

OFFICIAL PROCEEDINGS
ST. MARY LEVEE DISTRICT
REGULAR MEETING

FEBRUARY 13, 2020
MORGAN CITY, LOUISIANA

The St. Mary Levee District (“SMLD”) met on this date with President William Hidalgo, Sr., presiding and the following board members present: Norris Crappell, Kenny Arceneaux, James Vidos, Will Terry, Luther Smith, J.P. Hebert, and with Barry Broussard and Alton Broussard absent.

Also present: Tim Matte, St. Mary Levee District Executive Director; Michael Brocato, Operations Manager; William Bourgeois; Mark Roberts and Nicole Cutforth, APTIM; Reid Miller, Miller Engineers, Kevin O’Gorman, T. Baker Smith; Jerry Carroll, CPRA; and members of the public.

Mr. Crappell moved to dispense with the reading and to approve the Jan 9 regular meeting minutes. After a second by Vidos’ the motion carried unanimously.

Mr. Hidalgo presented the payables report, which Mr. Arceneaux moved to approve. Following Mr. Hebert’s second, the motion carried unanimously.

Reid Miller of Miller Engineers reported that the Bayou Choupique project is completed.

Mr. Miller reported there is a small amount of maintenance work that needs to be done to close out the Yokely Levee project.

Kevin O’Gorman with T. Baker Smith reported that their office and the Drainage District will meet to discuss the pricing of the construction of the new pump station for the Morgan City Levee improvement project. Mr. O’Gorman stated that once the approval is received their office can move forward with 90% design plans.

Mr. Matte reported a meeting with the land owners along Lake Palourde in Lakeside Subdivision will be scheduled once the flood protection plans are refined. This meeting is anticipated to take place in approximately 45 days. Once we receive the input from the landowners, a more complete plan will be drafted.

Mark Roberts with APTIM reported that the expected end date for the Phase 1b portion of the Bayou Chene project will be mid-June. Mr. Roberts reported the Phase 2 portion of the Bayou Chene project advertisement started Jan 7 and the bid opening is scheduled for Feb 19. Mr. Roberts stated Phase 3 portion will go to bid by the third quarter of this year.

Mr. Roberts reported materials for the Bayou Teche floodgate are being placed on the north side of Bayou Teche.

Mr. Brocato reported that the USACOE will be laying visqueen sheeting and sandbags on the levee slide in Charenton this upcoming weekend to prevent rain from causing erosion in the levee slide.

Mr. Matte reported the Northbend Phase B project is 77% complete.

Mr. Matte reported the USACOE recently announced that the Mississippi River height is expected to reach over 15’ near the end of the month. Mr. Matte stated that the USACOE has entered flood fight status and has implemented regular levee inspections and conference calls. Mr. Matte reported the flood fight work that was done in the last year in Amelia should allow us to avoid any flood fighting efforts unless the predictions go much higher than they have to date.

Mr. Bourgeois reported that they will meet with the Drainage District #2 to discuss the Levee District to take control of the levees.

Mr. Terry motioned to authorize Mr. Hidalgo to sign an IGA or a letter to promote Central Coast Historic Hydrologic Restoration Project. After a second by Mr. Crappell, the motion passed unanimously.

Mr. Hebert motioned to authorize additional ditch and drainage work along levees. After a second by Mr. Crappell, the motion passed unanimously.

Mr. Crappell motioned to authorize engagement of Miller Engineers to design the Yokely Levee Extension project including any geotechnical consultants. Following Mr. Arceneaux's second the motion passed unanimously.

Mr. G. Bourgeois reported his office hasn't received the land rights from Avoca. Mr. Arceneaux motioned to authorize Mr. Bourgeois' office to negotiate the purchase of the land and failing that, he proceed with the expropriation of the needed property. After a second by Mr. Crappell the motion carried unanimously.

RESOLUTION 2020-02

WHEREAS, in accordance with *La. R.S. 38:329.3*, the St. Mary Levee District's Board of Commissioners is vested with the management and control of the District, including the authority to establish, construct, operate and maintain flood control works as they relate to hurricane protection, tidewater flooding, saltwater intrusion and conservation;

WHEREAS, In light of past flooding including in 1973, 2011, 2016 and the continuing threat of backwater flooding, the Levee District developed the Bayou Chene Flood Protection Project (AT-0017), the completion of which is necessary for protection of several parishes and the acquisition of nearby land is necessary and proper;

WHEREAS, pursuant to state laws, including but not limited to *La. R.S. 38:329.3 (F)* and *La. R.S. 38:351*, for flood and hurricane protection purposes, the District may acquire property by expropriation prior to judgment for fair market value;

WHEREAS, the Board of Commissioners has determined that the facts and circumstances relative to property in the vicinity of the planned Bayou Chene Flood Protection Project, including but not limited to the inability of the District to amicably acquire ownership in the expedient manner required herein, makes it necessary and useful that the District expropriate certain properties which are necessary for permanent construction of the Bayou Chene Flood Protection Project;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the St. Mary Levee District finds and determines as follows:

The public interest, convenience and necessity require the acquisition of a servitude and easement for the purpose of constructing, maintaining, repairing, operating and using, as the District may see fit, a public improvement for flood control and related purposes in, through, along and under certain real property subsequently described. The public improvement is described as follows:

Generally, the proposed flood protection system (Bayou Chene Flood Protection Structure) is located south of Amelia, LA and begins near the Bayou Boeuf locks with approximately 7 miles of levee reaches extending to the proposed structure on the Bayou Chene. On the east bank of Bayou Chene, another levee reach extends down Tabor Canal for approximately 1 mile, with three additional levees/structures at pipeline crossings and the canal's end. This entire system will protect the eastern St. Mary Parish area, portions of Terrebonne, Lafourche, Assumption, and lower St. Martin Parishes, from backwater flooding threats at times of high water in the Atchafalaya River.

The use to which the real property is to be applied is for the public improvement referred to as above; such use is a public use authorized by law;

The interest subsequently set forth in the real property is necessary to and for the public use, and the taking of the interest in the real property is necessary to secure and to enforce such public use;

The public improvement is planned and located in a manner which will be most compatible with the greatest public good and the least private injury;

It is further resolved by this Board that the St. Mary Levee District acquire by expropriation in accordance with the Louisiana laws relating to eminent domain, for the uses and purposes of the public improvement the following interest in real property:

A permanent servitude of right of use, easement and right-of-way for the construction, development, operation, maintenance, repair and/or replacement of levee and/or flood control structure(s) on, under and across the following described property(ies):

That certain tract or parcel of land identified as Tracts "ABCDEA" on the right-of-way map or plat titled "ST. MARY LEVEE DISTRICT, BAYOU CHENE FLOOD PROTECTION, RIGHT OF WAY, ACROSS THE PROPERTY OF AVOCA, LLC, Section 1, T17S-R13E, Terrebonne (St. Mary) Parish, Louisiana, Southeastern Land District (W. of River), prepared by Miller Engineers & Assoc., Inc., dated February 6, 2019, bearing its Drawing No. 13464-Ex1.dwg.

It is further resolved that Bourgeois Law, LLC, counsel for this District, is authorized and directed to commence and maintain an action(s) or proceeding(s) in eminent domain in the 16th Judicial District Court of Louisiana, in and for St. Mary Parish, against any and all necessary and proper parties for the purpose of expropriating and acquiring the interest in the real property described above, for the uses and purposes stated above, and to take all steps necessary for such acquisitions and/or expropriation in the name of the District. To the extent that any landowner transfers the requisite real property described above

prior to filing for expropriation, William Hidalgo, Sr., President, be and is authorized and directed to execute on behalf of the District all corresponding agreements with landowners concerning the above described properties.

It is further resolved that, in any action or proceeding, petition(s) may be made through such court in the manner provided by law for an order authorizing and permitting the District to take immediate possession of and to use the interest in real property for the public improvements, uses and purposes.

It is further resolved that the District deposit in the court in connection with such proceedings on such application for immediate possession, out of any funds or funds under the control of the board available for such uses or purposes, such amounts of money as the court may direct and determine to be reasonably adequate to secure the owner or owners of such interest in real property and premises so sought to be taken, just compensation and damages for the taking and as otherwise provided by law in such actions and proceedings.

BE IT FURTHER RESOLVED, William Hidalgo, Sr., President, be authorized and directed to do any and all act and things necessary, proper, or that may be required to carry out and accomplish the transactions contemplated in regard to the above mentioned project, including all necessary actions to expropriate the required servitudes, easements and rights of ways.

The voting was as follows:

YEAS: Kenny Arceneaux, Norris Crappell, J.P. Hebert, William Hidalgo, C. Luther Smith, Will Terry and James Vidos

NAYS: none

ABSTENTIONS: none

Mr. Terry motioned to expand the agenda to add a resolution to support the Central Coast Historic Hydrologic Restoration Project and send it to CPRA. After a second by Mr. Hebert, the motion carried unanimously.

Mr. Terry motioned to authorize Mr. Hidalgo to sign the above-mentioned resolution and following Mr. Arceneaux's second the motion carried unanimously.

RESOLUTION

WHEREAS, the current Coastal Master Plan of the Louisiana Coastal Protection and Restoration Authority (CPRA) does not include the proposed Central Coast Historical Hydrologic Restoration Project (CCHHRP), which calls for a lock to be placed in the Gulf Intracoastal Water Way (GIWW) at the western edge of the Atchafalaya Basin and the reestablishment of the historical Rabbit Island Reef Chain located in West and East Cote Blanche Bay;

WHEREAS, CPRA's 2023 Coastal Master Plan should be developed with extensive engagement and input from stakeholders, including the St. Mary Levee District, St. Mary Parish Government, West St. Mary Parish Port, Harbor and Terminal District, Consolidated Gravity Drainage District No. 1 of the Parish of St. Mary, Iberia Parish Government and the Port of Iberia District;

WHEREAS, the CCHHRP would assist both Iberia and St. Mary Parish residents with flood protection, restore the natural drainage of the Atchafalaya system, provide a diversity of habitat for aquatic species, increase oyster and clam growth, improve shrimp & crab habitat, and dampen the tidal prism that affects the northern reaches of Vermillion Bay;

NOW THEREFORE, be it resolved by the Board of Commissioners of the St. Mary Levee District that it does hereby favor CRPA's inclusion of the proposed CCHHRP within the 2023 Coastal Master Plan.

WHEREUPON, the motion was put to a vote and the vote thereon was as follows:

YEAS: Will Terry, Kenny Arceneaux, Norris Crappell, J.P. Hebert,
Smith, and James Vidos.

William Hidalgo, Luther

NAYS: None

ABSENT AND NOT VOTING: Alton Broussard and Barry Broussard.

ADOPTED AND APPROVED by the St. Mary Levee District convened on this 13th day of February 2020.

Mr. Hidalgo asked for further comments and did not receive any. Mr. Terry moved for adjournment, which was seconded by Mr. Hebert and carried unanimously.

Attest:

Barry A. Broussard, Secretary
St. Mary Levee District