

AGENDA
November 12, 2008 @ 10:30 AM

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Consider approval of minutes for October 8, 2008 regular meeting, October 22, 2008 special meeting and October 29, 2008 special meeting
- V. Executive Director's Report
 - A. **Northern Expansion**
 - 1) Slip B West Bulkhead, Project #3 (J. Wayne Plaisance)
 - 2) Slip B East Bulkhead, Project #4, Phases I and II (Angelette-Picciola)
 - B. **Airport**
 - 1) Parallel Taxiway Site Prep & Safety Area (LPA Group)
 - 2) Waterline & Roadway (Picciola & Associates)
 - 3) North Taxiway Paving (LPA Group)
 - C. **FEMA**
 - D. **Highway Improvements**
 - E. **Coastal Issues**
- VI. Committee Reports
 - A. Executive Committee
 - 1) Consider the request from Mac-Nett Environmental Services for property along LA 3090
 - 2) Consider the collateral assignment and Act of Immobilization requests from K-Mar Supply
 - 3) Consider the right of first refusal between Express Weld and Coastal Environmental
 - 4) Consider the right of entry agreement with the Corps regarding Belle Pass dredging
 - 5) Consider the request from tenants for debris removal
 - B. Permits & Waterways Committee
 - 1) Consider vessels in violation of Ordinance No. 25
 - 2) Consider buildings in violation of Ordinance No. 37
 - 3) Permits:
 - a. Apache Corporation
 - b. ExxonMobil Pipeline Company
 - a. Greater Lafourche Port Commission
 - C. Construction & Development Committee
 - 1) Consider Change Order No. 1 by James Construction for Slip B Bulkhead #3
 - 2) Consider DOTD Sponsorship Agreement for the North Paving Taxiway project
 - 3) Consider Clear Lien Certificate for the Maritime Forest Ridge Shaping
 - 4) Consider the low quote from Mid South Computers to repair the security camera system
 - D. Finance Committee
 - 1) Consider payment of October invoices and recognize expenditures over \$10,000
 - 2) Consider the October financial statement
 - 3) Consider the out of state travel requests
- VII. Any other business
- VIII. Public Comment
- IX. Possible Executive Session
 - A. Discuss pending litigation defined as "Greater Lafourche Port Commission vs. James Construction LLC, et al, Suit No.105161 in Division E of the 17th JDC-Parish of Lafourche"
- X. Public Comment
- XI. Adjournment

Attachment

The pending litigation more specifically defined as "Greater Lafourche Port Commission vs. James Construction LLC, et al, Suit No.105161 in Division E of the 17th JDC-Parish of Lafourche" may be discussed in an executive session.

OFFICIAL PROCEEDINGS OF THE GREATER LAFOURCHE PORT COMMISSION
November 12, 2008

The Board of Commissioners of the Greater Lafourche Port Commission met in regular session on Wednesday, November 12, 2008 at 10:30AM.

President Griffin called the meeting to order and Vice President Vizier called roll.

ATTENDED: Chuckie Cheramie, Perry Gisclair, Jimmy Lafont, Donald Vizier, Larry Griffin, John Melancon, Jimmy Guidry, and Ervin Bruce

ABSENT: Wilbert Collins

Upon motion by Donald Vizier and second by Chuckie Cheramie, the board unanimously approved the October 8, 2008 regular meeting minutes, October 22, 2008 special meeting minutes, and October 29, 2008 special meeting minutes.

Executive Director's Report

Northern Expansion Update – Engineer John Plaisance reported that the notice to proceed was issued on October 27th. James Construction has begun installing steel sheet piles and excavation for the piles and concrete dead man for Slip B West Bulkhead, Project #3. The project is scheduled to be complete in 9 months by July 2009. He stated that the change order for the board's approval today is for 17 days due to the hurricanes. Engineer Larry Picciola reported that at the preconstruction meeting last week the notice to proceed was issued for December 1st for Slip B East Bulkhead 700' corner, Project #4. He stated that the supplier has the 55' sheets in stock. The 60' sheets are expected to be received within the next few weeks. The project is scheduled to be complete in 9 months. Engineer Picciola reported that the Slip B East Bulkhead 1100' is ready to present to DOTD but has been put on hold due to the possibility of moving the project 600' north. There was further discussion regarding steel prices.

Airport - Jason Duet, Airport Manager reported that the contractor for the Parallel Taxiway Site Prep & Safety Area is in the final phase of the project with the relocation of the ditch and levee work on the north end. There was an overrun on quantities for borrow material on the project. The contractor is in the process of moving some items from this project to the next project to offset the cost. The engineer is working on the close out quantities for this project. Mr. Duet reported that the Waterline & Roadway is close to completion. The contractor has minor work remaining on the shoulders with dirt, rock, and the striping of roads. Mr. Duet reported that the North Taxiway Paving project will soon be ready to begin. The DOTD Sponsorship Agreement is on the agenda for approval of DOTD's share of this project which is \$238,000.

Commissioner Melancon questioned where the material from LOOP was placed, which Director Falgout showed on a map the area where the stockpile material is located. Commissioner Gisclair questioned the compaction of the material on the Parallel Taxiway project, which Mr. Breaux replied that the engineer will present that information along with the quantities at the next meeting.

FEMA – Mr. Breaux stated that the Port's section of the Pass Fourchon Dredging project is complete. The contractor is currently dredging in front of the Caillouet property and placing spoil in the designated area. He stated that from Old Pass Fourchon to the east end of the mats the contractor was able to place a sufficient amount of sand. Commissioner Melancon questioned the wash out of the jetties in Belle Pass, which Mr. Breaux stated the Corps is aware of the rock damage. During the Corps recent dredging of Belle Pass, they did place spoil in the open area along the eastern side of the jetty. He is unsure of when the Corps will return to repair the damaged jetty system. Director Falgout stated that there is a supplemental appropriation by Congress for hurricane damage of \$1.6 billion which the Belle Pass jetty system is included in that bill. At this time, we are not sure how much of these funds will go toward the jetty system. The Corps is working on a design to fix what was damaged along with an

improved design if the money is available. They are aware of the urgency of this repair. Director Falgout stated that another issue during the Corps dredging of Belle Pass, the Corps hit something hard below the surface which resulted in extremely hard sand. This was the first time we ever seen that in the channel in an area that was dredged before.

Mr. Chiasson reported that FEMA has been working in the Port identifying all the damaged areas to begin writing the project worksheets. They are also working on closing out the Katrina projects that remain. He stated that the main focus is on the Public Boat Launch and the Front Commercial Marina to have that up and running by the summer time. Commissioner Melancon questioned FEMA's response to the damaged debris fence, which Mr. Chiasson stated that FEMA is ready to write a project worksheet for repairing the fence but the Port is looking at possibly constructing an earthen levee to have more of a permanent structure. Director Falgout stated that the debris fence concept was to stop debris but the debris has been so great such as camps and houseboats that it continues to be knocked down. The idea is to convert that into an earthen structure of a 4 ft. high berm along the road. This improved structure would cost more than replacing the existing fence but some material from our stockpile at the airport may be used to decrease the cost.

Highway Improvements – Mr. Henri Boulet, Executive Director of the LA 1 Coalition reported that as of October 31st Phase 1A of the LA 1 Project (Port Fourchon to Leeville) is now 14% complete. Phase 1B (approaches) are 76 % complete, and Phase 1C (center span) is now 89.5% complete. Phase 1D (Tolling Equipment) is progressing. Construction has begun on the Customer Service Center on Highway 3235 in Golden Meadow.

DOTD should have Phase 2 R/O/W maps (Golden Meadow – Fourchon) in hand by January to start the six to nine month acquisition process. Concerning Phase 2 receiving construction funds from any federal stimulus bill which could potentially fund infrastructure projects nationwide, we are working toward making sure that the LA 1 Project is placed as the highest priority ready-to-go project for our Congressional Delegation could push for. This also applies to our efforts to be included in any energy bill. DOTD has revised the cost estimate for Phase 2 to \$363 million.

Mr. Boulet has partnered with Lafourche Parish Council to submit the 2009 Capital Outlay Request. He has asked the state for 20% of the \$363 million and will ask federal sources for the remaining 80% along with our local government to participate. Mr. Boulet just completed an Infrastructure Priority Program application for DOTD to be forwarded to CPRA for the possibility of bonding out OCS revenues to be used on infrastructure projects affected by coastal land loss. To have Phase 2 as a ready-to-go project it has to be designed. The Coalition is progressing on securing \$3.5 million of design funds. He is monitoring the preliminary Hazard Mitigation Grant Application for \$3.5 million of design monies for Phase 2, and working on some other initiatives which may get design monies as well.

Mr. Boulet is pleased that the Office of Homeland Security has fulfilled the request of placing LA 1 in an appropriate critical asset list. While this does not solve the magnitude of our funding challenge, this will assist us in our efforts to secure funding.

U.S. Department of Energy officials in Washington visited Port Fourchon earlier this year do not yet have the Economic Assessment of LA 1 completed. They have sent a draft assessment back to their National Lab Infrastructure Team to have economist there include potential cascading national economic impacts that the nation would experience with two back-to-back storms. They have promised an executive summary by next month.

The plans from DOTD to repair the shoulders from Golden Meadow south damaged from the storm should go out to bid soon. Mr. Breaux requested that Mr. Boulet check with DOTD about the pool of standing water at the intersection of LA 1 and LA 3090 which is included in the highway project but may need to begin sooner than expected for safety reasons.

Mr. Boulet reported that it appears that DOTD will unlikely accept the \$33.6 million bid on the Larose Bayou Lafourche Bridge taken on September 24th, however, this project is not lost. The state did have over \$14 million of funds available from the federal bridge replacement program for this project, but they did not have the rest of the needed \$19 million. The Secretary of the DOTD has told our Parish

President that he is committed to the project. State surplus funds, which we won't know about until January, could be critical to providing the needed extra cash for this project along with the lower steel cost worldwide could potentially lower the cost.

President Griffin questioned if some emergency work could be done on the shoulders while waiting for the bids, which Mr. Boulet replied that DOTD will not classify the shoulder repairs as emergency work. They will only classify the signage as emergency. Commissioner Cheramie questioned what would happen if there are 2 wide load escorts going in opposite directions on the new highway, which Mr. Boulet replied that the lanes will be 40' wide and the state police would have to coordinate the escorts. Commissioner Lafont stated that the culverts at the intersection of LA 1 and LA 3090 were damaged by DOTD. He is also disappointed that the shoulder damage is not an emergency issue. It seems like DOTD could fix the drainage, pot holes and the striping on LA 3090 which is a safety concern of the tenants. Mr. Breaux stated that new culverts are included in the new highway project but the contractor has chosen to do this at the end of the project. We need to push them to begin this now. Director Falgout stated that the striping and pot holes are not in the job. There should be a state FEMA claim for repairs to fix the impacts from the storm. Mr. Boulet stated that the overlay is scheduled for this fiscal year but we can inquire if it can be moved up because of the storm damage.

Coastal Issues – Director Falgout reported that the Bayou Lafourche project is moving forward. Hopefully the Governor will soon execute the Cooperative Endeavor Agreement with the Bayou Lafourche Freshwater District to begin the dredging project. The Governor did appoint to the Bayou Lafourche Freshwater District, Hugh Caffery and Dr. Darby Chiasson. The state is also pursuing dredging the upper 6.2 mile section of Bayou Lafourche.

He reported that the Davis Pond river stage is low at this time and only delivering 1,000 cubic ft per second which usually goes up to 2,000 on high tide. He stated that hopefully soon we will have repairs done to the structure from the storms. If the Corps does not repair the damages, the state may repair the structure themselves to take full utilization of the upcoming high river in the spring.

He stated that the travel request on the agenda is for him to attend the America Energy Coast Forum in an effort to obtain energy sustainability on the Gulf of Mexico as part of America Wetland's Campaign. We have been working to combine the states of Texas, Louisiana, Alabama, and Mississippi for what is necessary to sustain our ability for oil and gas out into the future. We will present this to the Congressional Delegation in December to launch this campaign to achieve what we have identified.

Chairman Griffin recognized Parish President Charlotte Randolph and Roland Guidry LA Oil Spill Coordinator. Parish President Randolph addressed the board. She reported that they are focusing on fast tracking projects recognizing that the stimulus package could present some opportunities for infrastructure projects that are designed and could become part of the federal program. The design and engineering for the second phase of the LA 1 project will be essential to making these things happen. They are working with the state to commit parish dollars to do the engineering and study for this phase of the road which will be structured to reimburse the state for that part of the work. The money will be forthcoming so that they could begin the process now. The funds will come from Road Sales Tax District No. 2. We are currently bonding out \$2 million to do other projects which will free up some money in the future to use toward projects such as this.

The bad news is that the Larose Bridge has not been accepted but an optimistic view is that the price of steel is decreasing and by spring time it may be ready to re-bid. If we could seek a bid on this and couple it with the potential Airport Corridor Bridge, which will be a similar bridge, then there would be no need to redesign and possibly get two bridge designs for the cost of one. We are attempting to have all these projects positioned for the stimulus package. We are addressing funds now so that in the event that does come up, the parish could participate in an access road for LA 3235 from a new Galliano Bridge. This is all part of a vision, but it can come to fruition if we partner on this. The next council meeting will reflect shifting of monies. She stated that the \$2 million commitment for the lock project is no longer needed since the state was able to fund the whole project. This was able to free up

some money to pursue other projects such as the most pressing right now is that the South Lafourche levee system that continues to not be recognized by the Corps and FEMA. We have an opportunity next Thursday to change the maps that don't recognize our levee system. We are considering using money for a counter study to show that the storm surge information that the Corps and FEMA are using is not accurate. We first considered having the state pay for the study, but if they are unwilling we will use those available funds for the study of this area for them to recognize this levee system. Finally, she just emailed DOTD Secretary Ackner the need for the intersection of LA 1 and LA 3090 to be addressed.

Commissioner Melancon questioned the parish's guidelines for picking up storm debris and if they are picking up trash piled on the side of the roadways such as LA 3090, which Parish President Randolph replied that the state is in charge of the state highways and the parish has a contract for parish streets. She stated that the process should be nearing completion and concerned that there is still some debris out there that they are not aware of. She stated that the problem with the state contractor is that they are also a tree clearing company hired to pick up debris and trim trees along the highway. Director Falgout explained that the problem the Port is facing is that the debris was so great that we did not initially advise lessees to pile it along the roadway and some lessees were not ready to at the time to do so. The state did come to pick up the debris that was there at the time but now there is a lot more waiting and the state did not indicate they will return. Mrs. Randolph stated that the parish has a cut off date of November 23rd but she is not sure if the state set up a cut off date. No contractor is to be released until a final sweep of the area is done. Commissioner Melancon questioned if FEMA was reimbursing the parish for debris removal, which Mrs. Randolph replied yes. The parish was able to reduce their participation by separating between Hurricane Gustav and Hurricane Ike.

Director Falgout questioned if the CPRA formally responded to Windell Curole's request to have the state do the study, which Mrs. Randolph replied that the CPRA turned it over to the LRA. Mrs. Randolph has contacted Cameron Parish who did something similar in the past to give to Mr. Rainwater for a scope of services to move forward with a coast wide study.

Mr. Roland Guidry addressed the board. He stated that his office does the national damage assessment after an oil spill. He is in the process of doing the damage assessment for Hurricane Katrina/Rita which had 464 spills. The group of people working on the assessment will remain to work on the 2008 storms. The group assessment will try to get federal funding that will then be put toward coastal restoration projects. Director Falgout questioned where the funds will come from, which Mr. Guidry replied from the companies that had the spills and the federal government. He stated that the Oil Spill Coordinators office has a billion dollar fund and different programs to do coastal restoration, jetties, and build marsh that are all projects that are ready to go. Director Falgout stated that in Fourchon there are the damaged breakwaters with a tremendous need to extend the breakwaters eastward to protect for future spills. The Port would hope that some of that money could help in constructing additional breakwaters. Mr. Guidry stated that once the funds come in we will then be able to decide on the projects that will be funded. Director Falgout requested that Mr. Guidry keep the port updated on any upcoming projects.

Committee Reports

Executive Committee - Chairman Griffin reported that the committee met on October 22, 2008 at the Operations Building in Fourchon. Present were Larry Griffin, John Melancon, Jimmy Lafont and Wilbert Collins. The committee also met on November 10, 2008 at the Administration Building in Galliano with all members present. The Commission then discussed items that were discussed at the committee meetings.

Upon motion by Jimmy Lafont and second by Ervin Bruce, the board unanimously approved the request from Mac-Nett Environmental Services for 1.2 acres of property along LA 3090. Commissioner Cheramie questioned regulating any environmental violations which Director Falgout stated that depending on their use of the property it will be stipulated in the lease.

Upon motion by John Melancon and second by Chuckie Cheramie, the board unanimously approved the Collateral Assignment and Act of Immobilization requests from K-Mar Supply.

Upon motion by Chuckie Cheramie and second by Jimmy Guidry, the board unanimously approved the right of first refusal between Express Weld and Coastal Environmental which will give Express Weld the first right to Coastal Environmental's site in the event they terminate the lease.

Upon motion by John Melancon and second by Donald Vizier, the board unanimously approved the right of entry agreement with the Corps to perform maintenance dredging at the Port Fourchon Navigation Channel centerline station 200+00 to centerline station 330+00 from January – December 2009.

Chairman Griffin presented for the board's consideration the requests from tenants for debris removal. Director Falgout stated that several tenants have expressed concern about the debris situation. Historically, we were not directly involved in debris removal so the Port was unsure of what to tell the tenants on what to do with the debris if they should stack it along LA 3090 or not. The magnitude of the debris was a concern with the power lines. The state did pass and pick up the debris that was there at the time but there were several tenants that were not ready. Director Falgout stated that the issue is do we create a precedence by taking over the responsibility of the removal for tenants that missed this opportunity. This issue may be extremely costly out into the future. The board needs to decide if the Port will take over the responsibility of removal of damaged facilities in the Port. The other options are to: 1) grant a waiver of rental for a period of time to a lessee impacted by a hurricane to offset their losses and allow them to deal with material on their own or 2) allow tenants to haul the debris to the Flotation Canal site and the Port will deal with it there but again we are not sure how FEMA will deal with it. Mrs. Randolph stated that the debris needs to be pushed onto the public servitude because DOTD will not go onto a private site to get the debris. You may want to instruct the tenants to move it to the side of the road. Director Falgout stated that the tenants are now ready to move the debris but FEMA indicated that they were not going to remove the commercial facilities. Director Falgout stated that along with the facility debris there is marsh grass, camps, debris fence all mixed in the debris pile. Mrs. Randolph stated that FEMA did indicate that also but it will be difficult since there are other types of debris mixed in. She will check with them about this situation and stated DOTD should pick this up. Mr. Chiasson reported that since this debris is along state highway LA 3090 if the tenants push the debris along the right of way DOTD should be responsible for the removal. Commissioner Melancon made a motion to table the debris removal and wait on an answer from the state. The motion was then seconded by Jimmy Lafont and open for discussion. Director Falgout stated that one of the tenants is waiting on the board's decision today on where to move the debris so that he can start fixing his facility. Commissioner Melancon stated that the tenant stated he had a place to push it along the highway. Commissioner Melancon then removed his motion to table and Jimmy Lafont removed his second. Upon motion by John Melancon and second by Jimmy Lafont, the board unanimously agreed to give the tenants an option to either push the storm debris along LA 3090 or bring the debris to the Flotation Canal debris staging site.

Permits & Waterways Committee - Chairman Cheramie reported that the committee met on October 22, 2008 at the Operations Building in Fourchon. Present were Chuckie Cheramie, Larry Griffin, Perry Gisclair and Jimmy Lafont. The committee also met on November 10, 2008 at the Administration Building in Galliano with all members present. The Commission then discussed items that were discussed at the committee meetings.

Upon motion by Chuckie Cheramie and second by John Melancon, the board unanimously approved to move forward with the removal of the vessels F/V Wahoo, F/V Lady Leota, and the unknown vessel situated across from LCO in Larose that are in violation of Ordinance No. 25 and pursue all costs of removal from the owners.

Upon motion by Chuckie Cheramie and second by Ervin Bruce, the board unanimously approved to proceed with the removal of the fireworks building owned by Mary Ann Pitre that is in violation of Ordinance No. 37 and pursue all costs of removal from the owner and accepted the plan of Mr. Chine Terrebonne for removal of his wharf and building in violation of Ordinance No. 37.

Commissioner Cheramie presented to the board the permits by Apache Corporation, ExxonMobil Pipeline Company, and Greater Lafourche Port Commission.

Construction & Development Committee - Chairman Bruce reported that the committee met on October 22, 2008 at the Operations Building in Fourchon. Present were Ervin Bruce, Larry Griffin, Donald Vizier and John Melancon. The committee also met on November 10, 2008 at the Administration Building in Galliano. All members were present. The Commission then discussed items that were discussed at the committee meetings.

Upon motion by John Melancon and second by Ervin Bruce, the board unanimously approved Change Order No. 1 for 17 additional days by James Construction for Slip B Bulkhead #3.

Upon motion by Ervin Bruce and second by Jimmy Guidry, the board unanimously approved the DOTD Sponsorship Agreement for the North Paving Taxiway project.

Upon motion by Chuckie Cheramie and second by Ervin Bruce, the board unanimously approved the Clear Lien Certificate for the Maritime Forest Ridge Shaping.

Upon motion by Jimmy Lafont and second by Ervin Bruce, the board unanimously approved the low quote of \$53,744.00 from Mid South Computers to repair the security camera system.

Finance Committee - Chairman Melancon reported that the committee met on October 22, 2008 at the Operations Building in Fourchon. Present were John Melancon, Jimmy Guidry, and Larry Griffin. The committee also met on November 10, 2008 at the Administration Building in Galliano. Wilbert Collins was absent. The Commission then discussed items that were discussed at the committee meetings.

Upon motion by John Melancon and second by Jimmy Lafont, the board unanimously approved the October invoices and recognized expenditures over \$10,000.

Upon motion by John Melancon and second by Perry Gisclair, the board unanimously approved the October financial statement.

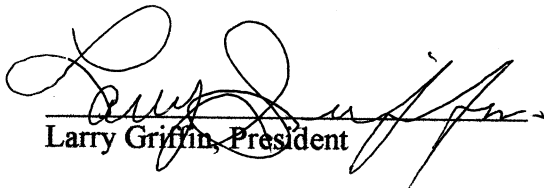
Upon motion by John Melancon and second by Jimmy Guidry, the board unanimously approved the out of state travel requests by Ted Falgout to attend the America Energy Coast Policy Forum on December 1st in Washington D.C. and Wilbert Collins to attend the Gulf Port Association Fall Meeting on November 11th in Mexico.

President Griffin opened the floor for any other business. Commissioner Gisclair requested that the Finance Committee have another meeting in November to discuss the budget, which Director Falgout stated that the committee plans on having a meeting in Galliano on November 25th at 6:00 pm.

President Griffin recommended entering Executive Session to discuss the pending litigation with James Construction, LLC. Upon motion by Chuckie Cheramie and second by Perry Gisclair, a roll call vote resulted in 8 yeas by Cheramie, Gisclair, Lafont, Vizier, Griffin, Melancon, Guidry, Bruce and 1 absent by Collins. No action resulted from the session.

Upon motion by Jimmy Lafont and second by Jimmy Guidry, the board adjourned the regular meeting.

ATTEST:


Larry Griffin, President


Wilbert Collins, Secretary