

March 21, 2011

The regular monthly meeting of the Board of Commissioners of the Bayou Lafourche Fresh Water District was held on Monday, March 21, 2011 at 5:00 p.m. at the Water District office, 1016 St. Mary Street, Thibodaux, LA.

Present were: Hugh Caffery, Chairman	Donald Arceneaux
Gene Harrell, Vice-Chairman	Dr. Darby Chiasson
Robert Thibodaux, Secretary/Treasurer	Larry Dugas
Ron Animashaun	Jake Giardina

Absent: None

Also present: Kurt Brodtmann, Michelle Robert, Tom Cancienne, Alice Abney, CH2MHill
Doug Harris, Allen Dupont, CH2MHill; Alma Robichaux, BTNEP
Clay Breaud, GSE Associates; Stevie Smith, All South Consultants
Mark Korkowski, Vice-President, F. Miller Construction
Dan Mahnke, Nathan Gilbert, Robert Lee, Shaun Carpenter-F. Miller Const.
Shannon Haynes, Jerry Carroll, OCPR; Robert Mire; Dodie Mire; Nick Porto
Stacie Sagona; Bruno Deleo; Jerry Waguespack; Archie Chaisson, Jr., Director
Jana Langley, Administrative Coordinator

Kurt Brodtmann, CH2MHill, gave a progress report on the dredge project through 3/17/2011:

- Reaches 1 & 2 – 100%; Reach 3 – 98.9%; Reach 4 – 93.7% - Dredged Yardage Removed
- Reach 5 – 54.7%; Reach 6 – 0% - Dredged Yardage Removed
- Total Approximate # of Dredged Yardage Removed = 312,611 yd
- Stump Removal – Reaches 1-5 Complete; Reach 6 is in progress
- Relo/Demo – 30 of 40 planned structures - 95%. Remaining DP-1 and DP-36
- Reaches 1 and 2 are under review for final acceptance.
- Contractor has been given “punch list” of items to complete in Reach 3.
- Substantial dredging in Reach 4 completed. Dredging continues in Reach 5. Reach 6-Grubbing
- Design of City of Donaldsonville sanitary sewer line relocation was completed today. The contractor will review it, get three quotes, select a subcontractor and then perform the work.
- Total work days scheduled: 660; Total work days to date: 288; Gained or lost days to date: 0
- Total days remaining to completion: 372

Mr. Brodtmann showed pictures of some examples of recent residential and commercial encroachment into the bayou within state lands. Commissioner Jake Giardina asked if we know where the upper line of ownership as far as state lands is concerned, and Mr. Chaisson answered yes we have the low and high water mark lines. Commissioner Giardina stated that if we know the upper and lower ownership and if it is encroaching on the right-of-way area, is this not within our jurisdiction. Vice-Chairman Gene Harrell advised that there are a lot of areas like this in all three parishes.

Commissioner Giardina advised that it is not correct if we continue to let this go on and if we continue to let it go on like this, how do we hold the authority if we have the authority. Commissioner Giardina asked if we need legal authority to do something or not. Mr. Chaisson stated that we need to have our ordinance rewritten.

Chairman Caffery asked how many cubic yards we have left to be dredged, and Mr. Brodtmann stated that he will get that figure for him.

Doug Harris, CH2MHill, advised that he wants to talk today about some bank stability and erosion issues. There was some discussion about the design. He stated that there was only rip rap on the 90% review plans. The only place they had matting on the 90% review plans was to protect one gas line coming across the bayou. They reviewed those plans with some residents and they were concerned about having piles of rocks in their backyards. We were asked to look at some alternatives, and one of the alternatives they looked at was matting. The alternatives they are looking at is using a larger rock and coming back with smaller rock that embeds on the surface to make a smooth surface.

Mr. Harris stated that they are hoping within a few days they are going to have something agreed upon by the contractor that they can jointly bring in to propose a change, and the pricing is reasonable. Mr. Harris stated that the mats can still work but staying with the rock you have the flexibility to adapt in the field to changing conditions.

Mr. Cancienne drew a picture of where the large and small rock will be placed. He stated that there will be a post construction survey that will record where that bottom is in the event the bayou is dredged 20 years from now. Chairman Caffery stated that they talked about three goals with the stability, and the goals are bank stabilization with either rock or mats, that it needed to be safe, and it had to be aesthetic.

Bruno Deleo stated that he made all the meetings and asked about caving in, and was told that it would take a 2½ to 1 slope to keep it from sloughing, and all at once it went to a 1½ to 1 slope. Mr. Doug Harris advised that the critical elements are that all their sloughs analysis showed are that the 2½ to 1 end up being a failure rotation. He advised that the lower layer is pudding. The only place they made it 1½ to 1 is in the local areas for reinforcement. Mr. Deleo advised that behind his house it is almost straight down. Mr. Deleo advised that they are turning the barges right behind his house and they are prop washing all that property away. Mr. Deleo asked them to please come and look behind his house and they agreed to go by.

Mr. Deleo stated that he had electrical wires running along the bayou and they dug them up. They still have live wires. Mr. Harris stated that somebody would probably want to know that, and Mr. Deleo advised that he told them three times where they are.

Mr. Nick Porto stated that at his house on the down slope there seems to be a problem with the ground beginning to crack, and closer to the water it is dropping. He asked that someone come by his house to look at the situation to let him know what is taking place and what can be done to correct it. Mr. Harris stated that they will come to look at it.

Commissioner Robert Thibodaux asked Michelle Robert about the e-mail she sent out instructing F. Miller Construction not to communicate with the state or the water board and only to communicate through CH2MHill. Ms. Robert stated that this was defined by OCPR at the beginning. Commissioner Thibodaux stated that this is a team effort, and we need to all work together.

Mr. Chaisson asked that the City of Donaldsonville sewer line permit application be voted on.

Moved by Commissioner Robert Thibodaux, seconded by Commissioner Dr. Darby Chiasson to approve the permit application for the City of Donaldsonville, through CH2MHill, to install a new sanitary sewer line under Bayou Lafourche and remove the existing sewer line that is in conflict with the dredging activities associated with the Bayou Lafourche dredge project. Motion carried unanimously.

Moved by Commissioner Jake Giardina, seconded by Commissioner Larry Dugas to dispense with the reading of the minutes, and approve the minutes of February 21, 2011. Motion carried unanimously.

Moved by Commissioner Ron Animashaun, seconded by Vice-Chairman Gene Harrell to approve the accounts payable for February. Motion carried unanimously.

Mr. Chaisson advised that Chairman Caffery, Mr. Harold Block, District Attorney Morvant, Assistant DA's Rene Gautreaux and Lisa Orgeron, and he met to discuss the Car Shop. The DA stated that it didn't look like it was going to go any place so the case is continued without date. They will help us rewrite our ordinance to bring it more in line to what we need. Chairman Caffery stated that Lisa Orgeron said maybe it should be civil regulations so we could bring our own jurisdiction and enforcement. She was going to make those recommendations more in detail to Harold Block.

Chairman Caffery stated that this would be the time to ask Mr. Block what do we do about new encroachment, and we could use the current or revised ordinance to enforce against that encroachment. Commissioner Robert Thibodaux stated that we have our regular attorney and thinks he needs to handle that. Chairman Caffery advised that Mr. Block is looking at the ordinance to see if it was enforceable or not.

Commissioner Jake Giardina asked if we could get a fact on what is our authority, and how do we go about getting command of the direction we are going in. We need to find out what we have, how do we get it changed, and what we want and get it changed.

Mr. Chaisson stated that it would take a Board vote requesting an attorney general's opinion of what we can and can't do on the bayouside. The attorney can draft a letter to the AG's office asking what our jurisdiction is regarding encroachment, and how we go about changing it. Vice-Chairman Gene Harrell stated that we would probably need to include the district attorney that Ascension Parish is in because that will go across lines.

Moved by Commissioner Jake Giardina, seconded by Commissioner Robert Thibodaux and unanimously approved to authorize Mr. Harold Block, attorney, to request an attorney general's opinion asking what our jurisdiction is regarding encroachment. Also, to get an opinion on what is our authority, and how do we go about changing it if it needs changing. The Board included in the motion to send a copy of Mr. Block's letter to Mr. Eroche for review.

BAYOU OPERATIONS

Crews: Harvesters have cut the light hydrilla between the Tiger Drive Bridge and the 3185 bridge. The machines crossed under the St. John Bridge, and are now cutting moderate to thick grass from the bridge to the N. LPWD tower.

Second crew is working with the tree removal. After completing the Hwy 308 area from the Tiger Street Bridge to Hwy 3185 Bridge, the crew reversed direction on the Hwy 1 side and are 3/4 complete back to the Tiger Street Bridge. They are progressing faster than the 308 side. I will have some rough numbers on the per tree cost of removal once they have completed the entire stretch.

The tree barge has been moved just north of the 3185 Bridge. Wetlands Equipment signed an agreement to draft the plans and specs for the new harvesters.

Equipment Status: Trucks: all operational; Boats: all operational; Harvesters: both operational.

UB 2 barge sold at auction on 12 Feb for \$ 8,500. The purchaser picked the machine up on 3 March.

Personnel Strength: Present: 6; Annual: None; Sick: None; Accident/Incidents: None

PUMP STATION REPORT:

River Stage: Beginning February: 4.73; Ending Month: 7.35; Current Stage: 20.71

PUMP OPERATION: No. Days Siphon: 0; No. Days Pumping: 28

Station Maintenance: Ordered parts and repaired Bush-Hog mower. General maintenance, chipping, painting, and yard work.

PERSONNEL STRENGTH: Annual: One man - 8hrs. Comp; One Man-1hr Annual

One man: 36 hours; Accident/Incidents: 0

Jana Langley, Administrative Coordinator, reported on the three CD's that matured in March. The rates are still low and the money was deposited in the savings. She advised that the CPA will be in on April 19 for the annual audit. Moved by Commissioner Jake Giardina, seconded by Commissioner by Dr. Darby Chiasson to approve the finance report. Motion carried unanimously.

Mr. Chaisson advised that he sent a letter to the Board from Clay Breaud of GSE Associates regarding the possible ramp/bridge for the pump station, and his estimate is right at \$1.1 million. Mr. Chaisson stated that he would like to propose to scale back the plan design, and just put in a new pump station office building right now. GSE's rough estimate is \$100,000 for the office building.

Mr. Chaisson reported that we have all the information on the high and low water marks. He went to Nicholls and spoke to Dr. Terry Dantin and Dr. Balaji Ramachandran, geomatics professors. Their program is set up where their graduate students have to do seventy hours. They have their own equipment. They are suggesting that we do a cooperative endeavor agreement to provide them a legal guarantee for the students going out there and just setting stakes. The property owner would sign a letter stating that it is not a definite survey, and they would have to contact state lands office if they have any problems.

Commissioner Jake Giardina stated that this would be for people who want to do a project on the bayou. Mr. Chaisson gave an example of the person in Donaldsonville who owns the seafood place. He could have called us ahead of time to find out what he can do.

Ms. Stacie Sagona stated that Mr. Thibodaux talked about having communication with everybody. She asked Mr. Chaisson if the City of Donaldsonville knows that we require permits. Mr. Chaisson answered that the mayor's office does. Mr. Chaisson stated that he can let the local parish and City of Donaldsonville office know about the permit requirements.

Mr. Chaisson advised that his contract expires in December, and he requested that the Board start the process within the next month because he has some personal things coming up. He wants to make

sure he has a steady job in the immediate future. He would like the Board to form a committee with a representative from each parish.

Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Robert Thibodaux and unanimously approved to form a committee with a representative on the Board from each parish to serve on the committee to review Archie Chaisson's contract renewal. Chairman Hugh Caffery advised that he will appoint a board member from each parish to serve on the committee.

A resolution was presented for adoption for the millage rate for the tax year 2011.

Moved by Commissioner Robert Thibodaux, seconded by Commissioner Donald Arceneaux and unanimously approved to adopt the resolution for the millage rate of 2.11 mills for the tax year 2011. **(Resolution Attached)**

Alma Robichaux, BTNEP, announced that paddle Bayou Lafourche will be held April 7 -10 from Donaldsonville to Lockport.

Vice-Chairman Gene Harrell asked whether the letter from F. Miller Construction to CH2MHill regarding questions they had about sloughing, approval of work orders in the various reaches, etc. has been resolved between the two parties. Mr. Brodtmann answered that he never saw that letter, and asked if it was addressed to us and Vice-Chairman Harrell stated that it was addressed to you. Mr. Brodtmann then stated that he knows which letter he is talking about and advised that they are drafting a response, and will get together with the contractor.

Vice- Chairman Harrell stated that it seems this is critical. Invoices are being submitted and they are not being acted on in a timely manner and would put F. Miller in a bind. He feels this needs to be handled.

Mr. Porto advised that some time ago on the Bayou Lafourche website they showed the maps on the bayou from Donaldsonville coming downstream. They were taken off and he was wondering if the new set of maps will be put on the internet for the public to view. Mr. Chaisson stated that they are still on our website, and he told Mr. Porto to see him after the meeting and he will show him where they are.

On motion by Commissioner Jake Giardina, seconded by Commissioner Robert Thibodaux and unanimously approved the meeting adjourned at 6:30 p.m.

Hugh Caffery, Chairman

Robert Thibodaux, Secretary/Treasurer

