

September 15, 2014

The regular monthly meeting of the Board of Commissioners of the Bayou Lafourche Fresh Water District was held on Monday, September 15, 2014 at 5:00 p.m. at the Water District office, 1016 St. Mary Street, Thibodaux, LA

Present were: Gene Harrell, Vice-Chairman
Greg Nolan, Jr., Secretary/Treasurer
Judge Jimmy Gaidry
Jake Giardina
Windell Curole
Lance Authement
Eli Miles, Jr.
Donald Schwab

Absent: Hugh Caffery, Chairman, Ron Animashaun, Juan Pickett, Francis Richard

Also present were: Dustin Rabalais, T. Baker Smith; Clay Braud, Providence/GSE Associates
Stevie Smith, All South Consulting Engineers; Alma Robichaux, BTNEP
Nick Porto; William Besson; Robert Mire; Jana Langley, Administrative Assistant
Ben Malbrough, Executive Director

Vice-Chairman Gene Harrell chaired the meeting in Chairman Hugh Caffery's absence.

Moved by Commissioner Jake Giardina, seconded by Commissioner Eli Miles, Jr. to dispense with the reading of the minutes, and approve the minutes of August 18, 2014. Motion carried unanimously.

Moved by Commissioner Jake Giardina, seconded by Commissioner Donald Schwab to approve the accounts payable for August. Motion carried unanimously.

Jana Langley asked if there were any questions on the finance report, and there were no questions.

Mr. Ben Malbrough advised that he sent the Board the pump station pumping summary. Everything is going good. We are very near the completion of the rehab project. We have some in-house training for the pump station operators on how to start up the generator in the event of a power outage. Mr. Malbrough reported that the bayou crew is fighting grass.

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, and still to date there are no comments from CPRA.
- They are proceeding with the final design revisions to the plans and specifications.
- They received the final geotech report two weeks ago, and everything looked fine in the report.
- There was an addendum to get a little more clarification in case they get an overcut.
- The draft permit from DNR has been received. We have a permit fee we are looking to get waived since it makes little sense to use state funds to pay a state fee.
- We submitted a revised draft lease agreement to Lula. It appears those terms are acceptable. We have a meeting with Lula this week to iron out the agreement and get it finished.
- He feels confident that at some point next month we will be advertising, and be in construction at the beginning of January.

Mr. Malbrough reported that Windell, Hugh, Scott Angelle, Robert Routon, Jerome Zeringue and he went to Omaha two weeks ago to meet with the engineering execs of Union Pacific Railroad to discuss

the issue in Donaldsonville. Mr. Malbrough gave the Board a printout of the presentation presented at the Union Pacific meeting. Mr. Malbrough was surprised at how really well it went. The take home from the meeting was that there would be no more alternative analysis done. The only solution to the problem is a bridge replacement. Mr. Malbrough advised that we got a commitment from Union Pacific to work with us to get a 20% - 30% design done on a bridge so we can get a comfortable cost estimate. We will then negotiate a construction and maintenance agreement for the bridge. We think the 30% design is going to cost us somewhere in ballpark of \$150,000 to get it done.

Mr. Malbrough stated that Union Pacific sent him a draft agreement this morning. We are waiting for a list of consultants that Union Pacific prefers to work with on their rail and bridge designs. We will move forward once we get the list with interviewing a couple of the preferred consultants and the Fresh Water District will hire a consultant to do the preliminary design. We can then put together a comfortable construction cost estimate to take to Union Pacific. We will then have the meeting of who will pay for what and how much.

Commissioner Windell Curole stated that these people have the kind of power to say no. We were very fortunate that when Scott Angelle was DNR secretary they had done a couple of very important things. They had a two million dollar expenditure they wanted to do in Louisiana, and they had a time issue to take care of a customer or they could have spent two million dollars to solve their customer's need. Scott Angelle got the permit through for them, and UP mentioned that at the meeting.

Commissioner Windell Curole advised that the engineers were not overly excited to be with us but in the end they were really interested, and said they would help us. It is not that easy just to get them to move. Commissioner Windell Curole asked if it would be proper to get the Board to approve to move forward with approving the agreement upon discussions with our attorney and with Ben. Mr. Malbrough stated that the only problem would be the budget amount. Mr. Malbrough stated that \$150,000 budget would well get us under way. Commissioner Jake Giardina asked if we will bear 100% of the cost, and Mr. Malbrough answered that this is only to get the construction cost.

Vice-Chairman Gene Harrell asked if they will go back in the same place with the bridge, or will they look at a different crossing, and Mr. Malbrough answered that it will be in the general vicinity. There were talks about abandoning the switch yard in Donaldsonville, and that wasn't in the 2008 plan when they were analyzing this in the beginning.

Mr. Malbrough advised that he feels a budget of \$150,000 would be needed for the Fresh Water District to contract with a consultant picked from a list of preferred consultants provided by Union Pacific Railroad to get to a preliminary design that would finalize the layout in getting construction cost estimates that all parties are comfortable with. We will take that document and go back to Union Pacific and say this is how the bridge can be constructed.

Commissioner Jake Giardina stated that it seems strange. He stated that railroads are pretty specific. You think that would be something they would want under their control directly from the beginning. You think that they would want to control that, and we would be just contributing the money as opposed to us hiring a firm and them having no say so. Mr. Malbrough advised that the issue is their staff is so limited they don't have the staff to manage a third party consultant right now.

Commissioner Windell Curole advised that they talked about that issue. He stated that we will work from their engineering list. Mr. Malbrough stated that they will be involved in the review process

throughout. Mr. Malbrough stated that as he understands it when it goes to construction it will be them contracting the contractor.

Vice-Chairman Gene Harrell asked about land acquisition, and Mr. Malbrough answered potentially it doesn't look like it right now. They have a big enough right-of-way to by-pass the bayou within the existing right-of-way.

Commissioner Donald Schwab asked Ben how much money we are looking at, and Ben answered that the number Union Pacific threw out is fifteen million dollars for the construction. Mr. Malbrough stated that the worst case scenario would be that we would out \$150,000 getting to the 30% design.

Moved by Commission Windell Curole, seconded by Commission Judge Jimmy Gaidry and unanimously approved to authorize Ben Malbrough, Barry Marionneaux, Hugh Caffery, and others necessary to negotiate with one of the consultants provided by Union Pacific with a not to exceed value of \$150,000 to work towards the preliminary design report of the bridge construction.

Moved by Commissioner Donald Schwab, seconded by Commissioner Jake Giardina and unanimously approved to grant the performance adjustments for employees effective October 1, 2014 per evaluation ratings.

Moved by Commissioner Judge Jimmy Gaidry, seconded by Commissioner Donald Schwab to approve the permit application for Robert Broggi, Thibodaux, LA to construct a couple of townhouses at 278 and 282 East Bayou Rd., Hwy. 308, Thibodaux, LA on the bayou side, which will not encroach the bayou. Motion carried unanimously.

Moved by Commissioner Windell Curole, seconded by Commissioner Jake Giardina and unanimously approved to amend the agenda by two-thirds vote to include the discussion of a permit application for Henry Landry.

Mr. Malbrough advised that we have a permit for Henry Landry who has been trying to get his fishing pier permitted along the bayou for about two and one-half years. We couldn't issue a permit before because our ordinance didn't allow anything to be built below the ordinary mean low mark. We have now amended our ordinance, and he wants to build a fishing pier behind his house. Mr. Landry got his Coastal Use Permit and Corps of Engineers permit. Mr. Malbrough advised that all the language is going to be included that if it needs to be removed, it will be removed at the owner's expense.

Moved by Commissioner Jake Giardina, seconded by Commissioner Windell Curole to approve the permit application for Henry Landry, Jr., Belle Rose, LA to construct a pier and floating wharf on the bank edge of the bayou behind his home at 7157 Hwy. 308 South, Belle Rose, LA. Motion carried unanimously.

Mr. Stevie Smith, All South Consulting Engineers, advised that the geotechnical field work and survey work has been done on the Donaldsonville drainage improvement project. They are working on a preliminary design for that effort to hopefully allow us to manage the bayou while at the same time not impacting the drainage in Donaldsonville. The preliminary design should be submitted in 45 days. Mr. Malbrough stated that we should be on the Bond Commission agenda in October for Capital Outlay money for the Donaldsonville drainage improvement project.

Commissioner Jake Giardina stated we are pumping somewhere in the range of 300-330cfs, and the water coming over the weir is looking good. He asked what would be Ben's estimation of the hydrilla load in the bayou now as opposed to last year. Mr. Malbrough answered basically the major hydrilla issue we have starts in Labadieville, and really ends at the weir. He stated that as far as the density compared to last year it is pretty much the same in that stretch. We are not seeing hardly any hydrilla on the south side of the weir, and there are several theories about that. We should really be able to monitor the influence the hydrilla has on the flow within the bayou once the USGS gauge that was moved from Thibodaux to Napoleonville is fully set up. It is set up and working but they still have to go in and tie the elevation in.

Commissioner Jake Giardina advised that we are keeping the conformity of flow fairly accurate with the variable pump that has been installed, and we have virtually constant velocity. The stability lets us accomplish a much greater flow with still having the same restrictions.

Commissioner Windell Curole asked Ben the theory he has of not having hydrilla south of the weir, and Mr. Malbrough answered that south of the weir is where they deployed those bugs. He stated that in talking with the doctor with the Corps of Engineers, the doctor didn't feel like he could tie down any success rate with the bugs.

Commissioner Windell Curole advised that the slide presentation to Union Pacific superimposed the bayou history from 1850 to date. Mr. Malbrough showed the slide presentation that was presented to the Union Pacific executives at the meeting in Omaha.

Vice-Chairman Gene Harrell asked for any public comments, and there were no comments.

There was no executive session due to any new issues regarding the litigation.

Moved by Commissioner Jake Giardina, seconded by Commissioner Eli Miles, Jr. and unanimously approved the meeting adjourned at 5:55 p.m.

Gene Harrell, Vice-Chairman

Greg J. Nolan, Jr., Secretary/Treasurer

