

The Board of Commissioners for the Pontchartrain Levee District met at its office on Monday, October 19, 2009, pursuant to due notice given to each member in due time, form and manner as follows:

October 16, 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, October 19, 2009 at the Lutcher Office, Lutcher, Louisiana.

Very truly yours,

Monica Salins,
Executive Director

President Steve Wilson called the meeting to order at 6:11 p.m. The following members were present: Messrs. Bill Addison, Marty Poche, Mike Delaune, Allen St. Pierre, Jerry Savoy, L.C. Irvin and Steve Wilson. Absent: None.

Pontchartrain Levee District employees in attendance were: Messrs. Monica Salins - Executive Director, Kenny Steib - Levee Board Operations Superintendent (Detailed), Norris Melancon - Levee Maintenance Superintendent (Detailed) and Susan M. Sheets - Secretary to the Board. Also in attendance were: Clinton Rouyea - External Accountant, Jimmy Smith - Maintenance Consultant, and Dwight Poirrier - PLD Legal Counsel. Special guest included: Mona Nosari and A.J. Domangue of G.C.R. & Associates, Henry Picard, III. of BKI, Les Waguespack of Shaw, Chris Fenner of Linfield, Hunter & Junius, Jake Lambert of G.S.A. & Associates, Jack Morgan of Evans Graves Engineers, Jonathan Hird and John Headland of Moffat and Nichol, Eric Poche of SJB Group, Danny Guidry of Safeland Storage, Lance LaPlace of LaPlace Consulting & Engineering and John Monzon of OCPR.

The Pledge of Allegiance was recited.

A motion to approve the minutes of the Regular Board Meeting of September 21, 2009 was offered by Mr. Savoy, seconded by Mr. Poche and unanimously carried.

COMMITTEE REPORTS

Finance Committee: Mr. Jerry Savoy reported on the Finance meeting held on October 13, 2009. Mr. Delaune moved, seconded by Mr. Irvin to approve the regular monthly invoices in the amount of \$44,644.29 as recommended by committee. The motion carried unanimously. Mr. Poche then moved, seconded by Mr. St. Pierre to approve the invoice from G.C.R. & Associates in the amount of \$40,752.55 for the 100 year protection of the St. Charles Parish, HPL portion of the LP&V project for the period of August 1, 2009 thru August 31, 2009 as recommended by

committee. This motion carried unanimously. Mr. Irvin moved, seconded by Mr. Addison to approve the invoice from G.C.R. & Associates for Gustav and Ike FEMA Claims in the amount of \$193.30 for the period of August 1, 2009 thru August 31, 2009 as recommended by committee. This motion carried unanimously. Mr. St. Pierre to approve the invoice from Board Attorney, Dwight Poirrier in the amount of \$3,709.30 as recommended by committee. This motion carried unanimously.

Equipment Committee: Mr. Delaune reported on the meeting held on October 13, 2009. Mr. Delaune advised there were no action items to report.

Security/Safety Committee: Mr. Poche report on the security meeting held on October 15, 2009. There were no action items to report.

Personnel Committee: Mr. Marty Poche reported on the Personnel meeting which was held on October 15, 2009. Mr. St. Pierre moved, seconded by Mr. Irvin to approve the merit increase for employees #001008, #002835, #199414, #015698 and #013942 on their respective anniversary dates as recommended by committee. The motion carried unanimously. Mr. Delaune moved to approve to consider re-rating employee #159909 in six (6) months, as recommended by committee. This motion was seconded by Mr. Irvin and also carried unanimously. Mr. St. Pierre moved, seconded by Mr. Delaune to defer items #3 and #4 on the agenda to the January meetings. This motion carried unanimously. Mr. Delaune moved, seconded by Mr. Savoy to approve to direct the Executive Director to proceed with the process through Civil Service and request that the Police Sergeant Position within the PLD organization chart be abolished and request that said position be replaced with an additional Police Officer 2 position as recommended. This motion carried unanimously. Lastly, Mr. Irvin moved, seconded by Mr. Delaune to allow employee #200912 to use leave without pay as stated in employee request letter dated October 15, 2009 for surgery recovery period as recommended by committee. This motion carried unanimously.

STAFF REPORTS

A report on the Hurricane Protection Levee Project was presented by Ms. Nosari of G.C.R & Associates. Updates were given for each of the following projects by the respective engineer and/or representative:

- a) St. Charles Hurricane Protection Levee
- b) Amite River & Tributaries Bayou Manchac & Ecosystem
- c) West Shore
- d) St. Charles Urban Flood Control Study
- e) Laurel Ridge Levee/Bayou Conway-Panama Canal
- f) Duncan Point Seepage
- g) Mississippi River Bike Trail

LETTERS OF NO OBJECTION

The following requests were presented to the Board for action:

Gramercy Alumina LLC – request of September 29, 2009 to evidence ownership change and modify all records to reflect the new ownership, Noranda Alumina, LLC, in St. James Parish. Mr. Delaune moved, seconded by Mr. Addison to grant a "NO OBJECTION" to this request. The motion carried unanimously.

Gnots Reserve, Inc. - request dated September 23, 2009 concerning permission to extend letter of no objection #08112481 for an additional three (3) years, being November 24, 2012, which is the time period necessary to complete said project in St. Charles Parish. Mr. Addison moved, seconded by Mr. Irvin to grant a "NO OBJECTION" to this request. The motion carried unanimously.

River Road Historical Society – request dated September 30, 2009 through Destrehan Plantation concerning permission to park vehicles on the base of levee during the Destrehan Fall Festival to be held on November 14 and 15, 2009, in Destrehan, Louisiana, St. Charles Parish. Mr. Delaune moved, seconded by Mr. Poche to grant a "NO OBJECTION" to this request. The motion carried unanimously.

Norco Civic Association – request dated October 6, 2009 concerning permission to land a helicopter on the levee for the Norco Christmas Parade to be held on December 6, 2009, near levee station 5320, in Norco, Louisiana, St. Charles Parish. Mr. Savoy moved, seconded by Mr. Addison to grant a "NO OBJECTION" to this request as per letters of no objection from the Department of the Army, Corps of Engineers, New Orleans District and the Louisiana Department of Transportation. The motion carried unanimously. . Mr. Savoy moved, seconded by Mr. St. Pierre to grant a "NO OBJECTION" to this request. The motion carried unanimously.

Marathon Oil Company – request dated September 17, 2009 through URS Corporation, concerning permission to replace four (4) steel pipe piles, levee station 4602+22, in Garyville, Louisiana, St. John the Baptist Parish. Mr. St. Pierre moved, seconded by Mr. Irvin to grant a "NO OBJECTION" to this request as per letters of no objection from the Department of the Army, Corps of Engineers, New Orleans District dated September 16, 2009 and the Louisiana Department of Transportation dated September 24, 2009. The motion carried unanimously.

ABMB – request dated September 16, 2009 through GeoEngineers, Inc., concerning permission to drill twenty (20) soil borings, levee station 618+63.69, in Baton Rouge, Louisiana, East Baton Rouge Parish. Mr. Addison moved, seconded by Mr. Savoy to grant a "NO OBJECTION" to this request as per letters of no objection from the Department of the Army, Corps of Engineers, New Orleans District dated October 1, 2009 and the Louisiana Department of Transportation and Development dated September 21, 2009 and the Louisiana Office of Coastal Protection and Restoration dated October 1, 2009. The motion carried unanimously.

Safeland Storage - request dated June 4, 2009 through Richard Wright and Associates, Inc. concerning permission to construct a ship dock with associated pipe rack, levee crossing and approach ramp at Louisiana Highway 44, levee station 4348+88.9, in Mt. Airy, Louisiana, St. John the Baptist Parish. Mr. Delaune moved, seconded by Mr. St. Pierre to grant a "NO OBJECTION" to this request as per letters of no objection from the Department of the Army, Corps of Engineers, New Orleans District dated September 18, 2009 and the Louisiana Department of Transportation and Development dated May 29, 2009. The motion carried unanimously.

Motiva Enterprises LLC (Norco Refinery) - request dated March 3, 2009 through Ford, Bacon and Davis, LLC concerning permission to replace an existing pipeline, levee station 5322+43.63, in Norco, Louisiana, St. Charles Parish. Mr. Poche moved, seconded by Mr. Delaune to grant a "NO OBJECTION" to this request as per letters of no objection from the Department of the Army, Corps of Engineers, New Orleans District dated September 24, 2009 and the Louisiana Department of Transportation and Development dated March 13, 2009. The motion carried unanimously.

Yara North America - request dated May 29, 2009 through Entergy Louisiana concerning permission to install multiple poles and to install a conductor, between levee stations 3161+45.9 and 3167+61.0, Convent, Louisiana, St. James Parish. Mr. Poche moved, seconded by Mr. Irvin to grant a "NO OBJECTION" to this request as per letters of no objection from the Department of the Army, Corps of Engineers, New Orleans District dated September 4, 2009 and the Louisiana Department of Transportation and Development dated September 3, 2009. The motion carried unanimously.

ArcelorMittal – request dated September 17, 2009 concerning a request for an after the fact permit to replace a structure on the crown, levee station 4995+50, in LaPlace, 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 Department of the Army, Corps of Engineers, New Orleans District dated October 5, 2009 and the Louisiana Department of Transportation and Development dated September 17, 2009. The motion carried unanimously.

LBC Baton Rouge – request dated October 22, 2008 concerning permission to install eight (8) new pipeline casings through an existing bulkhead and to dredge sand from the left descending bank, between levee stations 1268+50 and 1283+50, in Sunshine, Louisiana, Iberville Parish. Mr. Addison moved, seconded by Mr. Irvin to grant a "NO OBJECTION" to this request as per letters of no objection from the Department of the Army, Corps of Engineers, New Orleans District dated August 2, 2009 and the Louisiana Department of Transportation and Development dated November 3, 2008. The motion carried unanimously.

RIGHTS OF ENTRY

Department of the Army, Corps of Engineers, New Orleans District – request of February, 10, 2009, revised May 8, 2009, June 1, 2009 and August 28, 2009 from Linda C. LaBure to Garret Graves, Chairman of the Coastal Protection and Restoration Authority of Louisiana and Steve Wilson, Pontchartrain Levee District, for right-of-entry for a period of twenty four (24) months or until completion of construction in connection with the Lake Pontchartrain and Vicinity, Louisiana Project, North of Airline Highway, St. Charles Parish, Louisiana, Levee-Reach 1B from I-310 to Walker Drainage Structure–Phase 2, LPV-04.2B as per drawings entitled ‘Lake Pontchartrain and Vicinity, Louisiana Project, North of Airline Highway, St. Charles Parish, Levee - Reach 1B from I-310 to Walker Drainage Structure–Phase 2, LPV-04.2B’ File No. H-8-46877, drawings R-01 through R-03, dated December 15, 2008, revised May 2, 2009, May 20, 2009, and August 11, 2009, predicated upon Board approval of the Resolution of Appropriation providing for the appropriation under the constitution and laws of the State of Louisiana of lands, easements, servitudes and rights-of-way required for construction and receipt of a permit from the Louisiana Department of Transportation and Development. Mr. Addison moved, seconded by Mr. Irvin to grant requested as presented. This motion carried unanimously.

Motion to Rescind Authorization for Entry

Department of the Army, Corps of Engineers, New Orleans District – RESCIND RIGHT OF ENTRY - Motion by the Pontchartrain Levee District to rescind an Authorization for Entry approved at the September 21, 2009 regular board meeting, pursuant to the Department of Army, Corps of Engineers, New Orleans District request of September 18, 2009 from Linda C. LaBure, Chief, Real Estate Division, to Garret Graves, Chairman of the Coastal Protection and Restoration Authority of Louisiana and Steve Wilson, Pontchartrain Levee District, for right-of-entry to conduct surveys, soil borings, environmental and cultural resource investigations and Hazardous, Toxic and Radioactive Waste (HTRW) assessments. Authorization for Entry is rescinded following receipt of letter dated September 30, 2009 from Linda Labure to Garret Graves, Chairman of the Coastal Protection and Restoration Authority of Louisiana and Steve Wilson, Pontchartrain Levee District advising that the right-of-entry is no longer needed. Mr. Delaune moved, seconded by Mr. Savoy to grant request as presented. This motion carried unanimously.

Motion to Revise Authorizations for Entry Previously Approved

Department of the Army, Corps of Engineers, New Orleans District – REVISE - Motion by the Pontchartrain Levee District to revise an Authorization for Entry approved at the March 23, 2009 regular board meeting, pursuant to the Department of 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. Poche moved, seconded by Mr. St. Pierre to grant request as presented. This motion carried unanimously.

Following board approval, subsequent email dated July 21, 2009 from Connie Rodgers, Realty Specialist, U.S. Army Corps of Engineers, New Orleans District to Monica Salins, Executive Director, Pontchartrain Levee District requiring additional language in the Authorization for Entry as follows, Page 2, Item D:

Added Language:

If there is any conflict between this Authorization for and ROE and the executed Agreement (known as the Project Partnering Agreement (PPA) then, as between CPRA and the Department of the Army, U.S. Army Corps of Engineers, the PPA controls. However, the undertaking of the obligation referenced herein above on behalf of CPRA by PLD and the District to provide ROE under the PPA, specifically does not obligate PLD or the District to any other obligation whatsoever undertaken by CPRA in the PPA.

Department of the Army, Corps of Engineers, New Orleans District – REVISE - Motion by the Pontchartrain Levee District to revise an Authorization for Entry approved at the August 17, 2009 regular board meeting, pursuant to the Department of Army, Corps of Engineers, New Orleans District request of July 28, 2009 from Linda C. LaBure to Steve Wilson, Pontchartrain Levee District for right-of-entry to conduct surveys, soil and borrow borings, environmental and cultural resource investigations, HTRW investigations, and install piezometers for a period of 2 years in connection with the Mississippi River Levees, New River Bend Seepage Repair, Station 2280+00 to Station 2295+00, Ascension Parish, Louisiana project. *The previous Authorization for Entry shall be amended to reference a revised right-of-entry request dated August 28, 2009 from Linda C. Labure to Steve Wilson, Pontchartrain Levee District for both existing and new rights-of-way.* Mr. Addison moved, seconded by Mr. Delaune to grant request as presented. This motion carried unanimously.

PRESIDENT’S REMARKS

None.

OLD BUSINESS

Resolution by the Board of Commissioners of the Pontchartrain Levee District in accordance with the Louisiana Department of Transportation and Development, Statewide Flood Control Program, *reaffirming and reauthorizing* the Pontchartrain Levee District to advertise State Project No. State Project No. 576-45-0025, Cross Bayou Pump Station, Ormond, St. Charles Parish, Louisiana for competitive bids in accordance with LRS 38:2212, et seq., for the award of a contract in the name of Pontchartrain Levee District, covering said improvements, predicated upon Louisiana Department of Transportation and Development review and approval of final project plans and specifications. (Board members approved this Resolution at the May 18th, 2009, Regular Board meeting and because said resolution was passed more than 90 days ago, Louisiana Department of Transportation and Development is requesting an updated resolution for consideration). Mr. Savoy moved, seconded by Mr. Delaune to offer resolution as requested.

WHEREAS, the Pontchartrain Levee District has submitted an application for funding of the Cross Bayou Pump Station, Ormond Boulevard, St. Charles Parish, flood control project under the Statewide Flood Control Program; and

WHEREAS, the State's share of the project funds have been made available and the Pontchartrain Levee District has available its local matching share of the project funds in an amount of not less than thirty (30%) percent; and

WHEREAS, at the request of the Pontchartrain Levee District, Evans-Graves Engineers, Inc. has prepared plans and specifications for said project, which plans and specifications are designated by State Project No. 576-45-0025 (Phase 28 of SPN 576-045-0001); and

WHEREAS, the Pontchartrain Levee District has reviewed the final plans, specifications and cost estimate and has submitted them to the Department of Transportation and Development. The Pontchartrain Levee District will accept the final plans and specifications contingent on the Department of Transportation and Development's final approval inasmuch as they comply with the requirements of the Statewide Flood Control Program; and

WHEREAS, all necessary servitudes, rights-of-way, spoil disposal areas, rights of ingress and egress and the means thereof have been acquired by the Pontchartrain Levee District and the titles thereto are valid and indefeasible; and

WHEREAS, the Pontchartrain Levee District has obtained all necessary permits required for the construction of this project; and

WHEREAS, the Pontchartrain Levee District has obtained all necessary permits required for the construction of this project; and

WHEREAS, the Pontchartrain Levee District has agreed to accomplish all necessary utilities, fence and other facilities relocations and alterations made necessary by this project; and

WHEREAS, the Official Journal for the Pontchartrain Levee District is the News Examiner,

whose mailing address is P.O. Box 460, Lutcher, Louisiana 70071, and whose telephone number is 225-869-5784; and

WHEREAS, the Pontchartrain Levee District desires to advertise for competitive bids, in accordance with LRS 38:2212, et seq., for the award of a contract in the name of the Pontchartrain Levee District, and furnish engineering services during the progress of the work.

NOW, THEREFORE, BE IT RESOLVED by the Pontchartrain Levee District, in Regular session assembled on this 18th day of May, 2009, that the Department of Transportation and Development be and hereby is requested to authorize the Pontchartrain Levee District to advertise for competitive bids in accordance with LRS 38:2212, et seq., for the award of a contract in the name of the Pontchartrain Levee District, covering the aforesaid improvements.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that all necessary servitudes, rights-of-way, rights of ingress and egress and the means thereof have been obtained by the Pontchartrain Levee District and the titles thereto are valid and indefeasible and the Pontchartrain Levee District expressly agrees to defend any action for the failure of any servitude, right-of-way, right of ingress or egress, and the Pontchartrain Levee District does hereby assume complete responsibility for providing engineering services during construction and the maintenance and upkeep of the project after construction.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that all required permits have been obtained by the Pontchartrain Levee District.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that the Pontchartrain Levee District available its local matching funds in an amount not less than thirty (30%) percent of the total project cost to insure construction of this project.

BE IT RESOLVED that the Pontchartrain Levee District will and hereby does assume complete responsibility for all utilities, fence, and other facilities relocations and alterations made necessary by this project.

BE IT RESOLVED THAT the Pontchartrain Levee District does hereby save and hold harmless the Department of Transportation and Development against any loss or damage of any kind incident to or occasioned by Activities undertaken in pursuance of this agreement and expressly agrees to defend any suit brought against the Department of Transportation & Development, and pay any judgment which may result from said suit as it relates to this project.

The resolution carried unanimously.

NEW BUSINESS

Mr. Poche moved, seconded by Mr. Addison to prepare and forward, on behalf of the Board of Commissioners of the Pontchartrain Levee District, a landowner support letter for the CWPPRA LaBranche East Marsh Creation Habitat Enhancement Project, PPL-19 Candidate Project, St. Charles Parish, LA, to members of the CWPPRA Task Force and CWPPRA Technical Committee. This motion carried unanimously. President Wilson read letter into the record.

Mr. Addison moved, seconded by Mr. Savoy to offer Resolution of Support by the Board of Commissioners of the Pontchartrain Levee District specific to the CWPPRA LaBranche East Marsh Creation Habitat Enhancement Project, PPL-19 Candidate Project, St. Charles Parish, LA to be forwarded to members of the CWPPRA Task Force and CWPPRA Technical Committee. This motion also carried unanimously. President Wilson read resolution as follows:

WHEREAS, approximately 100,000 vehicles travel daily along Interstate 10 through the LaBranche Wetlands in St. Charles Parish; AND

WHEREAS, because of its panoramic view and beauty, the LaBranche Wetlands are one of the most recognizable wetland areas in the State of Louisiana; AND

WHEREAS, the LaBranche Wetlands continue to provide a number of important and valuable wetland functions including, but not limited to, flood storage and storm buffer for the Greater New Orleans Metropolitan Area; AND

WHEREAS, reductions in said functions have been experienced during the past 50 years in the LaBranche Wetlands because of wetland degradation; AND

WHEREAS, the LaBranche East Marsh Creation Project has been proposed as a CWPPRA project to restore approximately 729 acres of wetlands and nourish approximately 202 acres of existing wetlands in an area that currently consists of a mostly large open water area; AND

WHEREAS, a similar CWPPRA project (PO-17), constructed in 1994 and not requiring any maintenance to date since its implementation, continues to provide important and valuable wetland functions and will continue to do so in the foreseeable future, well past its 20-year life expectancy; AND

WHEREAS, aside from providing a plethora of natural resource functions, the LaBranche East Marsh Creation Project will help attenuate the effects of severe storms and increase storm protection for Interstate 10 and the Lake Pontchartrain and Vicinity Hurricane Protection System which includes the LaBranche Wetlands Levee in St. Charles Parish and the West Return Floodwall in Jefferson and St. Charles Parishes; AND

WHEREAS, the LaBranche East Marsh Creation Project is consistent with current and ongoing federal and state coastal wetland restoration and flood prevention protection efforts; AND

BE IT FURTHER RESOLVED, the Pontchartrain Levee District formally requests support of the LaBranche East Marsh Creation Project in the form of a favorable vote from members of the CWPPRA Task Force; AND

BE IT FURTHER RESOLVED, that certified copies of this resolution shall be furnished to all members of the CWPPRA Task Force, being Colonel Alvin B. Lee, Secretary of the Army (Chairman), Governor Bobby Jindal, State of Louisiana, through Mr. Garret Graves, Senior Advisor to the Governor for Coastal Activities, Mr. William K. Honker, Administrator, Environmental Protection Agency, Mr. Jim Boggs, Secretary, Department of the Interior, Mr. Kevin Norton, Secretary, Department of Agriculture, Mr. Christopher Doley, Secretary, Department of Commerce and to all members of the CWPPRA Technical Committee, being Mr. Tom Holden (Chairman), Mr. Troy Constance (Acting Chairman), Mr. Darryl Clark, Mr. Kirk Rhinehart, Mr. Richard Hartman, Mr. Tim Landers and Mr. Britt Paul, P.E.

The foregoing resolution was read in full, the roll was called on the adoption thereof, and the resolution was adopted by the following votes:

Yeas: Mr. Addison, Mr. Poche, Mr. St. Pierre, Mr. Irvin, Mr. Savoy, Mr. Delaune and Mr. Wilson

Nays: None

Abstain: None

Absent: None

Mr. Addison moved, seconded by Mr. Irvin to amend the professional services contract with Moffatt & Nichol and proceed with the scope of work for the development of a hydraulic model as part of the development of a plan for LaBranche Wetlands Restoration based on the fee estimate of \$249,200.00, as referenced on page 29 of the 'LaBranche Wetlands Restoration-Scope of Work' dated August 2009. This motion carried unanimously.

Mr. Addison moved, seconded by Mr. St. Pierre to offer a Resolution providing for the appropriation under the constitution and laws of the State of Louisiana of lands, easements, servitudes and rights-of-way required for construction of the Lake Pontchartrain and Vicinity, Louisiana Project, North of Airline Highway, St. Charles Parish, Levee - Reach 1B from I-310 to Walker Drainage Structure-Phase 2, LPV 04.2B as shown on COE Map File No. H-8-46877, drawings R-02 and R-03 dated December 15, 2008 revised on May 2, 2009, May 20, 2009, and August 11, 2009, approved by the U.S. Army Corps of Engineers, New Orleans District Commander on September 28, 2009. This motion carried unanimously.

WHEREAS, the U.S. Army Corps of Engineers has determined that certain lands, easements, servitudes and rights-of-way situated in the Parish of St. Charles, are required for the construction of the Lake Pontchartrain and Vicinity, Louisiana Project, North of Airline Highway, St. Charles Parish, Levee - Reach 1B from I-310 to Walker Drainage Structure-Phase 2, LPV 04.2B as shown on COE Map File No. H-8-46877, drawings R-02 and R-03 dated December 15, 2008 revised on May 2, 2009, May 20, 2009, and August 11, 2009, approved by the U.S. Army Corps of Engineers, New Orleans District Commander on September 28, 2009; and,

WHEREAS, the Louisiana Coastal Protection and Restoration Authority has the responsibility for providing all lands, easements, servitudes, and rights-of-way determined by the U.S. Army Corps of Engineers to be required for the construction of the Lake Pontchartrain and Vicinity, Louisiana Project; and,

WHEREAS, the Pontchartrain Levee District, pursuant to delegation and grant of authority by the Louisiana Coastal Protection and Restoration Authority, has the responsibility of acquisition of such lands, easements, servitudes, and rights-of-way;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Pontchartrain Levee District, in legal session assembled, for and on behalf of the Pontchartrain Levee District, that:

1. That portion of the lands situated in the Parish of St. Charles on the east side of the Mississippi River as shown on COE Map File No. H-8-46877, drawings R-02 and R-03 dated December 15, 2008 revised on May 2, 2009, May 20, 2009, and August 11, 2009, approved by the U.S. Army

Corps of Engineers, New Orleans District Commander on September 28, 2009, said lands depicted in shades of red (permanent levee easements) and blue (permanent levee and drainage ditch easements) on the map sheets attached hereto as EXHIBIT A and EXHIBIT B consisting of two (2) pages and made a part hereof, be and the same are hereby appropriated as permanent levee easements (depicted in shades of red) and permanent levee and drainage ditch easements (depicted in shades of blue) in accordance with the provisions of the constitution and laws of the State of Louisiana.

2. The acquisition of said easements shall be in the name of the Pontchartrain Levee District.

BE IT FURTHER RESOLVED, that a copy of COE Map File No. H-4-46877 referenced above shall be kept on file in the offices of the Pontchartrain Levee District for the review and/or copying by any affected property owner or any other interested person.

BE IT FURTHER RESOLVED, that this resolution shall be published in the official journal of the Pontchartrain Levee District in the manner prescribed by law.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be furnished to each known property owner of record affected thereby, by certified mail, return receipt requested.

BE IT FURTHER RESOLVED, that the compensation due the affected landowner(s) as determined in accordance with applicable law shall be paid within one year of the date of this resolution.

The foregoing resolution was read in full, the roll was called on the adoption thereof, and the resolution was adopted by the following votes:

Yeas: Messrs. Poche, St. Pierre, Delaune, Irvin, Addison, Savoy and Wilson
Nays: None
Abstain: None
Absent: None

Mr. Irvin then moved, seconded by Mr. Savoy to go into Executive Session for approximately fifteen (15) minutes to discuss legal matters involving leases. This motion carried unanimously and executive session began at 7:39 p.m. At 7:48 p.m., Mr. Savoy moved, seconded by Mr. Addison to return to regular session. This motion carried unanimously. Mr. Poche moved to add an item to the agenda concerning leases. This motion was seconded by Mr. St. Pierre and carried unanimously. It was moved by Mr. Addison, seconded by Mr. Irvin and approved by the Board that the following resolution be adopted:

BE IT RESOLVED that the PONTCHARTRAIN LEVEE DISTRICT, BOARD OF LEVEE COMMISSIONERS, execute that certain "Voluntary Unit Agreement" submitted by Pedernales Production, LP for the creation of that pooled unit for the development and production of oil, gas and other minerals from the VUA; Pontchartrain No. 1 Well (Serial No. 40642), situated in Section 7, Township 9 South, Range 2 East, Iberville Parish, Louisiana.

BE IT FURTHER REOLVED that STEVEN C. WILSON, as president, be, and he is hereby authorized, empowered and directed to execute for on behalf of the PONTCHARTRAIN LEVEE DISTRICT, BOARD OF LEVEE COMMISSIONERS, that "Voluntary Unit Agreement", together with any and all other instruments which may be necessary or required in connection therewith, and to include in any and all of said instruments any terms, conditions and provisions which he, in his uncontrolled discretion, may deem necessary.

Resolution carried unanimously.

PUBLIC COMMENTS

None.

ADJOURNMENT

At this time, Mr. St. Pierre moved, seconded by Mr. Delaune to adjourn. The motion carried unanimously and President Wilson declared the meeting adjourned at 7:49 p.m.

Susan M. Sheets, Secretary

**Steve C. Wilson, President
Pontchartrain Levee District**