

OFFICIAL PROCEEDINGS
ST. MARY LEVEE DISTRICT
REGULAR MEETING

MAY 9, 2013
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: James Vidos, Norris Crappell, Will Terry, Andrew Mancuso, J.P. Hebert, Barry Broussard, Luther Smith and with Raleigh Boudreaux absent.

Also present: William Bourgeois, SMLD Attorney; Jeff Pena and Nicole Cutforth, CB&I Co.; Jason Kennedy, T. Baker Smith; Rick Dugas, Coastal Protection and Restoration Authority (CPRA); and, members of the public and media.

Mr. Broussard moved to dispense with the reading and to approve the April 18 special regular meeting minutes. After a second by Mr. Terry, the motion carried unanimously.

Mr. Hidalgo solicited public comments. There were none.

Ms. Cutforth with CB&I, reported on behalf of Millers Engineers who could not be present. Regarding permitting for the temporary structures on the Hanson Canal North and South and Yellow Bayou, the permit for Hanson North has been granted; Hanson South & Yellow Bayou is expected any time. The permanent structures are 90% complete in design and once the contract for mitigation is completed, the USACE will issue the permit for Hanson Canal. Mr. Hidalgo asked Ms. Cutforth to contact Matt Durand to remove the three pairs of sheet pile from the Hanson Canal.

CB&I’s Jeff Pena reported on the Bayou Chene Flood Protection Structure Project. Permitting, Geotech, and surveying have commenced, the permit application is being drafted and will be ready to file. Mr. Mancuso moved to file the permit application with the USACE. After a second from Mr. Terry, the motion carried unanimously. Mr. Pena also gave an update for the Franklin Canal Project and the pump station design.

Mr. Kennedy of T. Baker Smith reported on the Wave Run-Up Analysis on the Wax Lake East and West Outlet levee segments in response to the LSER reports. The final report has been completed and is similar to the preliminary report. The analysis shows that a significant amount of the levees currently meet or exceed the FEMA standard for levee crest elevation; a meeting with the USACE-LSER team to submit the results is set for next week. Mr. Hebert moved to submit the results of the analysis to the USACE-LSER team. With a second from Mr. Vidos, the motion carried unanimously.

Mr. Matte reported on the importance of proving that not all of St. Mary Parish’s levees are deficient and taking the appropriate steps to certify and accredit the levees. He attended a meeting with CPRA about the South Central studies. And, he attended the ALBL conference, which discussed the National Flood Insurance Program (NFIP) issues. Mr. Matte recommended the approval of a resolution to ask Congress to reinstate the grandfather provisions for flood insurance. This would allow single-family residence owners to keep their current insurance rates and a one year period for residents without flood insurance to shop for it. Mr. Crappell moved to adopt the NFIP resolution. After a second from Mr. Smith, the motion carried unanimously.

It was moved by Mr. Crappell and, seconded by Mr. Smith that the following Resolution be adopted:

RESOLUTION 13-05-03

WHEREAS, since 1968 the historical purpose of the National Flood Insurance Program (NFIP) was to provide affordable flood insurance in exchange for communities using FEMA generated and specified Flood Insurance Rate Maps (FIRMs) as the basis for floodplain management by the participating community.

WHEREAS, generations of Louisiana home and business owners have made lifelong plans and investments based on the existence of affordable flood insurance as proposed by FEMA in the NFIP and for the past 45 years, these home and businesses owners have dutifully complied with and enrolled in the NFIP. In fact, from 1978 to 2012 the NFIP took in over \$6.2 Billion more in premiums than it paid in claims. In many cases, these insured properties are the owner’s largest investment. Further, the majority of

the NFIP policyholders are required to have flood insurance to meet the terms of a federally backed mortgage.

WHEREAS, nothing was ever done by any of the home and business owners who participate in the NFIP over the years that would put them at fault for their increased risk of flooding. In fact, most of the issues we face in the loss of our coast and the historical protection from flooding we enjoyed for generations are by and large traceable to prior Federal Policy. Yet, there is minimal current Federal Policy and funding to mitigate the risk of flooding in coastal Louisiana. Further, the home and business owners who participated in the NFIP, as well as the local communities that have adopted Flood Damage Prevention Ordinances in accordance with FEMA provided requirements were not responsible for calculating and including in the FEMA maps provided the future increased risk of flooding nor were they in any way responsible for the Administration and management of the NFIP currently \$23 Billion in debt to the US Treasury.

WHEREAS, through the passage of the Biggert – Waters Flood Insurance Reform Act (Public Law 112-141, aka: BW12) signed into law by President Obama on July 6th of 2012, the NFIP was revised such that the public's trust and reliance on the program to provide affordable flood insurance protection for prior investments in their homes and business' was essentially discontinued with no practical alternative provided for. The passage of BW12 substantially and immediately devalued the investments made in all properties receiving subsidized insurance premium rates through the drastic increase in the cost of flood insurance. The implementation of BW12 will have broad and yet unmeasured collateral consequences in the housing market and the real estate and banking industries. These financial impacts will expand to all types of government, business and industry in heavily impacted areas.

WHEREAS, each of us must consider the need to have a long term, sustainable and viable NFIP. Such a NFIP must include the adoption of accurate new FIRMS from time to time such that at some point the NFIP is actuarially and financially sound and self-sustaining.

THEREFORE, be it resolved that, we ask our legislative delegation to amend or revise the Biggert – Waters Flood Insurance Reform Act as follows:

Section I: The release of all new DFIRMS for adoption by communities should be temporarily suspended. New DFIRMS may continue to be developed and refined by FEMA working with local stakeholders to insure accuracy in reflecting flood risk in the community including the impacts of non-accredited levees and other features; but the maps should not be presented for adoption at this time.

Section II: Give communities time to work with FEMA to push enrollment into the NFIP for a special enrolment period. This limited (1 year), one time only option, would allow home and business owners to sign up or renew their NFIP policy using the currently adopted maps in their community under the following conditions.

- 1) Any property that is enrolled or renewed during this period will be able to keep its pre-BW12 subsidized rate indefinitely until:
 - a) The property is destroyed or abandoned by a non-flood event.
 - b) The policy is allowed to lapse.
 - c) The property has a flood claim(s) equal to the insured value of the property.

Section III: Any property that has been enrolled or renewed during the special enrollment period as described in Section II) above can be sold, donated or otherwise transferred to a new owner who:

- 1) will also be able the keep the pre-BW12 subsidized rate indefinitely until:
 - a) The property is destroyed or abandoned by a non-flood event.
 - b) The policy is allowed to lapse.
 - c) The property has a flood claim(s) equal to the insured value of the property.

Section IV: All new policies written after the special enrollment period, or those renewed after a lapse in coverage will be subject to the remaining portions of BW12 in full.

Section V: New or revised maps developed in compliance with Section I1) above, can be released to the communities after completion of the 1 year special enrollment period described in Section II) above or whenever they are completed thereafter. These new maps, once adopted by the communities, will set the new standards for all new construction. Further, these maps will be used to determine the actuarial flood risk for all new policies or the renewal of any lapsed policy.

Section VI: FEMA will begin shifting some of its funding intended to elevate or purchase certain Severe Repetitive Lost homes towards programs, such as levee construction or broad non-structural flood protection measures that will mitigate flood risk for entire communities therefore taking a proactive and not reactive approach to flood mitigation.

Mr. Matte reported that the interview process for candidates for the Operations Manager is ongoing. Also, a pre-meeting is scheduled with the USACOE in advance of the annual inspections taking place at the end of June. Additionally, he will meet with Mayor Grizzaffi next week concerning the intergovernmental agreement for the spokesperson on local sponsorship matters. He will also follow up with Mayor Ratcliff.

