

1                                   **MINUTES OF THE MEETING OF THE**  
2                                   **SABINE RIVER AUTHORITY**  
3                                   **STATE OF LOUISIANA**  
4                                   **BOARD OF COMMISSIONERS**  
5                                   **PENDLETON BRIDGE OFFICE**  
6                                   **15091 TEXAS HIGHWAY**  
7                                   **MANY, LA 71449**  
8                                   **1:00PM THURSDAY FEBRUARY 28<sup>TH</sup>, 2019**  
9

10 **MEMBERS PRESENT:**   **Mr. Ned Goodeaux, Chairman**  
11                                   **Mr. Stanley Vidrine, Vice-Chairman**  
12                                   **Mr. Norman Arbuckle**  
13                                   **Mr. Valmore Byles**  
14                                   **Mr. Daniel Cupit**  
15                                   **Mr. Jeremy Evans**  
16                                   **Mr. James Foret, Jr**  
17                                   **Mr. Byron Gibbs**  
18                                   **Mr. Shane Jeane**  
19                                   **Mr. Therman Nash**  
20                                   **Mr. Mike McCormic**  
21                                   **Mrs. Estella Scott**  
22                                   **Mrs. Dayna Yeldell (late)**  
23

24  
25 **MEMBERS ABSENT:**   **None.**  
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27 **OTHERS PRESENT:**   **Warren Founds, III, Executive Dir-SRA, Many, LA**  
28                                   **Becky Anderson, Adm Asst 5-SRA, Many, LA**  
29                                   **Mike Carr, Fac Maint Mgt-SRA, Many, LA**  
30                                   **Kellie Ferguson, Adm Prog Dir 3-SRA, Many, LA**  
31                                   **Gene Guidry, PE-SRA, Many, LA**  
32                                   **There were (14) visitors.**  
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35                   Mr. Goodeaux called the meeting to order. Mr. Nash offered the Prayer and Mr.  
36 Goodeaux led the Pledge. The roll was called and it was noted that Mrs. Yeldell was not  
37 present at roll call, but came in late; however, a quorum was established.

38                   Mr. Goodeaux asked if there were any additions or deletions to the circulated  
39 agenda. Hearing none, Mr. Goodeaux asked for a motion to adopt the circulated agenda?

40 **Mr. Gibbs moved, seconded by Mr. Arbuckle to adopt the circulated agenda.**

41 **Motion carried unanimously.**

42                   Mr. Goodeaux stated that the minutes of the January 24<sup>th</sup>, 2019 meeting were in  
43 the packet and asked for a motion to approve the minutes if there were no corrections.

44 **Mr. Foret moved, seconded by Mr. Gibbs to approve the minutes of the Board**  
45 **meeting of January 24<sup>th</sup>, 2019. Motion carried unanimously.**

46                   Mr. Goodeaux stated that he would like to recognize Mr. Michael Reese who is a  
47 candidate for District #30 Senate seat and ask Mr. Reese to address the Board. Mr. Reese  
48 gave a brief bio of himself and stated that he had many years as a businessman and

1 community partner that was very much interested in the Authority and he would be  
2 available to the public. He stated that he did not represent all the of Commissioners, but  
3 he felt it was necessary to be informed specially to help in anyway necessary. Mr.  
4 Goodeaux thanked Mr. Reese and wished him well on his future campaign.

5 **STAFF REPORTS: Item #1-TBPJO- Power House Operations:** Mr. Guidry  
6 stated that generation was made in January and February primarily for lake level control  
7 attempting to return the level to 169.0' msl per the Power Guide Curve. He stated that  
8 gross power output was based on varying water releases (6,150 to 6,400cfs) and power  
9 generation capacities ranging from (29-40MHW) for the two units. He stated that billing  
10 for the month of January was \$2,210,000.00 (for TBPJO). **Reservoir Levels/Status:** He  
11 stated that the beginning level on January 1<sup>st</sup> was 172.89' msl and was at 170.85' msl to-  
12 date. He stated that going forward, plans are to generate (and if needed, operate gates) in  
13 an attempt to return the reservoir to the Power Operating Guide levels. He stated that the  
14 gates are closed except for required downstream flows of 150cfs. He stated that the spill  
15 started on December 20<sup>th</sup> and ended on February 1<sup>st</sup>, which lasted 45 days. He stated  
16 that the highest level the reservoir reached during this time was 173.56' msl on January  
17 4<sup>th</sup>. **Spillway Repairs:** He stated that the main spillway repair is approximately 23%  
18 complete which included the cofferdam construction, the hydro blasting of joints in front  
19 of Gates #4-#9 with portions filled with concrete before the spill, and stockpile of  
20 material including rip rap rock (\$768,800.00). He stated that the total paid to the  
21 contractor as of February 17<sup>th</sup> 2019 is \$1,827,400.00. **FERC:** He stated that TBPJO will  
22 be working with Freese and Nichols Inc. on addressing FERC Compliance issues. He  
23 continued that Certrec Corporation continues to provide support to SRA/TX and SRA/LA  
24 for NERC/SERC/FERC/ compliance issues. **Dam Instrumentation/Relief Wells:** He  
25 stated that Wells #16, #17, #18, and #19 working on automatic controls. All wells are  
26 working.

27 **Item #2-Shoreline:** Mr. Guidry stated that staff has completed the audit  
28 identifying encroachments across the entire reservoir with only 15 sites to field check.  
29 He stated that to-date, there are 73 outstanding encroachments as follows: Year #1-2016  
30 12 identified, 4 has been cleared by lease agreement in place, 8 outstanding; Year #2-  
31 2017, 49 were identified, 15 cleared by lease agreement or verified off of SRA property

1 34 outstanding, and Year #-2018, 31 identified, none cleared. **Permitting Activity:** He  
2 stated that since January 24<sup>th</sup>, 2019, fourteen (14) New structures have been permitted;  
3 seven (7) Transfers and one (1) new water withdrawal. **Other Activity:** He stated that  
4 staff is currently assisting the development of two RV Parks-Gray's RV Park at Pirates  
5 Cove (61 RV pads and installing an 8,000gpd sewage treatment plant and requesting  
6 flowage easement across SRA Leaseback Property) and Toledo Bend Marina & RV Park  
7 at old Bass Haven Marina (41 RV pads and installing a 6,000gpd sewage treatment plant  
8 and requesting flowage easement across SRA Leaseback Property). He stated that in  
9 both cases, SRA has been coordinating with DEQ and Department of Health and  
10 Hospitals to ensure that these facilities will meet the agencies' testing and reporting  
11 requirements.

12 **Item #3-Operational: Toledo Bend Division:** Mr. Carr stated that maintenance  
13 crews have been working on the last cabin at San Miguel and it should be completed by  
14 March 7<sup>th</sup>, 2019. He stated that the crew continues to replace and maintain the  
15 navigational aids which consists of approximately 180 miles and 10,000 buoys. He  
16 stated that the concrete for the portico and the new office at Pleasure Point Park has been  
17 completed as well as the framing and trusses are in place. He stated that an agreement  
18 with Cleco had been signed for the updated electrical at San Miguel Park and the cost for  
19 the turnkey project is \$226,295.00 with an estimated completion time of six weeks. He  
20 stated that all high voltage electrical in the park will then belong to Cleco. He stated that  
21 the crew is working on replacing boards on approximately fifty tables. **Diversion Canal**  
22 **Division:** He stated that staff reports were included in the packet. He stated that notices  
23 have been sent to all Industrial Customers regarding the April 2019 renewal of Water  
24 Sales Agreements and Water Reservation Agreements. He stated that the revised price  
25 per thousand gallons as well as any Demand Rate changes were also sent out. He stated  
26 that the new price will be 27 cents per thousand gallons for water delivered and 1.8cents  
27 per thousand for reserved water. He stated that the dredging of Canal #1 is complete  
28 except for the shaping and seeding of the spoil site due to the wet weather. He stated that  
29 Pelican Company performed a survey to use as backup for the quantity of material  
30 dredged and the contractor was paid according to those comparisons. He stated that a  
31 conference call was held with Calcasieu Parish Police Jury and Fenstermaker

1 Engineering to discuss the Coach Williams Drive and with the resolution of some design  
2 problems, the project is now ready to move forward. He stated that the third pump  
3 installation at Stations #3 and #4 are complete and have been commissioned. He stated  
4 that Champion Technology is now working on incorporating them into our SCADA  
5 system. He stated that equipment flooded during the 2016 flood has been replaced and  
6 the total cost to the agency after insurance and salvage proceeds is \$40,000.00. He stated  
7 that the CIP#13 project which is the pumps, motors, and drives have been bid ordered  
8 with an estimated delivery time of eight months. He stated that once this installation is  
9 complete, it will make Pump Station #3 capable of delivering 35,000GPM which is the  
10 maximum our pipeline will carry. He stated that the 2013 truck damaged in a fire has  
11 been replaced with a new one for \$25,000.00. He stated that SRA received \$14,025.00  
12 from insurance and \$4,225.00 from our auction site with the actual difference of about  
13 \$7,000.00.

14 **Item #4-Financial Report:** Mrs. Ferguson stated that there was not a report  
15 prepared due to not receiving the necessary documents from TBPJO. **Mr. Gibbs**  
16 **moved, seconded by Mrs. Scott to approve the Staff Reports as circulated and**  
17 **presented. Motion carried unanimously.**

18 **SPECIAL REPORTS:** None.

19 **PUBLIC COMMENTS:** None.

20 **OLD BUSINESS:**

21 **NEW BUSINESS: Item #1- Accept the ALH, No.5 Bi-Annual Audit - June**  
22 **30<sup>th</sup>, 2018-**Mrs Ferguson stated that the letter from the Audit had been circulated. She  
23 stated that all rent that was due had been brought up-to-date. She stated that staff was  
24 currently working with the Cypress Bend Resort staff on physical inventory items. **Mr.**  
25 **Nash moved, seconded by Mrs. Scott to accept the ALH, No.5 Bi-Annual Audit for**  
26 **June 30<sup>th</sup>, 2018 as presented. Motion carried unanimously.**

27 **COMMITTEE REPORTS:**

28 **1) Diversion Canal:** No meeting.

29 **2) Parks:** No meeting.

30 **3) Leaseback:** No meeting.

31 **4) Finance:** No meeting.

32 **5) Water Sales:** No meeting.

1           **6) Fishery & Lake Management:** No meeting.

2           **7) TBPJO:** No meeting.

3           **LEGAL REPORT:** Mr. Founds stated that he would like to give a brief  
4 summary of how Item #1-Baca Suit has been handled. He stated that this suit involves  
5 approximately 76 Louisiana residents against SRALA which was filed on March 16<sup>th</sup>  
6 2017. He stated that the case asserts solely a “takings” claim under Louisiana  
7 Constitution. He stated that the plaintiffs allege the construction of the dam by SRALA  
8 “caused” the flooding on March 10, 2016 because it changed the “flow” of the Sabine  
9 River thus resulting in the “taking” of their property. He stated that the SRALA requested  
10 that the suit be removed from State Court to Federal Jurisdiction. He continued that the  
11 United States District Court for the Middle District of Louisiana reviewed the case and  
12 remanded the case back to the 19<sup>th</sup> Judicial Court stating that there was **no** federal  
13 jurisdiction existed relating the taking of property by the State without compensation, as  
14 this was a State matter. He stated that SRALA’s defense was that both states are bound  
15 by Federal Energy Regulatory Commission approved procedures for operation of the dam  
16 which was re-enforced by the re-licensing of the project in 2014. He stated that in March  
17 of 2018, the State District Court found that the plaintiffs’ claims **were** preempted by  
18 Federal Law and therefore dismissed the case with prejudice. He stated that in December  
19 2018, the case was heard by the First Circuit Court of Appeal (three judges) who ruled in  
20 **favor** of the plaintiffs by reversing the granting of exception. He stated that in their  
21 findings, the judges concluded that they must accept the pleadings of the plaintiffs as  
22 **true**, although the SRALA argues that for the plaintiffs to prevail on their inverse  
23 condemnation claim, the trial court would have to disregard FERC’s determination that  
24 the project did not result in an increased risk of flooding downstream. He stated that the  
25 SRALA legal counsel on January 25<sup>th</sup> 2019, has filed a “Writ Application” to the  
26 Supreme Court of Louisiana asking for the court to rule in **our favor** that the plaintiffs’  
27 suit is conflict-preempted under Federal Law and that the only place to resolve this issue,  
28 is before FERC. He stated that in response to our Application for Writ of Certiorari from  
29 the First Circuit Court of Appeal, the plaintiffs’ attorney has filed and Opposition to  
30 Application for Writ of Certiorari on February 11<sup>th</sup> 2019. He stated that so this suit

1 continues. He stated that SRA received the final survey of the property at Nantucket Bay  
2 and hopefully this will help settle Item #2 and #3- the Capital and Deloutre Suits.

3 **EXECUTIVE DIRECTOR'S REPORT:** Mr. Founds stated that the City of  
4 Logansport had requested that staff look at some pictures that were emailed to the office  
5 of the retaining wall along the riverbank under the bridge at Logansport. He stated that it  
6 looks to be approximately 300-400ft with various areas where erosion has taken place  
7 probably due to the high water levels. He continued that staff would have to continue to  
8 research this request, but what is known is that in 1989, funding from Baton Rouge  
9 helped with the retainer wall and then it looks like SRA helped again in 2001 with the  
10 retainer wall. He stated that staff will have a complete report at the next Board meeting.

11 **Mrs. Scott moved, seconded by Mr. Arbuckle to accept the Legal and Executive**  
12 **Director's Reports as presented. Motion carried unanimously.**

13 Mr. Goodeaux stated that the next meeting would be Thursday, March 28<sup>th</sup>, 2019  
14 at 1:00pm at the Pendleton Bridge Office, Many, Louisiana.

15 With no further business to discuss, Mr. Goodeaux asked for a motion to adjourn.

16 **Mr. Cupit moved, seconded by Mr. Gibbs to adjourn. Motion carried unanimously.**

17 **Meeting adjourned at 1:58p.m.**

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**NED GOODEAUX, CHAIRMAN**

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**STANLEY VIDRINE, VICE-CHAIRMAN**

**ATTEST:**

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**ESTELLA SCOTT, SECRETARY**