

**MINUTES OF REGULAR MEETING OF THE  
AMITE RIVER BASIN DRAINAGE & WATER CONSERVATION DISTRICT  
3535 S. Sherwood Forest Boulevard, Suite 135, Baton Rouge, LA**

**April 17, 2012**

**MEMBERS PRESENT:** Lawrence Callender, Terry Louque, Don Thompson, Al Bargas, John Brass, Willie George Lee, Anthony Rouchon, Randolph Saucier, Jerry Thibeau, Larry Thomas, Dale Zuelke

**MEMBERS ABSENT:** Russell Cornette, Joel Louque

**ALSO PRESENT:** Dietmar Rietschier, Executive Director  
Toni Guitrau, Executive Secretary  
Larry Bankston, Attorney


1. The meeting was called to order at 6:00 p.m. by Callender.
2. Public Comments on Agenda Items: None
3. Minutes  
The Board unanimously approved a motion by Rouchon second by Thompson to approve the March 20, 2012 meeting minutes, as presented.
4. Financial Statement Report
  - Thompson presented to the Board the March 2012 General Fund and CRDC Fund financial statements. The Board unanimously approved a motion by Rouchon, second by Thibeau to approve the March 2012 General Fund and CRDC Fund financial statements.
  - The Board unanimously approved a motion by Rouchon, second by Lee to approve the overhead rate of 1.422% as recommended by the ARBC Finance Committee.
  - Proposed Budget 2012-2013. A Public Hearing is scheduled to take place at the next regular meeting on May 15, 2011, 6 p.m., at the ARBC office, 3535 S. Sherwood Forest Blvd., Baton Rouge, Louisiana, Suite 135.
5. Report by Executive Director
  - Reported on the Washington D.C. trip: As a result of the trip, Senator Vitter requested the USACE to undertake an Environmental Assessment Study (EAS) to assess the changes needed for Mitigation of the Comite River Diversion Canal Project. As a consequence, the USACE-New Orleans District has undertaken this study to be completed in 120 days starting on March 30, 2012 to be completed by July 28, 2012. The report is to be completed by June 27, 2012 to allow for a 30 day public comment period. ARBC was requested to provide additional areas to be considered for inclusion in the study. It is critical that the non-federal partners provide right-of-entry to properties located within the alternate mitigation areas. It was noted that Senator Vitter is pushing the process, not the area. Mentioned the Memo from Callender to the ARBC Commissioners. Callender stated that a message received this afternoon from Mark Wingate, with USACE, stated in order to assess the mitigation potential of alternate locations, ARBC will have to provide right-of-entry for investigations to USACE Real Estate Division within a two week period from the official USACE request. Failure to obtain access in accordance with the official USACE request and requirements to the alternate locations will delay the investigation for mitigation potential and place the 120 day commitment at risk. Therefore, if ROE cannot be provided to the McHugh Swamp in its entirety by April 27, 2012, as requested in the official right-of-entry request, USACE will be in a day-for-day slip jeopardizing the 120-day commitment, which will be reported to HQUSACE, while ROE is being obtained by ARBC to the balance of McHugh Swamp area. Bankston explained to the Board that the ARBC has authority to send out letters (ROE) to property owners and it is not considered as trespassing. After a 10-day notice, Callender has to sign an authorization of entry to the USACE. Callender signed authorization of entry on Profit Island today. Jim Delaune, with BKI, said that BKI will do everything necessary to get this request done.
  - Rietschier updated the Board on the status of the Rush property. ARBC consultants are working on resolving the Scenic Rivers Violations, preparing a drawing/plan to estimate cost of improvements. Violations should be cleared prior to or monies set aside in a fund before purchase of the property.

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- La. Hwy. 67 (Plank Road) Bridge: Aquisition of property is ongoing to make way for the construction of the bridge at the canal crossing. The bridge is secondary in importance at this time as a consequence of the USACE decision to implement the construction in phases starting with Phase 1, which is a section between US Hwy. 61 and La. Hwy. 964 – east of the Lilly Bayou Structure.
  - The USACE has requested from ARBC to provide right of entry for Centerline and Baseline surveys for the canal alignment. The USACE plans to commence this activity in June-July 2012.
  - Rietschier has been in contact with the pipeline representative about the crossing of two major high pressure gas pipe lines with the proposed canal. A feasibility study may need to be done to determine crossing location.
  - Obtained a sample maintenance of property contract from the Levee Boards. Draft contract will be prepared for review of the Board of Commissioners at the next reglar meeting.
  - The Board unanimously approved a motion by Rouchon second by Thompson to add to the ARBC Agenda the “Demoliton of dilapidated trailer along Pland Road”. The Board unanimously approved a motion by Rouchon second by Lee to publish in the newspaper to solicit for bids.
  - Attended meetings with ARBC Finance and Executive Committees, USACE, LA DOTD, ARBC Consultants, Non-Federal Partners, field trip to Rush property and Lilly Bayou Control Structure.
6. Report by ARBC Legal Counsel/Old Business
- B&A prepared and submitted to LA DOTD for its review and comments a revised draft of the Cooperative Endeavor Agreement between ARBC and LADOTD. The revised draft addresses the fact that the MOA with the Government is no longer in effect and it is now necessary, under Article III of the PCA, that LA DOTD furnish to Government all lands, easements, and right-of-way, as may be determined by Government to be necessary for the construction cooperation and maintenance of the Project; and ARBC desires to cooperate with LA DOTD in its efforts to secure the necessary lands, easements, and right-of-ways for the Project.
  - The Board unanimously approved a motion by Bargas second by Thompson to advertise the Hunting Lease (bow only) for the property located contiguous to the control structure. The motion was to include the entire Lilly Bayou property.
  - The Executive Committee met on March 29, 2012 and recommended that monthly written summary reports will be provided to the ARBC Executive Secretary each Wednesday prior to the ARBC meetings, when possible, from the ARBC Consultants, ARBC Executive Director, and ARBC Attorney. The Executive Sectary will email the reports to the ARBC Commissioners for their review prior to the regular monthly meetings.
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7. New Business:
- The Board unanimously approved a motion by Rouchon second by Lee to authorize ARBC President Callender to sign an (AFE) right-of-entries to the USACE for McHugh Swamp Mitigation Area, Profit Island and other alternate mitigation areas.
  - Charles Jones Contract: The Board unanimously approved a motion by Thibeau second by Bargas for Bankston to prepare a draft Professional Service contract with Charles Jones not to exceed \$10,000, at \$169/hour in the event the USACE renigs or fails to hire him.
  - Callender reminded the Board to submit to the Louisiana Ethics Board their annual Financial Disclosure Reports by May, 15, 2012.
8. The Board unanimously approved a motion by T. Louque, second by Thompson to adjourn the meeting at 7:08 p.m.

APPROVED:

  
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/s/ Lawrence Callender

Lawrence Callender, ARBC President

  
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/s/ Toni B. Guitrau

Toni B. Guitrau, Executive Secretary

Toni B. Guitrau, Executive Secretary

Date: 5-15-12