

May 19, 2014

The regular monthly meeting of the Board of Commissioners of the Bayou Lafourche Fresh Water District was held on Monday, May 19, 2014 at 5:00 p.m. at the Water District office, 1016 St. Mary Street, Thibodaux, LA

Present were: Hugh Caffery, Chairman	Lance Authement
Gene Harrell, Vice-Chairman	Eli Miles, Jr.
Windell Curole	Donald Schwab
Francis Richard	

Absent: Greg Nolan, Ron Animashaun, Jake Giardina, Judge Edward Gaidry, Juan Pickett

Also present were: Dustin Rabalais and Marc Rogers, T. Baker Smith

Gasper Chifici, CPRA Project Manager; Joel Tillery, CH2MHill

Alma Robichaux, BTNEP; Stevie Smith, All South Consulting Engineers

Barry Marionneaux, Attorney; Jerry Waguespack; Robert Mire; Nick Porto

Ben Malbrough, Executive Director; Jana Langley, Administrative Assistant

Moved by Commissioner Francis Richard, seconded by Vice-Chairman Gene Harrell to dispense with the reading of the minutes, and approve the minutes of April 21, 2014. Motion carried unanimously.

Moved by Commissioner Francis Richard, seconded by Commissioner Windell Curole to approve the accounts payable for April. Motion carried unanimously.

Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Eli Miles, Jr. to approve the finance report for April. Motion carried unanimously.

Mr. Ben Malbrough advised that our combat on the hydrilla is starting again, and we will continue to fight it. He has talked to Mr. Steve Landry and Mr. St. Pierre in the past about getting the equipment to set up a demonstration in the bayou to allow us to watch how it works.

Mr. Malbrough stated that the Dept. of Health & Hospitals will be in tomorrow to make a test run to spray herbicides, and take samples to check the water. We will start spraying at the K-Mart Bridge and run a mile or so north.

Mr. Joel Tillery, CH2MHill, gave an update on the Walter S. Lemann Memorial Pump Station Rehabilitation Project, as follows:

- Wharton-Smith is the contractor for the rehab project
- He showed pictures throughout the course of construction from the initial site work to the installation of the generator on February 12th. The old pumps were removed and new pumps were installed in May.
- They had a change order to run underground conduit for the electric lines.
- Entergy connections expected within the next couple of weeks.
- The startup and testing are tentatively scheduled for the first week of June.
- The generator will be run on a fuel mix of natural gas and diesel. If there is an extended outage, it will prolong the duration of the time we can operate the generator. The generator can be run solely on diesel should there be some disruption of the natural

gas supply. Commissioner Francis Richard asked Mr. Tillery why they went with a fuel mix, and Mr. Tillery answered that natural gas only generators were about double the cost.

- The pump station operators will be trained extensively on the operation of the new pumps and generator. There will be an operations and maintenance manual supplied.
- Patterson has been on site throughout construction, and has been transferring a lot of the knowledge on the operation of the pumps to the pump station operators.

Mr. Malbrough advised that we advertised four separate times for the job opening at the pump station, and we finally got word from Civil Service that two applicants meet the minimum requirements for the pump station operator vacancy. He will schedule the interviews this week or next to fill that position.

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

- Met with Terracon to review the results and set some standards. We should get some additional analysis by the end of this week from them.
- Met with the primary landowner, Lula Westfield, last week. We came away from that meeting very optimistic that we can address their concerns in such a way that will be very favorable for the Fresh Water District in the end.
- The Jurisdictional Determination has been sent to the Corps. We have an analyst and a permit number for that JP.
- The Joint Permit application has been submitted to the USACOE and DNR.
- They are still targeting early June to have the preliminary plans submitted to CPRA and the Fresh Water District. We are on track to be ahead of the timeline submitted.
- We are still targeting the same project timeline for construction.
- The Geotech will be incorporated into the 75% design.

Ms. Alma Robichaux, BTNEP, showed pictures of the Bayou Lafourche Cleanup. She advised that it was a huge success. There were 950 volunteers this year. She showed items that were collected by category, and showed comparisons for the last few years.

Ms. Robichaux stated that they found a message in a bottle. The message was placed in the bottle thirteen years ago by a young girl who threw it in the bayou. It was a project she did with her school, and it had on the message to call her if it was found. The bottle had only gone about 300 ft. They figured she must have thrown it in the mud. She is a Nicholls student now.

Mr. Malbrough reported that the American Legion appraisal was received the day of the last monthly meeting. The appraisal came in higher than expected at \$333,500.00. The agreement with the American Legion was extended until tonight.

Commissioner Donald Schwab advised that he spoke to the guy in Houma regarding him appraising the American Legion. The guy said that what he could best figure out is that the figure we received for the appraisal was right. He said it just a few thousand dollars difference. Commissioner Schwab stated that he thinks the appraisal is too high. The Board agreed to defer the purchase of the American Legion property at this time.

Chairman Caffery asked about the status of the forensic surveyor checking to see where the property lines historically are located. Mr. Marionneaux advised that they are looking at property on both sides of the bayou and down to the discharge pipes as they go into the bayou on both sides, between the two highways, and all the way up to the levee. They are concentrating on who owns the property where the pump station is and the discharge pipes.

Mr. Malbrough reported that regarding the Dugas Canal Pump Station Project Lafourche Parish is proposing, they sent a letter to DNR basically rebutting the Bayou Lafourche Fresh Water District and Terrebonne Consolidated Waterworks objections to the permit in the project. There will be a meeting June 5th at 10:00 a.m. at the Lafourche Parish Government building in Mathews to see if there could be some sort of resolution.

Commissioner Windell Curole stated that the Bayou Lafourche Fresh Water District is not a commenting agency. We actually have to power to stop the Dugas Canal project. Mr. Marionneaux advised that if the Fresh Water District feels like there is a detrimental affect to the water quality that could affect our duties, powers, and what the District is set up to do then we certainly have the right to deny the permit.

Mr. Malbrough advised that Stevie Smith has been working on the capital outlay request a lot. Stevie and he have been to Baton Rouge tracking down some of the legislators. We got letters of approval from all the parishes, with the exception of the City of Donaldsonville. Vice-Chairman Gene Harrell stated that we know the animosity there. Mr. Malbrough advised that the Mayor of Donaldsonville is in favor of the project, but the council members are not in favor of it.

Vice-Chairman Gene Harrell stated that landowners concerns are the levels of water, and not so much of a standpoint of the drainage but how it is going to impact people who actually live on the bayou with the height and amount of volume of water that will be coming down.

Chairman Caffery stated that they either want to be a part of that solution, or just continue to object to it. Commissioner Curole advised that it goes back to who has the power of objection.

Chairman Caffery advised that we could specifically find out what their concerns are that we could address. Vice-Chairman Gene Harrell stated that another concern is the volume of water going down, and the erosion of the banks. They have seen what the increase of water we are pumping now has done in some of the areas.

Mr. Stevie Smith stated that the technical aspects of the solution we are talking about are pretty simple. He stated devise a mechanism that will ensure that rain water in Donaldsonville could exit Donaldsonville in at least the same velocity no matter what the level of the bayou.

Mr. Smith stated that Senator Smith and Senator Brown have been very helpful, and as recently as this past week they were very positive about the success of getting this request in the state capital outlay request bill.

Mr. Smith distributed to the Board a letter written by Senator Gary Smith, Jr. to the Capital Outlay Section in Baton Rouge regarding the capital outlay request on behalf of the Bayou Lafourche Fresh Water District for Donaldsonville Flood Control.

Mr. Malbrough advised that Barry and he met with CPRA and DNR about some of the issues we have had regarding issuing permits. In some instances, we have to object to some of the permits because the permit request falls within the State Lands, and we are trying to implement this dredge project.

Mr. Malbrough stated that we had talked at last month's meeting regarding changing our permit ordinance to allow for landowners to have access to the bayou to build a wharf, pier, bulkhead or anything below the mean low water mark. The way the permit ordinance reads now is they can't build anything below the mean low water mark.

Chairman Caffery asked the Board if they would have an objection to changing the permit ordinance to allow landowners to build structures, such as wharves, docks, and piers below the mean low water mark. It would be with the understanding that if it has to be removed, it will be at the landowner's expense. Mr. Malbrough advised that the State and DNR think that this would be a good thing to do.

Commissioner Eli Miles, Jr. asked if the Board thinks we will dredge the bayou again in the next one hundred years, and he was answered it gives us a long time to think about it. Commissioner Miles stated that he rode the bayou for the first time from Donaldsonville all the way to the yellow locks. He said people have spoken to him about doing legal stuff at their own cost if the Board approved it. If they put it down today and the Board says remove it tomorrow they will take it out.

Commissioner Miles stated that there is a guy on the bayou that has about a million dollar home. This guy has about \$50K to \$60K of stuff sitting at the back of his house to beautify the bayou. He is not trying to upset anybody or do anything illegal. He is only asking that he get a permit from us. He has a permit from the Corps. Commissioner Miles asked that the Board go along with the man and let him do what he asking to do. He stated that this man is willing to sign anything the Board wants him to sign, and if he put it today and the Board said to remove it tomorrow, he will remove it.

Chairman Caffery advised that the contradiction is we want to have access to the bayou. Commissioner Miles advised that what he is planning on putting back there he thinks it will protect us. The ground will not wash away.

Vice-Chairman Gene Harrell stated that he is trying to remember the permit request, and Mr. Malbrough advised that they have not applied for the Fresh Water District permit. The District objected to the Coastal Use Permit.

Chairman Caffery asked that Commissioner Miles communicate with the guy that we are considering modifications to allow him to do what he needs to do. Mr. Malbrough stated that he will start putting something together. We want to take out all of the grey areas. Mr. Malbrough advised that he will give a status update at the next meeting of where he is on that revision.

Mr. Malbrough advised that he would like to get some video surveillance at the pump station out on the river facing at the location of the piles. We would be able to view and monitor everything that happens in that area and it would protect us in the future from any incidents that happen going forward. It would have night vision capabilities. Mr. Malbrough stated that it would cost about \$3,000 to get one camera on the river and one camera on the gate at the pump station gate. The cost includes the installation, equipment, and the DVR capabilities that would record and we can file.

Moved by Commissioner Donald Schwab, seconded by Commissioner Eli Miles, Jr. and unanimously approved to authorize Ben Malbrough to install two night vision video surveillance cameras at the pump station, one out on the river facing the location of the piles, and the other on the pump station gate for a cost not to exceed \$5,000.00.

Chairman Caffery asked for any comments from the public and there were none.

Moved by Commissioner Francis Richard, seconded by Vice-Chairman Gene Harrell and unanimously approved to go into executive session at 6:30 p.m.

Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Donald Schwab and unanimously approved to return to regular session.

Moved by Commissioner Donald Schwab, seconded by Vice-Chairman Gene Harrell and unanimously approved to authorize \$30,000.00 for temporary lighting for the dolphins alarm system in the river at the pump station.

Moved by Commissioner Francis Richard, seconded by Commissioner Lance Authement and unanimously approved to file a lawsuit against Enterprise Marine regarding the barge collision with the dolphins.

Moved by Commissioner Donald Schwab, seconded by Vice-Chairman Gene Harrell and unanimously approved the meeting adjourned at 7:10 p.m.

Hugh Caffery, Chairman

Gregory Nolan, Secretary/Treasurer