

The Board of Commissioners for the Pontchartrain Levee District met at its office on Monday, March 23, 2009, pursuant to due notice given to each member in due time, form and manner as follows:

March 20, 2009

Dear Sir:

You are hereby notified that the next Regular Board Meeting of the Board of Commissioners for the Pontchartrain Levee District will be held at 6:00 p.m. on Monday, March 23, 2009 at the Lucher Office, Lucher, Louisiana.

Very truly yours,

Monica Salins,
Executive Director

Vice-President Harelson called the meeting to order at 6:04 p.m. The following members were present: Messrs. Bill Addison, Jesse Bartley, Webb Harrelson, Mike Delaune, Marty Poche, Allen St. Pierre, Tony Cunningham*, Jerry Savoy* and Steve Wilson*. Absent: None. (*Absent at roll call.)

Pontchartrain Levee District employees in attendance were: Messrs. Monica Salins-Executive Director, Kenny Steib – Levee Board Operations Superintendent (Detailed), Dan Falcon- Police Captain, Norris Melancon-Levee Maintenance Superintendent (Detailed) Dwight Poirrier – Legal Counsel and Susan M. Sheets - Secretary to the Board. Also in attendance were: Joe Sevario-Executive Assistant to the Board, Clinton Rouyea - External Accountant and Jimmy Smith - Maintenance Consultant. Special guests included: Stephen Tassin, Jesse McClendon and Sarah Kemp of Louisiana Department of Transportation and Development, Bjorn Johnson of G.C.R. & Associates, Henry Picard of Burk-Kleinpeter, Nathan Junius of Linfield-Hunter & Junius, Les Waguespack of Shaw Coastal, Jake Lambert of Glenn Shaheen & Associates, Dean Smith of Mammoet and Bud Preston of Gramercy Alumina, L.L.C.

The Pledge of Allegiance was recited.

A motion to approve the minutes of the Regular Board Meeting of February 16, 2009 was offered by Mr. Delaune and seconded by Mr. Poche and unanimously carried.

COMMITTEE REPORTS

Finance Committee: Mr. Jesse Bartley reported on the Finance meeting held on March 10, 2009. Mr. Addison moved, seconded by Mr. Poche to approve the regular monthly invoices in the amount of \$26,833.68 as recommended by committee. The motion carried unanimously. Next, Mr. Bartley moved, seconded by Mr. Delaune to recommend approval of invoices from G.C.R. & Associates for Reach 1B and the 100 year protection in the amount of \$23,314.84. The motion carried unanimously. Mr. Delaune then moved to approve the invoice from G.C.R. & Associates for the 2008 Hurricanes Gustav and Ike FEMA claims in the amount of \$724.68 for the period of January 1, 2009 through January 31, 2009 as recommended by committee. This motion was seconded by Mr. St. Pierre and also carried unanimously. Mr. Bartley moved to approve the invoice from Board Attorney, Dwight Poirrier, in the amount of \$3,445.79 as recommended by committee.

This motion was seconded by Mr. Addison and carried unanimously. Mr. Delaune then moved, seconded by Mr. Bartley to approve the Non-Federal Cost Share Portion for the Amite River and Tributaries Ecosystem Restoration Federal Cost Share agreement in the amount of \$445,076.00 as recommended by committee. This motion also carried unanimously. Lastly, Mr. Addison moved, seconded by Mr. Bartley to approve the Board President to execute the Cooperative Endeavor Agreement for the Mississippi River Levee Multi-Use Trail with the Division of Administration, Office of Facility Planning and Control as recommended by committee predicated on Board Attorney's approval of final draft. This motion carried unanimously.

Equipment Committee: Mr. Bill Addison reported on the meeting held on March 10, 2009.

Mr. Addison moved, seconded by Mr. Bartley to approve the lowest quote from Southern Carpet and Interior in the amount of \$11,598.79 for the ceramic flooring for the PLD Headquarters. The motion carried unanimously. Mr. Bartley stated for clarification that at the Committee meeting, when these quotes were presented, there was a misunderstanding regarding the quotes and the additional square footage. The quotes indeed had included the Captain's new office; therefore, the initial action taken at committee level was incorrect.

Security/Safety Committee: Mr. Mike Delaune reported on the security meeting held on March 12, 2009. Mr. Delaune moved, seconded by Mr. Poche to approve to send a "verbal" letter of no objection to Mammoet for the transport of four (4) coker drums and to prepare the area for the transport as recommended by committee. This motion carried unanimously.

Personnel Committee: Mr. Mike Delaune reported on the Personnel meeting which was held on March 12, 2009. Mr. Delaune moved, seconded by Mr. Addison to approve the merit increases for April for eligible employees' number: #1161, #12522, #5153, #11011, #20123 and #20999 on their respective anniversary dates as recommended by committee. This motion carried unanimously. Mr. Bartley then moved, seconded by Mr. Delaune to go into Executive Session for approximately forty-five (45) minutes to discuss a personnel matter. This motion carried unanimously and Executive Session began at 6:18 p.m. Shortly after Executive Session began, President Wilson, Mr. Cunningham and Mr. Savoy arrived and took their seats at the table. At 6:58 p.m., Mr. Bartley moved to return to regular session. This motion was seconded by Mr. Addison and carried unanimously. President Wilson chaired the meeting from this point. Mr. Bartley moved to recommend the discipline of employee #1485 and have the PLD Board Counsel submit said request in writing to Civil Service for approval and upon verification by Civil Service, proceed as recommended. This motion was seconded by Mr. Delaune and also carried unanimously.

STAFF REPORTS

A report on the Hurricane Protection Levee Project was presented by Mr. Bjourn Johnson of G.C.R. & Associates.

LETTERS OF NO OBJECTION

The following requests were presented to the Board for action:

At this time, President Wilson explained that two requests needed to be added to the agenda. Mr. Bartley moved, seconded by Mr. Addison to add these two requests for letters of no objection to the agenda. The motion carried unanimously.

Imperial Sugar Company – request of March 12, 2009 through Eagle Environmental Services, Inc., concerning permission to drill fifty (50) soil borings, between levee stations 4208+76 and 4232+18, at Gramercy, Louisiana, in St. James Parish. Mr. Poche moved, seconded by Mr. St. Pierre to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated March 17, 2009 and the Louisiana Department of Transportation and Development dated March 16, 2009. This motion carried unanimously.

LSU-School of Veterinary Medicine – request of March 13, 2009 through Southern Earth Sciences, Inc. concerning permission to drill three (3) soil borings, levee station 67+00, at Baton Rouge, Louisiana, in East Baton Rouge Parish. Mr. Addison moved, seconded by Mr. Bartley to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated March 17, 2009 and the Louisiana Department of Transportation and Development dated March 16, 2009. This motion carried unanimously.

St. Peter Chanel Interparochial School – request of March 11, 2009 to hold a 5K Walk/Run in conjunction with the Annual Spring Festival on March 14, 2009 in St. James Parish. Mr. Poche moved, seconded by Mr. Savoy to grant a “NO OBJECTION” to this request. The motion carried unanimously.

Evergreen Baptist Church – request of March 2, 2009 to carry out the Reenactment of the “Crucifixion of Christ” on Good Friday, April 10, 2009 in St. James Parish. Mr. Poche moved, seconded by Mr. Delaune to grant a “NO OBJECTION” to this request. The motion carried unanimously.

Entergy LA, LLC - request of March 2, 2009 to replace an existing 30’ pole with a new 40’ to provide service to a new residential customer at 173 E. 4th Street, at levee station 4657+00, in Reserve, Louisiana, St. John the Baptist Parish. Mr. St. Pierre moved, seconded by Mr. Savoy to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated March 12, 2009 and the Louisiana Department of Transportation and Development dated March 12, 2009. The motion carried unanimously.

Valero St. Charles Refinery - request of March 10, 2009 through Mammoet USA, Inc. concerning permission to transport four (4) coker drums and to prepare area for the transport, at levee station 5349+87, at Norco, Louisiana, St. Charles Parish. Mr. Cunningham moved, seconded by Mr. Bartley to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated February 25, 2009 and the Louisiana Department of Transportation and Development dated February 27, 2009. The motion carried unanimously.

Petrologistics, LLC - request of January 27, 2009 through Eustis Engineering, concerning permission to drill one (1) soil borings, at levee station 1636+00, in Iberville Parish. Mr. Harelson moved, seconded by Mr. Savoy to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated January 28, 2009 and the Louisiana Department of Transportation and Development dated January 27, 2009. The motion carried unanimously.

Entergy Louisiana, LLC - request of January 15, 2009, concerning permission to remove four (4) existing wooden poles from the south side of River Road and to relocate eight (8) 55 foot poles to the north side of River Road, between levee station 5814+00 and 5824+00, at St. Rose, Louisiana, in St. Charles Parish. Mr. Cunningham moved, seconded by Mr. Delaune to grant a “NO OBJECTION” to

this request as per letters of no objection from the Corps of Engineers, New Orleans District dated February 20, 2009 and the Louisiana Department of Transportation and Development dated January 23, 2009. The motion carried unanimously.

Entergy Louisiana, LLC - request of February 15, 2009 concerning permission to install a new 40 foot pole at 1104 Hwy. 44, Reserve, at levee station 4710+00, at Reserve, Louisiana, in St. John the Baptist Parish. Mr. St. Pierre moved, seconded by Mr. Poche to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated March 12, 2009 and the Louisiana Department of Transportation and Development dated March 12, 2009. The motion carried unanimously.

Entergy Gulf States, LLC – request of February 19, 2009 concerning permission to install three (3) new wooden poles on Illinois, Indiana and Oklahoma Street, between levee stations 40+59 and 44+59, at Baton Rouge, Louisiana, in East Baton Rouge Parish. Mr. Addison moved, seconded by Mr. Bartley to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated March 4, 2009 and the Louisiana Department of Transportation and Development dated February 25, 2009. The motion carried unanimously.

Gramercy Alumina – request of February 24, 2009 through Environmental Resources Management Southwest, Inc. concerning permission to perform excavations, at levee station 4282+00, at Gramercy, Louisiana, in St. James Parish. Mr. Poche moved, seconded by Mr. St. Pierre to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated March 16, 2009 and the Louisiana Department of Transportation and Development dated March 2, 2009. The motion carried unanimously.

Entergy Louisiana, LLC – request of February 19, 2009 concerning permission to replace an existing 35 foot power pole which is used to provide service to the St. James Water Plant, levee station 3792+50 in St. James Parish, Louisiana. Mr. Poche moved, seconded by Mr. Bartley to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated February 26, 2009 and the Louisiana Department of Transportation and Development dated February 25, 2009. The motion carried unanimously.

RIGHTS OF ENTRY

Department of the Army, Corps of Engineers, New Orleans District – letter request, dated February 10, 2009 from Linda C. LaBure, Chief, Real Estate Division, to Mr. Garret Graves, Chairman of the Coastal Protection and Restoration Authority of Louisiana, copy furnished the Pontchartrain Levee District, for right-of-entry for a period of 36 months or until completion of construction to perform floodwall construction in connection with the *Lake Pontchartrain, Louisiana and Vicinity, 100-Year Level, Hurricane Protection Project, North of Airline Highway, Bayou Trepagnier Complex, (LPV 06a.2), St. Charles Parish, Louisiana*, as per drawings entitled “Lake Pontchartrain, LA & Vicinity Hurricane Protection Project, North of Airline Highway, St. Charles Parish, Bayou Trepagnier Complex, LPV 06a.2, Right of Way Drawings” dated January 28, 2009, File Number H-8-46745, Sheet Identification R-01 – R-04. Mr. Cunningham moved, seconded by Mr. Addison to grant said right of entry as requested. This motion carried unanimously (Note: This AFE is to be held until final review and comments submitted of the USACE 95% P&S and said comments made a part of said P&S).

Department of the Army, Corps of Engineers, New Orleans District – letter request, dated March 4, 2009, from Linda C. LaBure, Chief, Real Estate Division, to Garret Graves, Chairman, Coastal Protection and Restoration Authority of Louisiana, revising previous letter request, dated September 19, 2008 and addressed to Steve Wilson, for right-of-entry for a period of three (3) years or until completion of construction to perform floodwall construction and adjacent levee work in connection with the *Lake Pontchartrain and Vicinity (LPV), Gulf South Pipeline, LPV 06d.2, North of Airline Highway, St. Charles Parish, Louisiana* project, as per drawings entitled “Lake Pontchartrain, LA and Vicinity Hurricane Protection Project, North of Airline Highway, St. Charles Parish, Gulf South Pipeline, LPV 06d.2, Right of Way Drawings” dated August 22, 2008, Sheet Identification R-01 – R-04, R-04A & R-04B, File Number H-8-46747 (R-01 – R-04) and H-08-46747 (R-04A & R-04B), Sheet R-04 revised November 26, 2008, Sheets R-04A & R-04B revised November 26, 2008 & January 29, 2009. The Corps has not furnished a cost estimate for the construction of the levee section. Mr. Addison moved, seconded by Mr. Cunningham to grant said right of entry as requested. This motion carried unanimously (Note: This AFE is to be held until final review and comments submitted of the USACE 95% P&S and said comments made a part of said P&S).

PRESIDENT’S REMARKS

President Wilson discussed a request concerning a letter of support for the LaBranche Marsh Creation. Discussion was had and members were provided a rough draft to review. President Wilson also announced the annual High Water Inspection on Wednesday, April 12, 2009.

OLD BUSINESS

The agenda called for an Executive Session to discuss a lease issue. This matter was passed at this time.

NEW BUSINESS

The next item on the agenda was adoption of the 2009-2010 budget. Mr. Savoy had some questions and requested clarification on a few items. Brief discussion was had.

The following resolution was offered by Mr. Cunningham and seconded by Mr. DeLaune:

WHEREAS, the Legislature of the State of Louisiana has requested all state governing boards, agencies political subdivisions to adopt a budget for each fiscal year, and;

WHEREAS, the Board of Commissioners for the Pontchartrain Levee District, in order to be in compliance with Acts 1985, No. 785, effective July 22, 1985 (LA R.S. 38:318) and to honor the request and intent of the Legislature, and;

WHEREAS, the major mission of said district is to maintain the east bank Mississippi River levee system as defined in LA R.S. 38:291 (L), to insure the levee integrity and capability, to safely understand river stages and hurricane tidal surges, and;

WHEREAS, said District's additional purpose is to construct or support construction by others of new or enhanced levels of protection, to anticipate weaknesses in the levee system in order to avoid flooding caused by high river stages or hurricane tidal surges, and;

WHEREAS, careful consideration has been given to the assets and liabilities of the Pontchartrain Levee District, and;

WHEREAS, considering taxing revenues and other income and reviewing the anticipated expenditures of said District,

NOW, THEREFORE, with the recommendations of the Administrative Staff of the Pontchartrain Levee District, the following budget for the fiscal year ending June 30, 2010 be adopted:

SEE ADDENDUM "A"

Anyone having any objection to the foregoing budget should contact the Board Office in Lusher, Louisiana and a public hearing will be scheduled.

The resolution to adopt the budget carried unanimously and is therefore adopted.

The next item on the agenda was a resolution in opposition of the Bayou Manchac Study. Mr. Waguespack provided a brief update regarding this matter. Following discussion, the following resolution was offered by Mr. DeLaune and seconded by Mr. Addison. This resolution carried unanimously.

The following resolution was moved by Mr. DeLaune and seconded by Mr. Addison:

WHEREAS, the Board of Commissioners of the Pontchartrain Levee District has historically been in support of historic preservation and preservation of scenic resources, in the case of the proposed designation of "Bayou Manchac as a Historic and Scenic River" under Louisiana law, such designation will prevent the Board of Commissioners of the Pontchartrain Levee District from constructing, operating and maintaining the required project or project features, currently in progress known as the Amite River & Tributaries, Bayou Manchac Project, that would provide the needed flood protection to prevent the potential loss of lives and property in the parishes of Ascension, Baton Rouge and Iberville.

WHEREAS, the Pontchartrain Levee District was created by the Legislature in 1895 and is commissioned with providing flood protection on the East Bank of the Mississippi River for a six-parish area including East Baton Rouge, Iberville, Ascension, St. James, St. John the Baptist, and St. Charles.

WHEREAS, Bayou Manchac is the major conduit for drainage and flood waters from most of the City of Baton Rouge, the east bank of Iberville Parish and a significant portion of the east bank of Ascension Parish.

WHEREAS, the Board is currently pursuing a project for the Bayou Manchac Watershed under Section 211 of the Water Resources Development Act of 1996 that began as a cost-shared effort with the United State Army Corps of Engineers and was migrated to a Section 211 effort with the approval being granted by the Assistant Secretary of the Army (Civil Works) by letter dated July 24, 2008.

WHEREAS, the prohibitions contained in the Historic and Scenic Rivers Program effectively prohibits the Pontchartrain Levee District from executing projects and subsequently maintaining those projects deemed necessary to protect the residents of the Bayou Manchac Watershed from major flood events.

WHEREAS, the Board is also concerned about the safety and welfare of the residents using the bayou because the preliminary results of analyses conducted as part of our ongoing efforts indicate that Bayou Manchac does not meet the criteria for Primary Contact Recreation, Secondary Contact Recreation, and Fish and Wildlife Protection according the Department of Environmental Quality's criteria and the causes of those impairments are Fecal Coliform and Dissolved Oxygen, normally impacted by Discharges of sanitary wastewater.

WHEREAS, the Board is also concerned that the additional permitting requirements represent duplication of processes already in place with the Corps, LDEQ, LDNR and others and may unnecessarily burden all parties with added expense and delays.

NOW, THEREFORE, BE IT RESOLVED, for the reasons cited above, the Pontchartrain Levee District Board of Commissioners are hereby opposed to the proposed designation of Bayou Manchac as a Historic and Scenic River.

PUBLIC COMMENTS

Under public comments, President Wilson announced that April had been proclaimed Flood Awareness month.

*At this time, members went back to the OLD BUSINESS on the agenda. Mr. Harelson moved, seconded by Mr. Savoy to go into Executive Session to discuss the legal matter concerning proposed lease with Tod's Catering. The motion carried unanimously and Executive Session began at 8:02 p.m. At 8:20 p.m., Mr. Harelson moved, seconded by Mr. Addison to return to regular session. The motion carried unanimously. Mr. Delaune then moved, seconded by Mr. Savoy to allow PLD to enter into Cooperative Endeavor Agreement with Tod's Catering and proceed with Board Counsel option #1 should Cooperative Endeavor not be finalized. The motion carried unanimously.

ADJOURNMENT

At this time, Mr. Harelson moved, seconded by Mr. Delaune to adjourn. The motion carried unanimously and President Wilson declared the meeting adjourned at 8:22 p.m.

/s/ Susan M. Sheets

Susan M. Sheets, Secretary

/s/ Steve Wilson

**Steve Wilson, President
Pontchartrain Levee District**