

**PROCEEDINGS OF A REGULAR MEETING OF  
THE BOARD OF COMMISSIONERS OF  
THE MORGAN CITY HARBOR AND TERMINAL DISTRICT  
August 9, 2021**

The Board of Commissioners (“Board”) of the Morgan City Harbor and Terminal District (“District”) met in regular session at the District’s office at 7327 Highway 182, Morgan City, Louisiana on August 9, 2021 at 5:00 p.m. Pete Orlando, Vice-President, convened the meeting with Commissioners Deborah Garber, Adam Mayon, Steven Cornes, Troy Lombardo, Matthew Glover and Matthew Tycer in attendance. Joseph Cain and Ben Adams were absent. Also present in the meeting were Raymond Wade, Executive Director; Tori Henry, Office Manager; Cindy Cutrera, Manager of Economic Development; Michael Knobloch, Knobloch Professional Services; Gerard Bourgeois, Board Attorney; Lieutenant Hayley Gipson, United States Coast Guard (“USCG”); Jon McVay, Brice Civil Constructors; Eric Matte and Jerry Hauske, T. Baker Smith; O’Neil Malbrough, GIS Engineering; along with members of the general public.

The meeting was called to order and the presence of a quorum was noted. Raymond Wade led the invocation, and the Pledge of Allegiance was recited.

It was moved by Mrs. Garber and seconded by Mr. Cornes that the minutes of the Regular Meeting of July 12, 2021 be approved and adopted, with said motion carrying unanimously.

It was moved by Mr. Cornes that the report of receipts and disbursements for the month of July, 2021 be received and accepted and that all invoices presented to the Board for the month of July, 2021 be paid. Mr. Glover seconded that motion, which carried unanimously.

Tim Connell reported via teleconference that: (i) the Great Lakes contract was increased because of additional quantities accumulated and will commence dredging through mid-November; (ii) Weeks Marine contract was awarded and should commence dredging in mid-September; (iii) a Manson Dredge will be brought in to assist with widening and deepening the Bar Channel, to keep us on target to be open for business in November. Once completed, we will be open all the way through to the Port’s dock for the first time in a long time. We will also have a situation where we will have 3 or 4 dredges working at one time, hoping that weather conditions will not dampen the efforts; (iv) a couple of sand bars have formed at Stouts Pass causing problems; (v) Dredge *Arulaq* continues to make pretty impressive progress in the Bar Channel and have pumped so much material that they have worn out their discharge pipe and are in the shipyard for replacement; (vi) Mr. Orlando asked if there was any way to expedite the Bayou Boeuf Lock project due to the Bayou Chene being closed for construction. Mr. Connell noted that if it was expedited, it would require coordination with the contractor that would incur more cost, and since realistically we are now in August, he doesn’t see any move to expedite.

Lieutenant Hayley Gipson reported that: (i) the total transits for the month of July were 2,508, averaging 80 per day through the VTS zone; (ii) groundings and Bayou Chene violators continue to be our biggest problems, while restrictions will remain in place for Stouts Pass. Mr. Wade noted the water will be dropping over the next few weeks.

Michael Knobloch reported that: (i) we were not awarded funds from the FY21 Port Security Program but believes that getting cargo into our docks will help in the future; (ii) the East Dock expansion remains open for the 2018 Port Priority Program, pending corrections to plans and specs and DOTD approval; (iii) our 2021 Port Priority Program application for the West Dock expansion will go before the Joint Legislative Committee for approval on August 23<sup>rd</sup> and he and Mac will attend in support; (iv) we have applied for both the RAISE and PIDP grants and intend to use them as funding sources for our match; and (v) we are currently arranging our upcoming quarterly FSP-related training and drill.

O’Neil Malbrough reported that we were not successful in securing funding through capital outlay funding for the Berwick Bay dredge disposal project to get sediment out of the River onto surrounding land, but we will try to get it approved.

Cindy Cutrera reported that: (i) the Mississippi River Commission will hold its low water trip and public hearing at the Port dock, with lots of COVID precautions in place; (ii) Atchafalaya Basin Restoration and Enhancement (ARBRE) taskforce meeting will be held in our command center this Thursday; (iii) CPRA will be hosting a virtual stakeholder meeting to provide an update on the Increase Atchafalaya to Terrebonne project; (iv) Jeff Monroe will be in town tomorrow to begin working on our strategic plan so we have requested feedback and suggestions from our commissioners; (v) Tim Connell mentioned the November target date for having the River open, which will coincide with our MARAD round table for the upcoming Atchafalaya/Red River ribbon cutting; (vi) after the Nicholls

boat trip, the new director for BTNEP, T. Bradley Keith, invited Mr. Wade to do a presentation on the River at their next meeting.

Gerard Bourgeois presented (i) resolution requesting authority to advertise the East Dock expansion project, which was moved by Mr. Glover, seconded by Mr. Mayon and carried unanimously.

#### RESOLUTION

WHEREAS, Morgan City Harbor and Terminal District has submitted an application for funding of the Rail and Dock Rehabilitation, St. Mary Parish, port improvement project under the Port Construction and Development Priority Program; and

WHEREAS, the State's share of the project funds have been made available and the Morgan City Harbor and Terminal District has available its local matching share of the project funds in an amount of not less than ten (10%) percent; and

WHEREAS, at the request of this Morgan City Harbor and Terminal District, Providence Engineering, Inc. has prepared plans and specifications for said project, which plans and specifications are designated by State Project No. H.013795 (323), and T Baker Smith, LLC has agreed to oversee the bidding and construction phase of the project as the District's Engineer, and

WHEREAS, this Morgan City Harbor and Terminal District has reviewed the final plans, specifications and cost estimate and accepts them as submitted and the Department of Transportation and Development has reviewed the final plans, specifications, and cost estimate and has approved them inasmuch as they comply with the requirements of the Port Construction and Development Priority 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 this Morgan City Harbor and Terminal District, and the titles thereto are valid and indefeasible; and

WHEREAS, this Morgan City Harbor and Terminal District has obtained all necessary permits required for the construction of this project; and

WHEREAS, Morgan City Harbor and Terminal 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 Morgan City Harbor and Terminal District is the Daily Review, whose mailing address is 1014 Front St, Morgan City, LA 70380 and whose telephone number is (985) 384-8370; and

WHEREAS, this Morgan City Harbor and Terminal 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 Morgan City Harbor and Terminal District, and furnish engineering services during the progress of the work.

NOW, THEREFORE, BE IT RESOLVED by the Morgan City Harbor and Terminal District, at its regular monthly meeting on the 9<sup>th</sup> day of August, 2021, that the Department of Transportation and Development be and hereby is requested to authorize the Morgan City Harbor and Terminal District to advertise for competitive bids in accordance with LRS 38:2212, et seq., for the award of a contract in the name of Morgan City Harbor and Terminal 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 Morgan City Harbor and Terminal District, and the titles thereto are valid and indefeasible and Morgan City Harbor and Terminal District expressly agrees to defend any action for the failure of any servitude, right-of-way, right of ingress or egress, and Morgan City Harbor and Terminal 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 Morgan City Harbor and Terminal District.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that Morgan City Harbor and Terminal District has available its local matching funds in an amount not less than ten (10%) percent of the total project cost to insure construction of this project.

BE IT RESOLVED that Morgan City Harbor and Terminal 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 Morgan City Harbor and Terminal 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.

(ii) Resolution authorizing replacement agreement with the State of Louisiana, Department of Transportation and Development under the Louisiana Port Construction and Development Priority

Program due to funding becoming available sooner for the East Dock expansion project, which was moved by Mr. Lombardo, seconded by Mr. Mayon and carried unanimously.

#### RESOLUTION

A Resolution authorizing the Morgan City Harbor and Terminal District to enter into a replacement agreement with the State of Louisiana, Department of Transportation and Development under the Louisiana Port Construction and Development Priority Program for assistance in the implementation of a port improvement project; providing for the necessary documentation of the need for the port improvement; and providing for other matters in connection therewith.

WHEREAS, the Morgan City Harbor and Terminal District has a need for port improvements; and

WHEREAS, the Morgan City Harbor and Terminal District has reviewed the application for Morgan City Rail and Dock Rehab and agrees with said agreement; and

WHEREAS, the Morgan City Harbor and Terminal District has applied for State matching funds pursuant to Chapter 47 of Title 34 of the Louisiana Revised Statutes of 1950, as amended, to implement a project to improve its port operation and Morgan City Harbor and Terminal District is fully aware of its obligations under said Statute; and

WHEREAS, the Morgan City Harbor and Terminal District is a political body duly organized and existing under the laws of the State of Louisiana and is eligible to apply for funds under said Statute; and

NOW, THEREFORE, BE IT RESOLVED by the Morgan City Harbor and Terminal District as follows:

Section 1. That Morgan City Harbor and Terminal District acknowledges that an application was submitted to the Louisiana Port Construction and Development Priority Program.

Section 2. That at the appropriate time and prior to commencement of work on the project Morgan City Harbor and Terminal District agrees to execute a Project Agreement and a Statement of Sponsorship pursuant to the Statute and hereby authorizes and empowers Raymond "Mac" Wade, Executive Director, to enter into and execute said agreement with the Louisiana Department of Transportation and Development.

Section 3. That Raymond "Mac" Wade, Executive Director, is hereby Authorized Representative for Morgan City Harbor and Terminal District to represent the port with regards to the receipt of funds from the Louisiana Port Construction and Development Priority Program for a port improvement project.

Section 4. That said Authorized Representative shall have the authority to sign and approve all documents that are necessary under the circumstances to accomplish the above project.

(iii) extension of the Baker Hughes sublease and lease, as it relates to the Ellzey Family for their five (5) year extension, which Mr. Mayon moved that Mr. Cain be authorized to execute the documents, which was seconded by Mrs. Garber and carried unanimously; (iv) contract between the District and Carl Blum, Architect for warehouse sprinkler system design and project management. Mr. Mayon moved to authorize Mr. Wade to execute said contract, at a rate of roughly 8%, which was seconded by Mr. Cornes and carried unanimously.

Mr. Bourgeois also reported (v) the need for a new forklift for the warehouse, which can be purchased on State contract in the amount of \$46,000, authorization for the purchase was moved by Mr. Cornes, seconded by Mr. Glover and carried unanimously.

Mr. Lombardo moved to expand the agenda to include discussion of a Resolution in support of resuming Federal Offshore Leasing in the Gulf of Mexico, which was seconded by Mr. Mayon and carried unanimously after a roll call vote. After Mr. Lombardo moving and Mr. Mayon seconding, the entire Board unanimously adopted the following resolution expressing its support.

#### RESOLUTION

A Resolution in support of resuming Federal Offshore Leasing in the Gulf of Mexico

WHEREAS, the United States of America Offshore Oil and Gas Program, since its authorization by the Outer Continental Shelf Lands Act (OCSLA), has provided significant energy to help fuel the great economy of America, and

WHEREAS, the United States of America Offshore Oil and Gas Program, has been very effective in helping America achieve energy security and strengthening our National Security, and

WHEREAS, the United States of America Offshore Oil and Gas Program must be part of a balanced, all of the above, energy strategy for our country, and

WHEREAS, the offshore industry and government have collaborated with groups such as the Coastal Conservation Association to create innovative ways to find beneficial cooperation such as the Rigs-to-Reef program, which benefits the recreational fishing community by repurposing obsolete structures of which nearly 600 reefered platforms in the United States Gulf of Mexico are home to almost seven million fish and other critical marine species, enriching marine life, and



WHEREAS, since its inception the United States of America Offshore Oil and Gas Program is responsible for helping to create hundreds of thousands of jobs with a significant economic impact and has generated hundreds of billions in royalty revenue for the United States Treasury, and

WHEREAS, the United States Congress in 2020 permanently funded the Land and Water Conservation Fund at \$900 million per year with wide bipartisan support. Relying solely on earnings from federal offshore oil and gas leasing, the Land and Water Conservation Fund has funded more than \$4 billion worth of projects since its inception in 1965 for purposes of conservation, recreation, restoration and protection of vital national resources, and

WHEREAS, since 2006, more than \$1 billion, funded exclusively by federal offshore lease revenues, has been disbursed to four Gulf energy-producing states through the Gulf of Mexico Energy Security Act to support coastal conservation and restoration projects, hurricane protection programs, and activities to implement marine coastal or conservation management plans, and

WHEREAS, in the most recent conservation legislation, the Great American Outdoors Act, the United States Congress set aside up to \$1.9 billion a year from federal offshore lease revenues for the next five years to repair facilities and infrastructure in our national parks, forests, wildlife refuges and American Indian Schools, and

WHEREAS, it is important for the funding of these conservation, recreation, restoration and protection efforts that the United States of America Offshore Oil and Gas Program continues, and

WHEREAS, the United States of America Offshore Oil and Gas Program has been managed in such a way that it is recognized as an environmentally advantaged energy producer with approximately half (53%) of the carbon intensity per barrel of other producing regions worldwide, and

WHEREAS, United States of America Offshore Energy represents a significant opportunity to help improve the health of our planet due to its low carbon intensity, and

WHEREAS, President Biden and Department of Interior Secretary Deb Haaland have caused regularly scheduled lease sales for offshore resources, previously authorized by administrations of both political parties, to be canceled resulting in great uncertainty for the economy, the energy, and the environment of America, and

WHEREAS, Terry A. Doughty of the United States District Court recently decided in a suit filed by the States of Louisiana, Alabama, Alaska, Arkansas, Georgia, Mississippi, Missouri, Montana, Nebraska, Oklahoma, Texas, Utah and West Virginia that the Executive Branch does not have the legal right to stop leasing Federal territory for Oil and Gas production without approval from Congress, and

WHEREAS, the future production of these oil and gas resources and consequently the funding of conservation, recreation, restoration and protection and further consequently the denial of environmentally advantaged, low carbon intensity barrels of production as a substitution for higher carbon intensity barrels of production from foreign sources; all will be negatively impacted by the continued cancellation of offshore lease sales.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Morgan City Harbor and Terminal District ("District"), petitions President Biden and Secretary Haaland to immediately schedule Lease Sales for the Gulf of Mexico, a historic energy producing province, to assist in producing a larger portfolio of some of the planet's lowest carbon intensity barrels of oil and to assist in producing a larger portfolio of natural gas which can serve the Liquefied Natural Gas (LNG) worldwide market; all in an effort to restore confidence, generate economic activity, enhance environmental stewardship, create American jobs, and strengthen national and energy security.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to President Biden, Secretary Haaland, members of the United States Congress, the City and Parish governing authorities within the State of Louisiana, the Louisiana Police Jury Association, the Louisiana Municipal Association, and the National Association of Counties.

With no further business to come before the Board, the meeting was adjourned.

Attest:



Steven Cornes, Secretary