

July 28, 2014

The regular monthly meeting of the Board of Commissioners of the Bayou Lafourche Fresh Water District was held on Monday, July 28, 2014 at 5:00 p.m. at the Water District office, 1016 St. Mary Street, Thibodaux, LA

Present were: Hugh Caffery, Chairman
Gene Harrell, Vice-Chairman
Greg Nolan, Jr., Secretary/Treasurer
Eli Miles, Jr.
Juan Pickett

Windell Curole
Donald Schwab
Jake Giardina
Francis Richard

Absent: Judge Jimmy Gaidry, Ron Animashaun, Lance Authement

Also present were: Dustin Rabalais and Marc Rogers, T. Baker Smith
Alma Robichaux, BTNEP; Mandi Foret, Lori LeBlanc Consultants
Barry Marionneaux, Attorney; Jerry Waguespack; Nick Porto; Robert Mire
Ben Malbrough, Executive Director; Jana Langley, Administrative Assistant

On motion by Commissioner Francis Richard, seconded by Commissioner Jake Giardina to dispense with the reading of the minutes, and approve the minutes of May 19, 2014 and June 16, 2014. Motion carried unanimously.

Moved by Commissioner Jake Giardina, seconded by Commissioner Francis Richard to approve the accounts payable for June. Motion carried unanimously.

Moved by Commissioner Greg Nolan, seconded by Commissioner Eli Miles, Jr. to approve the finance report. Motion carried unanimously.

Mr. Ben Malbrough advised that the pump station report was sent to the Board. Everything is operating as normal. The pump station rehab is complete. There was a problem with the backup generator. They rewired it at the manufacturer, and it is back on site being hooked up. We pumped an average of 330cfs for the last thirty days, and the water surface elevation didn't move but a couple hundredths of a foot. Mr. Malbrough showed a graph of the pumping for the last thirty days in comparison to the month of March. The new pumps have been a blessing and Eric is pleased.

Mr. Malbrough reported that we had held off filling the vacant bayou position. He recommended advertising for that position, and the Board authorized Mr. Malbrough to advertise for the bayou crew position.

Moved by Commissioner Windell Curole, seconded by Commissioner Jake Giardina and unanimously approved to pay the five percent (5%) increase in health insurance premium for the employees effective July 1, 2014, and continue to pay the full amount of the health/life premium for the employees'/family.

Mr. Dustin Rabalais, T. Baker Smith, gave an update on the Mississippi River Reintroduction into Bayou Lafourche project as follows:

- The preliminary design phase is complete. It was turned in to Ben on July 15th, and it was transmitted to CPRA. No comments were received from CPRA as of yet.

- The geotechnical investigation memo was received two weeks ago, and it was included in the preliminary design report.
- We received some wonderful news that the US Army Corps of Engineers will not take jurisdiction over the permitting process. This will allow the Office of Coastal Management to process it, and it will be handled at the State level.
- Land Rights negotiations are ongoing. The latest lease agreement was revised, and we will get that sent over to Lula this week.

Mr. Malbrough advised that a permit application was received from Exxon Mobil Pipeline to repair some anomalies in the existing 16" crude pipeline in Bayou Lafourche in Belle Rose. They will install stage gauges to make sure that their operation does not affect the existing water surface elevations in the bayou from the start of construction to completion.

Chairman Caffery asked if they will send a diver down, and Mr. Malbrough answered that they will use a deep water caisson to do the repairs. Mr. Malbrough showed a diagram of how the repairs to the pipeline will be done.

Commissioner Greg Nolan asked if Exxon provided us with an action plan if something goes wrong and crude oil goes in the bayou. Mr. Malbrough stated that we can put that as a condition of our permit that we are supplied with an emergency spill prevention plan.

Moved by Commissioner Francis Richard, seconded by Commissioner Windell Curole to approve the Exxon Pipeline Company permit application to repair some anomalies in the existing 16" crude pipeline in Bayou Lafourche in Belle Rose. The District will include as a general condition of our permit that Exxon supply the District with an emergency spill prevention plan. The second general condition is the District will make sure that there is an indemnification and hold harmless clause included in the permit.

Moved by Commissioner Windell Curole, seconded by Vice-Chairman Gene Harrell and unanimously approved to amend the agenda by two-thirds vote to move Item C. –Discussion on the proposed revisions to BLFWD Ordinance No. 5 below Item E. on the agenda.

Mr. Malbrough reported that the District was included in the Capital Outlay bill, and part of the process is we have to complete the Request for Line of Credit paperwork.

Moved by Commissioner Windell Curole, seconded by Commissioner Jake Giardina and unanimously approved to authorize Ben Malbrough to complete the Capital Outlay Request for Line of Credit paperwork to submit to the Office of Facility Planning & Control.

Mr. Malbrough advised that he did not have the opportunity to review the proposals received for the Bayou Lafourche Public Outreach Campaign, and stated that the discussion on the proposals will be included on next month's meeting agenda.

Mr. Malbrough advised that there are four forms that make up the current permit Ordinance No. 5 and the other is something that Barry and he have added to the permit revisions that we will talk about tonight. He stated that the commissioners have expressed that they would like to have the landowners along the bayou have access to the bayou. We are not allowed to permit any structures below the mean low water mark as our Ordinance is written today. The Board decided that we should look at modifying our permit ordinance to allow for construction of structures beyond the mean low water

mark, but assure that those structures are constructed in a way that they don't hinder our operations today and going forward. It is extremely complicated because of the variation in elevations from Donaldsonville to the Intracoastal where this permit ordinance is affected, and the width of the low water mark and the width of the bayou. It is very important to have explicit language in the permit ordinance that doesn't leave any grey areas.

Mr. Malbrough showed a summary sketch which represents the ordinance revisions language. Basically, the major revisions are for bulkheads, docks, and wharves. We are proposing to allow landowners to build a structure channelward of the mean low water mark, but no further channelward than the intersection of the existing bank line, and the expected water surface elevation profile at 1000cfs.

Chairman Caffery advised that if someone builds a structure they will have to get it surveyed and have to get it engineered. Mr. Malbrough stated that one of the requirements is that the bulkheads have to be stamped by a licensed engineer. We are requiring that it be engineered is because we don't want to get in a situation where a landowner puts a bulkhead and it is not built structurally sound today, and we come and dredge later and the bulkhead starts to fail.

Moved by Commissioner Windell Curole, seconded by Commissioner Greg Nolan and unanimously approved to amend permitting Ordinance No. 5, which is basically to allow landowners to build structures, such as bulkheads, docks, and wharves channelward to the mean low water mark determination of 1812, but no further channelward than the intersection of the existing bank line and the expected water surface elevation profile at 1000cfs. The structure constructed would have to be surveyed and stamped by a licensed engineer. The amended Ordinance No. 5 also includes that as fully set forth in the permit application and instructions, and related forms and the permit itself, any structures erected along the Bayou must be removed at permittee's expense upon the occurrence of any of the conditions set forth in the permit.

Mr. Malbrough reported that they reached out to Public Service Commissioner Scott Angelle to see if there were any avenues where he could help us get some dialogue going with the Union Pacific Railroad to address the flow restriction in Donaldsonville. We had three or four meetings/conference calls with Union Pacific, and Scott Angelle met with the Union Pacific representative last Tuesday to discuss this issue. Mr. Malbrough advised that Mr. Angelle stated that he was very optimistic about the outcome.

Mr. Malbrough advised that Union Pacific is now at least saying that they recognize the importance of Bayou Lafourche. They do want to talk to us about a remediation plan. We will work on a cooperative endeavor agreement with CPRA, the Fresh Water District, and Union Pacific to lay out a detailed path forward that will have explicit milestones that will be met. The expected outcome will be a 10% – 15% design report that will give us a comfortable construction cost estimate for a structure that is acceptable by us, CPRA, and Union Pacific. We asked them to pay for half of the preliminary design effort, and they agreed to pay half. We will sit down again with Union Pacific once we get to the construction cost estimate and figure out who will pay for that and how much.

Commissioner Windell Curole commented that it is a lot better than we were before, and he complimented everybody involved in getting this moving forward. Mr. Curole stated that Scott Angelle felt this would be the best way to get a foot in the door.

Mr. Malbrough reported that the Board previously approved up to \$5,000 for installing surveillance video at the pump station river water intakes. He stated that he got two prices and the system we could

get for less than \$5,000 would allow us to monitor, but would not allow us to zoom in to get close up details. The proposal for video with better capability of zooming in would be between \$8,000 - \$9,000. He requested that the Board approve the video with better zoom capability.

Moved by Commissioner Windell Curole, seconded by Commissioner Francis Richard and unanimously approved to authorize Ben Malbrough to purchase the surveillance video for the pump station river water intakes with the capability to zoom in to get close up details. The camera will have night vision capability also.

Mr. Jerry Waguespack stated when Donaldsonville had the fourteen inches of rain the water behind his house didn't come up to the low water level. He said about 25 to 30 years ago there was a tidal wave that came up the bayou, and the water came up about six or seven feet in the bayou in back of his house. Commissioner Windell Curole advised that in 1963 there was tidal wave in Bayou Lafourche, and it was due to the seismic waves of an Alaskan earthquake back years ago.

Vice-Chairman Gene Harrell asked where things stand regarding the dredging of the sediment trap. He said they talked about at the same time they would work on the boat launch. He said you could kill yourself and damage everything getting in and out of there.

Mr. Malbrough advised that the State had initially offered to do the sediment trap for nothing, and their legal department declined the engineering department in assisting us to do that. We had to start over from scratch and get an engineering firm to do the plans and specs. He stated that he has the final plans and specs as of Friday. We are waiting on a wetlands delineation on our property. Mr. Malbrough advised that the boat launch repair will be addressed in that project.

Moved by Commissioner Jake Giardina, seconded by Commissioner Donald Schwab and unanimously approved to go into executive session at 6:25 p.m.

Moved by Commissioner Jake Giardina, seconded by Commissioner Francis Richard and unanimously approved to return to regular session at 7:30 p.m.

Moved by Commissioner Jake Giardina, seconded by Commissioner Francis Richard and unanimously approved the meeting adjourned at 7:30 p.m.

Hugh Caffery, Chairman

Gregory Nolan, Jr., Secretary/Treasurer

