

Comite River Diversion Canal Project Task Force

**Minutes of Meeting
2014 Interim
November 6, 2014**

I. CALL TO ORDER

Representative Valerie Hodges, chairwoman of the Comite River Diversion Canal Project Task Force, called the meeting to order at 10:05 a.m. in Room 3, in the State Capitol in Baton Rouge, Louisiana.

II. ROLL CALL

LEGISLATIVE MEMBERS PRESENT:

Representative Valerie, chairwoman
Senator Bodi White, vice chairman

LEGISLATIVE MEMBERS ABSENT:

NON-LEGISLATIVE MEMBERS PRESENT:

Mr. Al Bargas
Mr. Christopher Knotts
Mr. Jerry Passman
Mr. Tom Stephens
Ms. Jeanne Stroda

NON-LEGISLATIVE MEMBERS ABSENT:

Mr. Chip Kline
Mr. Brandon Rogillio
Mr. Jeff Taylor
Mr. Jerry Thibeau
Mr. Mike Womack

STAFF MEMBERS PRESENT:

House:

Katy Giroir, attorney
Jared Evans, attorney
Angelique R. Mozee, committee secretary
Susan Broussard, sergeant at arms
Danny Leming, sergeant at arms

Senate:

Ty Marioneaux, sergeant at arms

III. DISCUSSION

Representative Hodges announced that the goals of the task force are to study and make recommendations on actions necessary to complete the construction of the Comite River Diversion Canal Project. She explained that the task force knows the importance of the Comite River project, the flood abatement for the Baton Rouge/metropolitan areas, and flood insurance. She announced that there would be presenters to inform the members about the impact the Comite River Diversion

Canal Project would have on insurance and real estate property. Representative Hodges gave an overview of the agenda.

Contractual Agreements

Christopher Knotts, Department of Transportation and Development, 1201 Capitol Access Road, EW-N514, Baton Rouge, LA 70802, (225) 379-3015, spoke for information only. He stated that the Department of Transportation and Development (DOTD) and the Amite River Basin Commission (ARBC) had agreed to the third revised Cooperative Endeavors Agreement (CEA). He stated that the approval process for the document/agreement was fully executed on Monday, November 3, 2014. Mr. Knotts provided copies of the revised document/agreement to ARBC on November 6, 2014.

Representative Hodges asked Mr. Knotts to explain the changes of the revised agreement.

Mr. Knotts explained that the changes were functions that ARBC had been performing in conjunction with DOTD. He stated that the title of real estate acquisition and hazardous toxic radioactive waste surveys would be performed by DOTD. He added that, in coordination with ARBC, they would perform any expropriation that would be necessary at the appropriate time on those properties for right-of-ways.

Mr. Dietmar Rietschier, ARBC, no witness card provided, spoke for information only. Representative Hodges asked Mr. Rietschier what ARBC's responsibilities were under the third CEA. Mr. Rietschier stated that DOTD would be working together with ARBC on expropriation and floodplain management issues. He stated that ARBC would be a part of the cooperative team with the U.S. Corps of Engineers (USACE).

Mr. Bargas and Mr. Knotts discussed title insurance cost. Mr. Knott stated that DOTD attorneys reviewed and determined that with the DOTD process they would not be acquiring title insurance on the parcels as they move forward. He stated that it was deemed unnecessary.

Mr. Larry Bankston, ARBC, 8708 Jefferson Highway, Baton Rouge, LA, addressed Mr. Bargas's questions about title insurance, stating that ARBC and USACE acquired title insurance for all properties purchased. He stated that if DOTD did not acquire title insurance, then ARBC was in agreement based on the indemnification from DOTD.

Mr. Jeffery Rodriguez, DOTD, no witness card provided, spoke for information only. He clarified what the third CEA requires in reference to title insurance. He stated that ARBC would exercise the expropriation authority to mitigate any loss or damage associated with title insurance.

Mr. Bankston provided more information to Mr. Rodriguez's comments. Senator White, Mr. Rietschier, and Mr. Bankston discussed the cost and savings of title insurance for ARBC.

Mitigation Land

Mr. Bobby Duplantier, U.S. Army Corps of Engineers (USACE), 7400 Leake Avenue, New Orleans, LA 70118, (504) 862-1037, spoke for information only. He gave an update on the reprogrammed funding for the Comite River Diversion Canal Project. Mr. Duplantier stated that the reprogrammed funding had not been finalized as of date. He stated once finalized, hopefully by the end of the year, the funds would be used for the purchase of mitigation bank credits for full construction of the project.

Christopher Knotts, Department of Transportation and Development (DOTD), 1201 Capitol Access Road, Room N 514, Baton Rouge, LA 70804, (225) 379-3015, spoke for information only. He stated that DOTD and the non-federal partners agreed to pursue mitigation bank credits. He said that the intent was to inform the task force members that DOTD was in the process of acquiring the credits (152 AAUs) for Lilly Bayou to make the project eligible for construction funding. Mr. Knotts stated that he would advise Secretary Shawn Wilson to send a letter of clarification to Colonel Clancy while DOTD waited for approval of the \$5 million reprogramming funds.

Mr. Duplantier discussed the work-in-kind mechanism USACE has in place to accept mitigation bank credits for the project from a non-federal sponsor, doing a federal responsibility. He stated that the Comite River project does not have the work-in-kind clause in their agreement.

Senator White and Mr. Duplantier discussed the timeline for amending the Comite River project agreement to include the work-in-kind clause. Mr. Duplantier stated that the process would take four to six months.

Representative Hodges discussed getting the mitigation credits placed in the President's budget to receive more funding for the project.

Mr. Duplantier stated that USACE would move forward with the project and advised Representative Hodges that he would keep the task force updated on the approval of the reprogrammed funding.

Representative Hodges and Mr. Rietschier discussed updates of the purchase status for Profit Island.

Mr. Bargas and Mr. Rietschier discussed the East Baton Rouge Parish cost for maintenance for Profit Island. Mr. Bargas quoted the cost from a document, entitled "Estimated Maintenance Cost After Project Completion Non-Federal Responsibility". Mr. Rietschier stated that the costs in the document were from 1990. Mr. Bargas suggested that ARBC update those costs.

Mr. Knotts, Mr. Duplantier, and Mr. Rietschier discussed the process of acquisition to operational maintenance.

Mr. Bargas and Mr. Rietschier discussed the Nature Conservancy role in maintaining the project or making a financial commitment to support the project.

Representative Hodges and Mr. Duplantier discussed submitting a request in the President's budget to appropriate monies for the project.

On behalf of task force member Brandon Rogillio, with the LA Landowners Association, Senator White asked to read into the records that the LA Landowners Association opposes any taking of private property for mitigation purposes for the Profit Island project.

Ms. Jeanne Stroda, Realtors, C.J. Brown Realtors, 3029 South Sherwood Forest Boulevard, Suite 200, Baton Rouge, LA, no zip code provided, (225) 955-2567, spoke for information only. She gave a brief overview on the increasing cost of flood insurance premiums and how it affects people in real estate. She provided a handout, Exhibit A, which is included in the committee records.

Floodplain Management Plan

Ms. Cindy O'Neal, Department of Transportation and Development - National Flood Insurance Program, P.O. Box 94245, Baton Rouge, LA 70804, (225) 379-3014, spoke for information only. She narrated a PowerPoint presentation entitled "Impact of changes to the NFIP under Homeowner Flood Insurance Affordability Act of 2014" and provided a handout, Exhibit B, which is included in the committee records.

Ms. O'Neal discussed the Biggert Waters Reform Act; the Flood Insurance Reform Summary, Refunds, Rates, and Surcharges; Map Changes Per HR3370; Ways of Saving on Flood Insurance; and the Homeowner Flood Insurance Affordability Act of 2014.

Representative Hodges and Ms. O'Neal discussed ways an existing homeowner can reduce their flood insurance premium by joining the Community Rating System (CRS) in their community.

Senator White and Ms. O'Neal discussed the "buyout" grant program and how the funds are disbursed by parishes, the Hazardous Mitigation Grant Program, Flood Elevation, and the U.S. Army Corps of Engineers New Rate Maps for Livingston and East Baton Rouge Parish.

Mr. Bargas requested Ms. O'Neal to provide a summary or an overview on the CRS to the task force for review.

Mr. Bargas and Ms. O'Neal discussed the flood rating upon the completion of the Comite River Project.

Representative Hodges, Mr. Duplantier, Mr. Rietschier, Mr. Knotts, and Ms. O'Neal discussed the impact, who is responsible, the current status, and the deadline to update the Floodplain Management Plan.

Excavated Material

Mr. Duplantier, Mr. Rietschier, and Mr. Bargas discussed storage for the materials, labor cost to transport the materials, bids for selling the materials, and using materials for other projects. Mr. Duplantier discussed and defined the U.S. Army Corps of Engineers term for "borrow materials" in two categories: government furnished and contract furnished.

Mr. Knotts and Mr. Duplantier discussed the federal standards to look at the cost efficient way to place and transport materials to the project site and if the non-federal sponsors are responsible for that task. Representative Hodges suggested that a cost analysis be done and prepared for next year.

IV. PUBLIC COMMENTS

Mr. John Day, no card provided, read into the records his statement on the Comite River Diversion Canal Project and provided a handout, Exhibit C, which is included in the committee records.

Senator White and Mr. Day discussed the severe erosion on the east bank of the Comite River and roads.

Mr. Wayne Massia, no card provided, discussed the City of Central and his personal experience with flood insurance premiums and how the Comite River project will remove a large part of Central from the floodplain management plan.

Mr. Jay Watson, no card provided, read into the records his statement on the Comite River Diversion Canal Project.

V. CLOSING REMARKS

Representative Hodges announced that the next meeting would be held on January 13, 2015, to receive updates from the U.S. Army Corps of Engineers in reference to the \$5 million for the project, revising the floodplain management plan, and getting an estimated cost for selling excavated materials.

VI. ADJOURNMENT

The meeting was adjourned at 12:25 p.m.

Respectfully submitted,

Chairwoman Valerie Hodges
Comite River Diversion Canal Project Task Force

Date approved: _____