

# COAST BUILDERS COALITION

DECEMBER 2009

## NEWSLETTER

SCOTT KIRKPATRICK & COLLIN CARANNA



### HIGHLIGHTS OF DECEMBER 9 CPRA MEETING

by Scott Kirkpatrick

**OCPR Organization** – Steve Mathies, Executive Director of State Office of Coastal Protection and Restoration, discussed the reorganization of OCPR. In addition to reworking the organizational structure, Steve talked about the need for OCPR to add manpower to handle the volume of projects being managed by the office. In response to a question about the kind of assistance that may be sought from the private sector, Steve indicated he would like to build-up the technical manpower of OCPR, but he would look to the private sector for more project managers.

**Outfall Canal Project Partnership Agreement** – Agreement between the State and Corps on a PPA for this project is expected within the next two weeks. The agreement will allow the Corps to proceed with construction of an “option neutral design” and also allow for future consideration by the parties as to whether enhancements to the option neutral design

are warranted.

**Lower Mississippi River Consistency Determination Dispute** – The State is waiting to see if the Corps will participate in the voluntary mitigation available through the Department of Commerce. If not, the State may take legal action which could mean seeking an injunction on Corps dredging work on the Lower Mississippi.

**100 Year Level of Protection for Jesuit Bend** – The CPRA approved Plaquemines Parish’s plan to design the Jesuit Bend levee to meet the 100 year level of protection. Currently, the levee will only meet the pre-Katrina 100 year level of protection and will not be a FEMA certified levee. While no funding is currently available to raise the height of the levee, Plaquemines Parish is pushing for 30 year financing for the payment. Once the design is finished, cost estimates will inform future actions.



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Regional Steak-

holders Work-groups Meeting  
Katrina Award Funding for

Restoration and Protection  
Current Bid Dates

### MARK YOUR CALENDAR

Next CBC meeting,  
Date: Wednesday  
January 13, 2010  
Location: New Orleans, LA  
Speaker: Colonel Lee, USACE

# COMPANY PROFILE: LAFAYETTE WORKBOAT RENTALS

Lafayette Workboat Rentals is a 4 year old company that began with only 2 inland workboats, and a strong emphasis on safety and service. Founded by Dale Martin, Jr. and Mike Donner in January 2006, LWBR has experienced enormous growth, adding 14 Tugs and 4 additional inland workboats that are focused on service in the coastal waters of the Gulf of Mexico. LWBR also manages/operates 2 Utility Boats, and 4 offshore crewboats. LWBR is a member of American Waterways Operators and abides under their Responsible Carrier Program. LWBR has the experience to handle standard oilfield tows as well as much larger tows on the GIWW, the ability to maneuver through the

production fields of the Oil Patch, and strives to provide the highest quality service in the offshore sector as well.

“At LWBR, we service our customers with an emphasis on safety! Our crews understand that our priority is that they go home safe and sound to their families and friends after a hard days work. Our safety policy is built to suit LWBR and contains Behavior Based Safety Training, STOP work authority, meets all OSHA and US Coast Guard standards, and fits the mold of being a Responsible Carrier. In turn this allows our customers and potential customers to rely on a towing company that will provide safe, dependable, well executed ser-

vice while decreasing their liability in an industry that has many risks. We do all of this and still remain very competitive in pricing.”

Please take the time to visit our website at [www.laworkboats.com](http://www.laworkboats.com) to view all of our vessels, their specs, our services, as well as for any contact information.



## KATRINA AWARD MAY IMPACT FUTURE FUNDING FOR RESTORATION AND PROTECTION

by Scott Kirkpatrick

A recent ruling by a federal court judge in New Orleans awarded property damages to several New Orleans residents based on a finding that the Corps was grossly negligent in maintaining the Mississippi River Gulf Outlet and this negligence was a cause of flooding from Hurricane Katrina. It is believed this ruling could open the floodgates on litigation where about 400,000 people could file claims against the Corps.

This ruling could have two significant negative impacts on restoration and protection efforts. First, it is likely a settlement will be sought in Washington, DC in order to avoid lengthy litigation on this matter. A similar settlement and victims compensation fund was setup after 9/11. While this is being discussed, it could delay federal action on restoration and protection projects as Congress waits to see the price tag.

Second, a large price tag could sour an already waning desire to help the New Orleans area protect



itself.

One potential benefit could be that restoration and protection measures may be included in any settlement.

For more a news article on this ruling click [here](#).

# PROTESTS FILED ON SEVERAL LARGE HSDRRS PROJECTS

by Scott Kirkpatrick

Several protests have been filed on two recent Corps awards for the New Orleans area levee system. The protests have been filed on the Seabrook floodgate at the New Orleans lakefront (an Early Contractor Involvement procurement) and a project to construct protective barriers for drainage pumping stations in Metairie and Kenner. The Government Accountability Office is to be the arbiter of the complaints and has 100 days to issue a ruling.

Another Early Contractor Involvement procurement for a floodwall project in St. Bernard has been canceled and will be awarded early next year. To see the Times Picayune article on this matter, [click here](#).



Bess Island State Restoration Project in Jefferson Parish

## REGIONAL STAKEHOLDER WORKGROUPS MEET

by Scott Kirkpatrick

The second round of Regional Stakeholder Workgroups (RSW) were held the week of November 30th. The RSWs are to provide guidance and input for OCPR planning efforts. There are three RSW groups focusing on Southwest, Southcentral and Southeast Louisiana. The main focus of this round of meetings was to present information on the 2011 State of Louisiana Coastal Annual Plan due out for public comment in February. In particular, the State discussed the planning framework for both the Annual Plan and the Master Plan revision due to be released in 2012. Also addressed was the development of the project prioritization tool that is being developed.

A few points of note:

The State of Louisiana expects to spend \$700 million on coastal projects between July 1, 2009 and June 30, 2010 and \$300 million between July 1, 2010 and June 30, 2011.

The State is scheduled to release a project tracking system in April that is called At Task. This system will allow the public to track

projects from their inception, through design and until they are finished construction. The tool should be helpful to the industry in keeping track of future contracting opportunities.

The next RSW meetings will be held early next year and will focus on non-structural measures for coastal Louisiana.



## O CPR Anticipated Bid Dates

<b>Burns Point Recreation Park Improvements:</b>	
<b>Anticipated Bid January 2010</b>	<b>\$1,010,000.00</b>
<b>Shoreline Protection at Intracoastal Park:</b>	
<b>Anticipated Bid December 2010</b>	<b>\$1 million</b>
<b>South Lake Decade Freshwater Introduction - CUI:</b>	
<b>Anticipated Bid January 2010</b>	<b>\$3,889,138.00</b>
<b>East Marsh Island Marsh Creation:</b>	
<b>Anticipated Bid November 2009</b>	<b>\$23,025,450.00</b>
<b>Lake Hermitage Marsh Creation:</b>	
<b>Anticipated Bid February 2010</b>	<b>\$32,606,847.00</b>

## **APPEALS COURT RULES CONTRACTORS NOT LIABLE FOR KATRINA FLOODING**

*by Scott Kirkpatrick*

Federal contractors cannot be held liable for flood damage in New Orleans linked to the dredging of the Mississippi River-Gulf Outlet shipping canal prior to Hurricane Katrina, a federal appeals court has ruled.

The 5th U.S. Circuit Court of Appeals upheld a lower court ruling that found dredging contractors qualify for government-contractor immunity. Such immunity is granted when the government authorizes companies to conduct specific work.

“They had a contract with the government, and the only way that a plaintiff can get around that is to argue that the contractor exceeded their authority or the authority wasn’t validly conferred,” said Stephanie Showalter, director of the Mississippi-based Sea Grant Law Center. “Here, the plaintiffs didn’t allege either one of those.”

The case stemmed from two class-action lawsuits that claimed the dredging of the MRGO shipping channel by the U.S. government and 32 contractors damaged natural storm buffers and aggravated the storm surge that overwhelmed parts of New Orleans after the 2005 hurricane.

“The court said the private contractors who carried out the Army Corps of Engineers’ wishes shouldn’t be held liable,” Showalter said. “It kind of sends it back to the Army Corps of Engineers. It says, ‘It was your decision, it was your funding, it’s your responsibility.’”

For more excerpts from the article [click here](#)