

MINUTES
OF THE
RED RIVER WATERWAY COMMISSION MEETING
JULY 20, 2011
10:00 AM
COMMISSION HEADQUARTERS
NATCHITOCHE, LOUISIANA

1. **CALL TO ORDER**

The meeting of the Red River Waterway Commission was called to order by Acting Chair, Mr. Nicholas Verret, in the Board Room of the Red River Waterway Commission Office located at 5941 Highway 1 By-Pass in Natchitoches, Louisiana.

2. **ROLL CALL, INTRODUCTION OF GUESTS, AND CALL FOR PUBLIC COMMENTS**

Roll was called and a quorum was present. Others in attendance were asked to identify themselves and offer any comments they may have regarding the agenda. However, no comments were offered.

Present: Acting Chairman Nicholas Verret, Commissioner Doug Brown, Commissioner Wayne Davis, Commissioner Marc Dupuy, Jr., Commissioner David L. Crutchfield, II, Commissioner Paul Fleming, Commissioner Randell Fletcher, Commissioner Andrew J. Hodges, III, Commissioner Alvin Owens, Commissioner Rogers M. Prestridge.

Absent: Commissioner James F. Maxey, Commissioner Michael Simpson

RRWC Staff Members Present: Mr. Ken Guidry - Executive Director, Mr. Randy Walters - Marketing Director, Mr. Mike Boydston - Operations & Maintenance Director, Mrs. Cathy Rushing - Executive Assistant, Mr. Colin Brown - Engineer Supervisor, Mr. Luke Pearson - Real Estate Manager, Mr. Greg Upton - Legal Counsel.

Others Present: Mr. Jason Placke, Mr. Mark Thomas, Mr. Ed Giering

3. **APPROVAL OF REVISED AGENDA**

By motion of Commissioner Brown, seconded by Commissioner Prestridge, the agenda was revised and unanimously approved. Comments from the public were called for, however, none were offered.

4. **APPROVAL OF MINUTES**

By motion of Commissioner Prestridge, seconded by Commissioner Fletcher, the minutes of the June 15, 2011 meeting were unanimously approved.

5. **TREASURER'S REPORT**

By motion of Commissioner Dupuy, seconded by Commissioner Crutchfield, the Expenditures, Financial Statements & Investment Reports for the month of June, 2011 were unanimously approved.

6. **COMMITTEE REPORTS**

a) **Contracts**

Authority to Rescind Award/Re-Award Construction Contract/Additional Amenities-Central - By motion of Commissioner Prestridge, seconded by Commissioner Fleming and unanimously approved, the Commission rescinded the contract awarded to Tudor, Inc., for the Additional Amenities Central Project; accepted the withdrawal of the bid from Tudor, Inc.; instructed staff to call for the bond of 5% of the bid amount; and, awarded the contract to the second lowest bidder, Petron, with a bid Amount of \$217,036.00 for this project.

Authority to Advertise/Bishop Point Asphalt Project - By motion of Commissioner Prestridge, seconded by Commissioner Hodges, and unanimously approved, the staff was authorized to advertise for the Bishop Point Recreational Area Asphalt Road Project.

Approval of Change Order # 1/Additional Amenities North (Red Oak & Grand Ecore) - By motion of Commissioner Prestridge, seconded by Commissioner Crutchfield, the Commission unanimously approved Change Order No. 1 of the Additional Amenities -North (Red Oak & Grand Ecore) Project for an additional \$3,283.93 to install bollards at the heads of the boat ramps at the Red Oak and Grand Ecore recreational facilities to allow the boat ramps to be closed during periods of high water while the rest of the facility remains open.

Pine Bluff Sand & Gravel Contract Revisions - By motion of Commissioner Prestridge, seconded by Commissioner Fletcher, the Commission unanimously approved the revisions to the Pine Bluff Sand & Gravel Dredging Contract to allow for re-mobilization costs of \$300.00 per mile for upstream moves and \$200 per mile for downstream moves.

Authority to Seek Proposals for Electrical Work at Ft. Buhlow Recreation Area - By motion of Commissioner Prestridge, seconded by Commissioner Owens, and unanimously approved, the staff was authorized to seek proposals for electrical work at the Ft. Buhlow Recreation Area Maintenance Compound.

Consideration of Change Order No. 1/Office Flooring Project - By motion of Commissioner Prestridge, seconded by Commissioner Crutchfield, the Commission unanimously approved Change Order No. 1 for the Office Flooring Project in the amount of \$2,136.05 to install new floor tile and baseboards in the men's and women's restrooms in the foyer next to the board room of the Commission headquarters and to install stained wood baseboards in those offices and restrooms containing cypress paneling.

b) **Land Management, Legal Affairs & Affirmative Action** - No report

c) **Recreation**

Commissioner Crutchfield reported that the Committee had met to discuss the Recreation Priorities List. Staff was instructed during that meeting to remove all floating docks from the list. Also, the Commissioners were instructed to review those lists and contact the staff with its recommendations prior to the Committee meeting again to discuss those issues.

Request for Funding Assistance/USACE - By motion of Commissioner Crutchfield, seconded by

Commissioner Prestridge, the Commission voted unanimously to deny the request from the COE for operation and maintenance/funding assistance for those recreational facilities on Red River which fall under the responsibility of the USACE.

Recreation Area Status Report - A prepared report was provided in the meeting packet. Mr. Mike Boydston noted that there had been 259,000 visitors in the District recreational facilities during June, 2011. Mr. Boydston also noted that he is currently working with FLW Outdoors in scheduling a fishing tournament to be held out of the Grand Ecore Recreational Area in 2012.

d) **Ports** - No report

e) **Public Awareness & Marketing**

Marketing Update - A prepared report was provided in the meeting packet.

f) **Personnel** - No report

g) **Revenue, Banking & Budget** - No report

h) **Legislative** - Chair Nick Verret reported on the following legislative issues:

➤ HB 321 deals with the selling of water from Lake Bistineau. No final action taken on this matter.

➤ HCR 13 deals with requiring the State of Arkansas to conform to the requirements of the Red River Compact. This item has passed through the full legislation and has been filed with the Secretary of State.

7. EXECUTIVE DIRECTOR'S REPORT

At this time, Commissioner Prestridge offered a motion, seconded by Commissioner Davis, to add the following item to the agenda. Comments were called for from the public, however, none were offered and the motion carried unanimously.

National Waterways Conference Resolution of Support - By motion of Commissioner Fleming, seconded by Commissioner Owens, the Commission unanimously approved the Resolution of Support National Waterways Conference comments to the Clean Water Act (see attached).

National Waterways Conference Annual Meeting - By motion of Commissioner Prestridge, seconded by Commissioner Davis, the Commission unanimously approved the reimbursement of expenses for the Commissioners and necessary staff to attend the National Waterways Conference Annual Meeting scheduled for September 19-21, 2011 in Ft. Worth, Texas.

National Recreation & Park Association Congress & Exposition - By motion of Commissioner Fletcher, seconded by Commissioner Prestridge, the Commission unanimously approved the reimbursement of expenses for Mr. Vernon Roberson and Mr. DeWitt Daigre to attend the National Recreation & Park Association Congress & Exposition scheduled for November 1-3, 2011 in Atlanta, Georgia.

International Right-of-Way Association Conference - By motion of Commissioner Hodges, seconded by Commissioner Owens, the Commission unanimously approved the reimbursement of expenses for Mr. Luke Pearson to attend the International Right-of-Way Association Conference scheduled for July 27, 2011 in Orange Beach, Alabama.

8. STATUS OF RIGHTS-OF-WAY/ENGINEERING REPORT - Prepared reports were provided in the meeting packets.

9. GENERAL COUNSEL REPORT - No report

10. CORPS OF ENGINEERS REPORT - None

11. RED RIVER VALLEY ASSOCIATION - In the absence of Mr. Rich Brontoli, Mr. Ken Guidry highlighted the prepared report provided to the Commissioners.

FY12 River Operations Resolution - By motion of Commissioner Prestridge, seconded by Commissioner Dupuy, the Commission unanimously approved the FY12 River Operations Resolution relative to Corps of Engineers operation and maintenance of the J. Bennett Johnston Waterway (See Attached).

12. OTHER BUSINESS - None

13. COMMENTS FROM THE PUBLIC - None

14. RECESS

At this time, by motion of Commissioner Owens, seconded by Commissioner Prestridge, and unanimously approved, the meeting recessed for lunch and the Secretary/Treasurer was authorized to pay for the meals of the Commissioners and their guests out of the funds of the District.

15. ADJOURNMENT

The meeting reconvened immediately following lunch, however, there being no further business to conduct at this time, by motion of Commissioner Fletcher, seconded by Commissioner Owens, and unanimously approved, the meeting was adjourned.

JAMES F. MAXEY
SECRETARY/TREASURER

NICHOLAS F. VERRET, JR.
ACTING CHAIRMAN

RESOLUTION

BY MOTION of Commissioner A. Paul Fleming and seconded by Commissioner W. Alvin Owens, the Red River Waterway District, in legal session convened, unanimously approved the following resolutions:

WHEREAS, under the Clean Water Act, Section 404(a), any person engaging in activities that result in the “discharge of dredge or fill material into the **navigable waters**” must obtain a permit from the United States Army Corps of Engineers (the “Corps”);

WHEREAS, the United States Environmental Protection Agency (“EPA”) and the United States Army Corps of Engineers are attempting to expand the Corps regulatory jurisdiction by expanding the definition of navigable waters;

WHEREAS, the National Waterways Conference, Inc. was established in 1960 for the purpose of effecting common sense policies and programs, recognizing the public value of the Nation’s water resources and their contribution to public safety, a competitive economy, national security, environmental quality, and energy conservation;

WHEREAS, National Waterways Conference, Inc. opposes the efforts of the Corps and the EPA to expand the Corps regulatory jurisdiction because (i) the change will impose real, substantial, and negative impacts on the regulated community; and (ii) the change exceeds the proper scope of the Corps and EPA’s authority as provided by the Clean Water Act and the courts; and

WHEREAS, the Red River and its tributaries will be impacted by the proposed regulatory changes sought by the Corps and the EPA.

NOW THEREFORE, BE IT RESOLVED that the Red River Waterway District supports the efforts of the National Waterways Conference, Inc. to oppose the Corps and EPA’s attempt to expand the Corps regulatory jurisdiction by expanding the definition of navigable waters.

CERTIFICATE

I, Michael Simpson, Assistant Secretary/Treasurer of the Red River Waterway Commission, do hereby declare that the above Resolution was adopted at a regularly scheduled meeting of the Commission on July 20, 2011, at Natchitoches, Louisiana, at which meeting a quorum was present and voting.

Natchitoches, Louisiana, this 28th day of July, 2011.

MICHAEL SIMPSON
ASSISTANT SECRETARY/TREASURER

RESOLUTION

BY MOTION of Commissioner Rogers M. Prestridge and seconded by Commissioner Marc Dupuy, Jr., the Red River Waterway District, in legal session convened, unanimously approved the following resolution:

WHEREAS, from the early 1970's to present, the U.S. Army Corps of Engineers spent approximately \$2 billion to make 236 miles of the Red River located in central and northwest Louisiana navigable by realigning parts of the river, stabilizing its banks, and constructing five locks and dams;

WHEREAS, the navigable Red River (named the J. Bennett Johnston Waterway) is a 9-by 200-foot navigation channel extending from the Mississippi River through Old River and Red River to the vicinity of Shreveport, Louisiana;

WHEREAS, the J. Bennett Johnston Waterway has been operational since 1995, when the final Locks and Dams were completed;

WHEREAS, as a result of the Red River being navigable, private businesses and state and local governments have invested in excess of \$1 billion in projects on the Red River;

WHEREAS, as a result of the Red River being navigable, active ports have developed in Avoyelles, Rapides, Natchitoches, Red River, and Caddo Parishes;

WHEREAS, in CY 2009, a time of general economic decline, 9,900,000 barge tons were transported on the J. Bennett Johnston Waterway, a 34.4% increase from CY 2008;

WHEREAS, growth in barge tonnage from CY 2008 to CY 2009 (a 34.4% increase) exceeds the growth of any other waterway in the nation;

WHEREAS, CY 2009 barge tons of 9,900,000 exceeds by 54% project forecast tonnage for CY 2011 of 5,426,000 barge tons;

WHEREAS, as a result of the Red River being navigable, businesses have located on the Red River, such as the \$1billion CLECO power plant near Boyce, Louisiana;

WHEREAS, as a result of the Red River being navigable, numerous recreational facilities have been constructed along the river and the waters of the river are enjoyed by hundreds of thousands of visitors each year;

WHEREAS, the J. Bennett Johnston Waterway is having a significant and positive economic impact on Central and Northwest Louisiana;

WHEREAS, it is essential that the J. Bennett Johnston Waterway continue to be maintained and operated by the U.S. Army Corps of Engineers in accordance with project specifications - 24 hours per day, 365 days per year;

WHEREAS, it would not be prudent to neglect the infrastructure investment on the Red River for an annual savings of \$3 million after the Federal Government has spent approximately \$2 billion developing J. Bennett Johnston Waterway and private businesses and state and local governments have invested in excess of \$1 billion in projects on the Red River as a result of the river being navigable.

NOW THEREFORE, BE IT RESOLVED that the Red River Waterway District favors the U.S. Army Corps of Engineers continuing to operate and maintain the J. Bennett Johnston Waterway in accordance with project specifications - 24 hours per day, 365 days per year;

BE IT FURTHER RESOLVED that the Red River Waterway District requests that the U.S. Army Corps of Engineers continue to operate and maintain all features of the J. Bennett Johnston Waterway 24 hours per day, 365 days per year; and

BE IT FURTHER RESOLVED that the Red River Waterway District opposes any effort by the U.S. Army Corps of Engineers to (i) operate the Locks and Dams less than 24 hours a day, 365 days per year or (ii) reduce dredging of the navigable channel to less than project specifications.

CERTIFICATE

I, Michael Simpson, Assistant Secretary/Treasurer of the Red River Waterway Commission, do hereby declare that the above Resolution was adopted at a regularly scheduled meeting of the Commission on July 20, 2011, at Natchitoches, Louisiana, at which meeting a quorum was present and voting.

Natchitoches, Louisiana, this 28th day of July, 2011.

MICHAEL SIMPSON
ASSISTANT SECRETARY/TREASURER