Study (Roberts and Blum), the Natural Resources Defense Council study, and the NOAA relative to future conditions was not used, please explain why it was not used.**
5. **On pages 40 and 41 of the Reconnaissance Report dated June 2000 there is a list of some benefits which can be considered appropriate for this project. Have all of these benefits been included in the analysis? Also, the costs appear to have increased by about 5 times from the time the Reconnaissance Study was completed to the time when the benefit/cost ratios were calculated for the feasibility study. Please explain the reasons for the dramatic increase in costs.**
6. **Most of the structure inventory appears to have been accomplished in 2003. Since that time, anecdotal evidence of the recovery of the basin since Hurricanes Katrina, Rita, Gustav and Ike indicate that recovery and growth has occurred at a faster pace than indicated in the economic analysis. There are a number of new subdivisions and commercial properties that have been developed in the basin. Was the inventory updated to include these additional developments prior to the evaluation of plans?**
7. **Was information from projected sea level rise and subsidence expected to occur by 2100 incorporated into the future w/o project condition? If not, please explain why?**
8. **Given what took place in Plaquemines Parish during Hurricane Katrina (overtopping of the levees and total devastation) and given the changed conditions predicted to happen by 2100 by the scientific community, what assumptions have been made regarding the result of a Katrina-type storm and the impact of such a storm on the D2G basin and the river?**
9. **Did the Corps verify the acceptability requirement of P&G of the “Ridge Alignment” with the state and local entities (parishes) within the study area and is that documented? If documented, please provide a copy of the documentation.**
10. **There are a number of cultural resources scattered throughout the basin. The cultural resources report seems to be somewhat sketchy in coverage. Does the Corps plan to protect the ones that are vulnerable if no project protection is afforded?**
11. **Given that the projection of conditions by 2100 is that most of the basin will be converted to open water (part of the Gulf of Mexico), what considerations were given to protect the oil and gas pipeline infrastructure (including active and abandoned wells and storage facilities) within the basin since most of it was designed for being on land, not in or under water? Also critical infrastructure (the CAPLINE and related storage facilities) is located within the basin, what consideration was given to protecting these facilities given the predictions in the above-mentioned reports? Was the potential loss of these facilities considered?**
12. **One of the NEPA’s requirements is the beneficial use of the environment without risk to health and safety or other undesirable or unintended consequences. If the projections of the scientific community are accurate, then most of the basin will become water, there will be very little wetlands left. Given that information, the inhabitants, the infrastructure, and the fragile environment in the basin are all at risk. Please explain how the Corps considered and documented this risk in the feasibility study?**
13. **Was environmental justice considered in formulating this project? If so, please provide the specifics of what was considered?**
14. **The stated overall intent of the revised P&G (or P&R) is to consider a more diverse range of benefits and costs and other effects associated with water resources development proposals. How has this been anticipated, accomplished, and addressed in this study?**
15. **Does the economic analysis include the following:**
	* + - **Loss of production (either temporary or long-term) by the industries along the river? If not, why not?**
			- **Loss of tourism (For example: the plantations along the river are just now approaching the level of visitation they had prior to Katrina. It can easily be anticipated that a hurricane could inflict similar damage/impact to the visitation.**
			- **Loss of agricultural crops (both short-term and long-term). If flooded by salt water, it may take years for production to resume to pre-storm levels.**
			- **Loss of commerce as a result of damage cause to transportation facilities (such as the petrochemical docks and loading facilities along the river).**
16. **In our meeting at the beginning of August it was stated that the cost per acre for mitigation was $85,000. We note that in the Recon the value per acre was estimated at $15,000/acre. If all the wetlands within the basin are going to be lost and converted to open water (part of the Gulf of Mexico) as has been predicted by the scientific community, then why aren’t those wetlands valued similarly and benefits taken for protecting them if they are within the protection? Please explain how these benefits were either captured, or if not captured why they were not.**

1. **Given the fact that the Corps has now permitted a levee in St. Charles Parish, has the Corps evaluated a project tying into that levee? Since that is a project that is moving forward, shouldn’t that be part of the without project condition?**
2. **Has the Corps done a comparison of the benefit projections in the authorizing document or the re-evaluation report for the Lake Pontchartrain and Vicinity project versus what actually happened in Katrina to determine how far off the benefits projections were from the reality of the Hurricane Katrina event?**
3. **What is the basis for the assumed period of construction for each alternative evaluated? How does this compare to reality (such as the time it has taken to construct the LPV project now referred to as the HSDRRS)?**
4. **According to a report prepared for the Congressional Research Service dated August 2009, the Corps does not currently take public safety into account in its project analyses. This may become especially important given the recognition of and commitment to include “human safety” as an important consideration in the P&G and the P&G update. One approach for monetizing expected reductions in mortality risk is the value of statistical life method that is used by some other Federal agencies. Because of the high value per statistical life, including or excluding such calculations in a BCA can be a determining factor in determining whether a project passes the benefit-cost test. Please explain how public safety was considered in this study and identify any specific measures included in the alternative plans evaluated to address this.**
5. **How is the Corps applying the “lessons learned” from Katrina and other recent storm events to the D2G project? Please cite specific example of how they were applied to D2G.**
6. **In our meeting with the Corps, sedimentation and other drainage obstructions in upper and middle basin were mentioned. That problem may be related to the Corps 404(b(1) regulatory program. The time and cost to get permits is somewhat prohibitive for the parishes within the LBLD. Is there anything that can be done to make the current system less burdensome on local governments every time they need to perform maintenance of their drainage systems?**
7. **In the documents provided it is mentioned that flood protection will induce development. There needs to be recognition that development is currently taking place without any protection. The risk is getting greater and without protection will continue to increase. Please provide citations of studies involving similar situations that demonstrate that flood protection induces development.**
8. **There also appears to be concern about restoring some of the cypress swamps. If diversions are the answer, you can still have diversions and just operate the structure at Bayou Des Allemands in a manner that is consistent with the operation of diversions. Also, it might be more appropriate to address restoration of cypress swamps and related problems under the CWPPRA program or some other authority and not include this as part of the hurricane protection project.**
9. **The problems with the intercepted drainage with the two highways (Hwy 20 and Hwy 90) should be referred to and coordinated with LADOTD. Once again the Corps should have had a requirement for more openings under the road when these improvements were permitted for construction or modified/improved subsequent to construction.**
10. **The information provided mentions disrupted hydrology in upper basin which causes drainage to go through Lake Des Allemands. (It is noted that the drainage has been going through it since the Miss River is in its current channel.) Please explain.**
11. **It is recommended that project planning include full consideration of future conditions in the watershed in which the proposed project might be developed. These future conditions should include the potential hydrologic and hydraulic impacts of climate change and any forecasted development in the region that might impact the project area. In this case, the scientific community has already predicted that by 2100 most of the basin will be converted from land to open water. A protection project could prevent this from happening in the foreseeable future and would provide protection of the upper part of the basin for the foreseeable future after it is in place.**
12. **Given the fact that the Lake Pontchartrain and Vicinity project was authorized in 1965 (right after Betsy) and in 2005 it was still not completed and won’t be completed until the on-going work is finished. Upon completion is when full project benefits will begin to accrue. So it took 40 years (until Katrina hit). Now the project is taking an additional 6 or 7 years to complete as modified after Katrina. Project benefits will finally accrue over the 50 year economic life of the project. So we are looking at 90 + years from the time work began until the project (as modified after Katrina) was completed and the benefits are able to accrue. Considering that we are less than 90 years away from the 2100 predictions of the scientists, means we will probably see most of the basin disappear and convert from land to water. Given the devastation and unanticipated loss of land experienced in the aftermath of Katrina, one or two good hurricanes could decimate the Barataria Basin all the way to Donaldsonville, LA. (It is noted that east of the Mississippi River more land was lost overnight during Katrina than was predicted to be loss in a 50 year period.) What future without scenarios were considered in the project formulation and evaluated in the feasibility study? The Katrina experience coupled with the accelerating rate of change within the basin supports the science that concluded that by 2100 most of the basin will be converted to open water (the Gulf of Mexico). ER 1105-2-100 requires that “appropriate consideration should be given to environmental factors that may extend beyond the period of analysis.” Please explain how this was accomplished and why wasn’t a 90 year projection used for the without project condition?**
13. **It is important to ensure that water resources planning increases the ability of natural and human communities to withstand the changes wrought by climate change, including by requiring that project planners use the best available science about the current and projected impacts of climate change in project design and operation, and by protecting and restoring our wetlands and coastline. Please explain the rationale that went into the formulation of the alternative plans.**
14. **The State of Louisiana is spending billions of dollars on coastal restoration and protection. Why would the Corps consider evaluating an alternative (the Ridge Alignment) that will eventually allow for the destruction of most of the valuable wetlands in this basin?**
15. **It is noted that in 2004 the National Research Council stated that benefit-cost analysis should not be used as the lone criterion in deciding whether a proposed planning or management alternative in a Corps planning study should be approved. Has the Corps made any changes to their requirements as a result of this?**
16. **A report by the Corps’ own Institute of Water Resources indicates that, “While water resources planning has primarily been focused on enhancing economic well-being as portrayed in the National Economic Development (NED) account, well-being is a multi-faceted concept grounded in human needs that include distributive justice, social connectedness, equality, and health and safety considerations, in addition to economic well-being factors. Information on these multiple dimensions of well-being is increasingly being used by Federal agencies, the World Bank, and other countries to provide a more comprehensive understanding of quality of life and livability issues. A water resources planning process that incorporates a multi-dimensional conception of well-being positively influences the degree to which water resources solutions will be judged as effective, acceptable, and fair” (Dunning and Durden 2007). Establishing other social effects as an objective would go far in addressing this challenge. How was the concept of “well-being” applied to this study? Please explain.**
17. **Significant recreations benefits have been used by the New Orleans District in the past to justify such projects as Davis Pond and the Atchafalaya Basin. The LBLD believes that there are similar benefits in the basin that should be quantified for this project. Please explain what recreation benefits were included in the analysis and why.**
18. **Has the Corps considered and evaluated the long-term impacts to the tax bases of the parishes within the basin as well as the State’s tax base if no protection is provided?**
19. **Were industrial facilities and infrastructure included in the structural inventory and used in the damage assessment?**
20. **Were business owned vehicles or industrial fleets included in the damage assessment? It was assumed that 70% of the privately owned vehicles would leave but business vehicles are less likely to evacuate.**
21. **The economic analysis states that only 50 acres of agricultural land will benefit from the GIWW alignment. This number seems improbably low at first glance. Has this analysis been checked for accuracy?**
22. **Detailed relocation costs for utilities and infrastructure were not provided to date. Is this information available for review? We understand that certain details would not be documented until a final alignment is chosen; however, we would like to review your assumptions or any other documentation as it relates to relocations.**
23. **Has there been a value or benefit assigned to the significant resources in the basin such as industries, chemical plants, the nuclear power plant, and the Strategic Petroleum Reserve (St. James Parish)?**

 **On motion of Commissioner Boughton, seconded by Commissioner Folse**

**the following resolution was proposed and unanimously adopted.**

 **BE IT RESOLVED, that the request from St. James Parish President to sign a hold harmless agreement relating to bonfires in St. James Parish, be granted.**

 **On motion of Commissioner, Boughton, seconded by Commissioner Folse**

**the following resolution was proposed and unanimously adopted.**

 **WHEREAS, Lloyd Joseph Becnel, Sr. former Commissioner of the Lafourche Basin Levee District, was called to his reward by Almighty God on Friday October 7, 2011, and**

 **WHEREAS, we the Commissioners for the Lafourche Basin Levee District are sadden by this loss and are aware of and moved by the grief and sorrow by his family and loved ones.**

 **NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Lafourche Basin Levee District offer condolences to the family of the late Lloyd Joseph Becnel, Sr., and wish them strength and comfort.**

 **Commissioner Fosle made a motion to adjourn and Commissioner**

**Carmouche seconded his motion.**



 **President**

**klv**

**11/09/11**