

AGENDA
March 10, 2010 at 10:30 AM
(Revised 3/9/10 at 10:20 AM)

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Consider approval of minutes for February 10, 2010 regular meeting
- V. Executive Director's Report
 - A. Northern Expansion**
 - 1) Slip B Dredging, Phases 3 & 4 (J. Wayne Plaisance)
 - 2) Slip B East Bulkhead, Phase #4, Part II (Angelette-Picciola)
 - 3) Slip B Asphalt Dudley Bernard Road, Phase 2 (Angelette-Picciola)
 - B. Airport Projects**
 - 1) Localizer/DME (LPA Group)
 - 2) Approach Lighting
 - 3) Airport Drainage Canal
 - 4) Pump Station Upgrade
 - C. FEMA Projects**
 - 1) Bathhouse
 - 2) Beach Stabilization
 - D. Port Security and Grant Projects**
 - 1) Communications Tower
 - 2) LA 1 Project - Command and Control System Phase I MDA
 - 3) Phase II Maritime Domain Awareness
 - E. Other Port Projects**
 - 1) Martin Terminal Slip #1 Repairs (EDA Grant)
 - 2) LA 3090 Repair and Maintenance
 - 3) Corps Jetty Repair
 - F. LA 1 Highway Improvements**
- VI. Committee Reports
 - A. Executive Committee**
 - 1) Consider approving the Right of First Refusal request from Tram Aviation for 1.65 acres of property at the Airport
 - 2) Consider approving the Intergovernmental Agreement between Lafourche Parish Government and GLPC for S.L. Storm Harbor Marina (Community Development Block Grant (CDBG) Disaster Recovery Project)
 - 3) Consider approving the CDBG Procurement Policy
 - 4) Consider approving the CDBG Citizen Participation Plan
 - 5) Consider approving the advertisement for an engineer for the CDBG Storm Harbor Marina Project
 - 6) Consider approving advertising for yearly summer employees
 - 7) Consider approving the height zoning ordinance at the Airport

B. Permits & Waterways Committee

- 1) Review permit applications from Swift Energy Operating, LLC; Tram Investments, Inc.; Chevron USA, Inc.; Castex Energy, Inc.; Terrebonne Levee & Conservation Dist.; Plains Pipeline, LP

C. Construction & Development Committee

- 1) Consider approving the Substantial Completion Certificate from Coastal Dredging for the Slip B Dredging Project Phases 3 & 4

D. Finance Committee

- 1) Consider payment of February invoices and recognize expenditures over \$10,000
- 2) Consider approving the out of state travel requests

VII. Any other business

VIII. Public Comment

IX. Possible Executive Session

- A. Discuss pending litigation defined as "Greater Lafourche Port Commission vs. James Construction LLC, et al, Suit No.105161 in Division E of the 17th JDC-Parish of Lafourche"

X. Public Comment

XI. Adjournment

Attachment

- A. The pending litigation more specifically defined as "Greater Lafourche Port Commission vs. James Construction LLC, et al, Suit No.105161 in Division E of the 17th JDC-Parish of Lafourche" may be discussed in an executive session.

OFFICIAL PROCEEDINGS OF THE GREATER LAFOURCHE PORT COMMISSION
March 10, 2010

The Board of Commissioners of the Greater Lafourche Port Commission met in regular session on Wednesday, March 10, 2010 at 10:30AM.

President Griffin called the meeting to order and Commissioner Vizier called roll.

ATTENDED: Chuckie Cheramie, Perry Gisclair, Jimmy Lafont, Donald Vizier, John Melancon, Larry Griffin, Jimmy Guidry, and Ervin Bruce

ABSENT: Wilbert Collins

Upon motion by Perry Gisclair and second by Ervin Bruce, the board unanimously approved the minutes for February 10, 2010 regular meeting.

Executive Director's Report

Northern Expansion – Engineer John Plaisance reported that the contractor is substantially complete as of March 3, 2010 for Slip B Dredging, Phases 3 & 4. The contractor is 25 days late which results in \$67,500 of liquidated damages that will be accessed in final invoicing. Engineer Neil Angelette reported that Low Land has completed the installation of the steel sheets. All the whaler beams are being welded along with the brackets for the bumper pipe. The contractor has driven 4 out of the 14 timber piles for the deadman. The expected completion date is June 26, 2010. Engineer Angelette reported that the contractor Huey Stockstill has installed all the drainage improvements for the Slip B Asphalt Dudley Bernard Road. The anticipated date to start asphalt work is April 1st.

Airport Projects – Mr. Breaux reported that the Localizer/DME project is complete waiting on final inspection by FAA. The preconstruction meeting for the Approach Lighting project is scheduled for this Friday at which time a notice to proceed will be issued for next week with 90 days to complete. The excavator sweeping the Airport Drainage Canal is about two-thirds complete, looking at approximately 4 more weeks to finish the north end. The preconstruction meeting for the Pump Station Upgrade project is scheduled for tomorrow to determine the notice to proceed date. Mr. Duet scheduled an informational meeting on Monday for the companies interested in the FBO at the Airport.

FEMA Projects – Mr. Breaux reported that the contracts have been signed for the Bathhouse – Public Restrooms at the Public Boat Launch. A preconstruction meeting will be scheduled in the next two weeks to move forward with construction. Commissioner Melancon questioned the dimensions of the bathhouse, which Mr. Breaux replied that it will be close to the same size as the previous building approximately 31'x34' which includes the covered area.

Director Chiasson reported that he is still working with FEMA to get a corrected project worksheet for the Beach Stabilization project. Picciola & Associates is nearing the completion of the design. The engineer also submitted information to the Governor's Office of Homeland Security as well as FEMA on the difference in cost of the geotube project compared to the original boudin bags. The geotube project is \$250.00 cheaper per foot than using the original construction material. The current project is approximately \$4.7 million for 5,300' of geotubes topped with sand. President Griffin recognized Mr. Al Danos with the South Lafourche Beachfront Development District "SLBDD". Mr. Danos reported that the SLBDD continues to work with Wisner to open the beach every weekend in the summer beginning April 15th and ending September 15th. This item is still on Wisner's agenda however no decision has been made yet. The SLBDD has everything in place with the Port Commission, Sheriff's Office, and the Fire District when the decision is made by Wisner. He reported that the SLBDD will meet tomorrow

night and he invited the board members to attend. The meeting will finalize the SLBDD strategic plan focusing on the Bay Champagne area. He continues to work with the landowners and the State. He is well aware of the Caminada Restoration project however has concerns regarding the recreational aspect. The SLBDD is preparing documents to present to the Caillouet Land Corporation on a possible right of way swap agreement which will allow an alternate access to the beach.

Director Chiasson reported on his trip to Washington last month. He stated that he met with the Dept. of Defense, Jamie Clark, the Director of Defense Critical Infrastructure; this is the group that gave us the KDAS system. He is very informed about the Port and very supportive of any future projects.

Port Security and Grant Projects – Mrs. Danos reported that the partial notice to proceed was issued for the Communications Tower which will allow for site cleaning, erection of fence and commencement of pile load test. She reported that the KDAS system installation of software and the 2 workstations are complete for the LA 1 Project - Command and Control System Phase I. Some testing remains and they are currently intergrading 3 cameras and messaging signs. The monitors should be in next week to start acceptance testing. She then invited the board to view the KDAS system in back office. Mrs. Danos reported that the Phase II Maritime Domain Awareness project is moving forward with bringing 10 mega bytes of band width into our building as part of the grant. Mr. Autin recommended adding to the agenda under Construction & Development the Memorandum of Understandings for the Emergency Response Building which is part of the grant that needs to be approved by next week.

Other Port Projects – Director Chiasson stated that Angelette-Picciola is working on the design for Martin Slip# 1 Bulkhead Repairs. It should be complete in four weeks at which time it will be submitted to EDA for approval then we can move forward with advertising the project.

Director Chiasson reported that the overlay of LA 3090 is complete. The contractor milled the road last week, paved it over the weekend, and striped it on Monday. Mr. Breaux stated that he spoke to Gary Gisclair with DOTD to stripe the roadway past the intersection of N.J. Theriot Road. Mr. Breaux will send a letter requesting road maintenance to this area. Commissioner Melancon questioned if the overlay went all the way to the bridge, which Mr. Breaux replied that the project ended at the intersection of N.J. Theriot Road.

Mr. Breaux reported that the Corps Jetty Repair as of last week is approximately 35% complete. The contractor placed stone in a larger area toward the end of the jetties. He stated that all material will be used. Commissioner Cheramie stated that there is more rock coming in next week and they should be complete in a month or two.

LA 1 Highway Improvements – Mr. Henri Boulet, Director of LA 1 Coalition reported that as of February 28th Phase IA is 42% complete, with 59% of the time elapsed. He stated that the updated schedule of completion is November 11, 2011. Mr. David Miller has recently been named Executive Director of Toll Facilities for LA DOTD. He will direct operations for the Crescent City Connection and LA 1 Toll facilities. David grew up in Galliano and was formerly the LA 1 Project Manager for DOTD, so he has a wealth of information on the project. Mr. Miller told me that the Customer Service Center hours will remain as is, 5am-5pm weekdays except during some large weekend summer events, where they will likely have extended hours leading up to those events. Finally on Phase 1, Mr. Boulet stated that DOTD has installed a credit card kiosk for pre/post-paying tolls at Grand Isle's Sureway Supermarket. They have been moving forward with system improvements for two additional kiosks for Fourchon and Leeville. Moving on to Phase 2, he stated that except for the two southern-most landowners, DOTD reported today that some right of way has been acquired. Concerning the Geotechnical Field Work that will be done by Ardaman & Associates, the Notice to Proceed document has now been issued. Concerning construction funding for Phase II, the stimulus grant submitted to the U.S. Department of Transportation for \$300 million was not funded. The largest grant funded was \$105 million in another state. The only program funded in Louisiana was \$45 million for a new street car line on Loyola Avenue in New Orleans. Mr. Boulet will be meeting with U.S. Department of Transportation officials to discuss LA 1's needs and get feedback on what could make our application stronger. As well,

he contacted some Coalition members Senior Level Washington Government Affairs Representatives and asked for their ideas on a creative, legislative mechanism to acquire the construction funds we need. In the mean time, Mr. Boulet is working toward securing \$4 million for design of the Phase II segment from both state and federal sources. Traditionally, designing this segment would take 18 to 24 months, but completed design plans will give us the ability to put the project out to bid in an expedited manner. The Coalition recently submitted federal appropriations requests to our Washington delegation's offices, and we are hoping we will again get funded from the annual appropriations process. You may recall, the project received right under \$1 million dollars in the 2010 fiscal year budget. On overall federal assistance, Mr. Boulet was encouraged last week when the Obama administration presented a policy document labeled "a roadmap for the coast" to deal with sea-level rise, hurricanes, and erosion which acknowledged that the nation's energy supply was at stake. Also, the MMS will be conducting a lease sale next Wednesday for 37 million acres in the central Gulf of Mexico. Finally, as a result of the annual Board of Directors election for the Coalition, he reported that Director Chett Chiasson was elected to the board and will sit on the Executive Committee.

Commissioner Melancon questioned the cause of the slow down of Phase IA, which Mr. Boulet replied that the contractor did not account for the period of time that the pilings have to settle before they can roll the crane over that section to continue working. Commissioner Gisclair stated that since DOTD Secretary Ankner resigned have they appointed someone in the permanent position, which Mr. Boulet replied that Sherry Labaus is the Acting-Secretary and Eric Kaliboa was promoted to Ms. Labaus's previous position of Deputy Secretary. It looks like Ms. Labaus will be in that position for a while. She is familiar with the project however Mr. Boulet is trying to get her to tour the project soon.

Committee Reports

Executive Committee - Chairman Griffin reported that the committee met on February 24, 2010 at the Operations Building in Fourchon. Present was Larry Griffin, Jimmy Lafont, and Wilbert Collins. John Melancon was absent. The commissioner also met on March 8, 2010 at the Administration Building in Galliano. Wilbert Collins was absent. The Commission then discussed items that were discussed at the committee meetings.

Upon motion by Chuckie Cheramie and second by Jimmy Guidry, the board unanimously approved the Right of First Refusal request from Tram Aviation for 1.65 acres of property at the Airport which includes an implementation fee of \$598.95.

Upon motion by Jimmy Guidry and second by Chuckie Cheramie, the board approved the Intergovernmental Agreement between Lafourche Parish Government (LPG) and GLPC for the S.L. Storm Harbor Marina (Community Development Block Grant (CDBG) Disaster Recovery Project). Director Chiasson stated that the LPG will provide \$1 million of CDBG funds toward this project and the Port will provide \$400,000 of CDBG Fisheries Infrastructure funds for this project. This will be constructed inside the lock system contingent on an agreement with the South Lafourche Levee District for property use. The vote resulted in 7 yeas, 1 absent by Collins, and 1 nay by Melancon.

Upon motion by Jimmy Lafont and second by Perry Gisclair, the board unanimously approved the CDBG Procurement Policy for the South Lafourche Storm Harbor Marina which includes the guidelines for procurement of supplies, equipment, construction services and professional services.

Upon motion by Perry Gisclair and second by John Melancon, the board unanimously approved the CDBG Citizen Participation Plan for the South Lafourche Storm Harbor Marina to meet the requirements for housing and community development.

Upon motion by Jimmy Lafont and second by Ervin Bruce, the board unanimously approved the advertisement for an engineer for the CDBG Storm Harbor Marina Project as required under the CDBG policy.

Upon motion by Perry Gisclair and second by Ervin Bruce, the board unanimously approved advertising for yearly summer employees.

President Griffin presented for the board's consideration adopting Height Zoning Ordinance at the Airport, Port Ordinance No. 73. Mr. Autin stated that the Cooperative Endeavor Agreement with the Parish Council for this ordinance is on their agenda for approval this month to notify the Port Commission through their permit office of anyone requesting a permit to build over 200' south of the floodgates and over 75' north of the floodgates and in the Tenth Ward. Mr. Autin stated that this ordinance was presented to the committee and it was recommended to adopt the ordinance as written. Upon motion by Jimmy Guidry and second by Perry Gisclair, the board unanimously approved adopting Ordinance No. 73. The vote resulted in 8 yeas and 1 absent by Collins. The ordinance in its entirety is at the end of minutes.

Permits & Waterways Committee - Chairman Cheramie reported that the committee met on February 24, 2010 at the Operations Building in Fourchon. Present were Chuckie Cheramie, Perry Gisclair, Jimmy Lafont, and Larry Griffin. The committee also met on March 8, 2010 at the Administration Building in Galliano. All members were present. The Commission then discussed items that were discussed at the committee meetings.

Chairman Cheramie presented for the board's review the permit applications from Swift Energy Operating, LLC; Tram Investments, Inc.; Chevron USA, Inc.; Castex Energy, Inc.; Terrebonne Levee & Conservation Dist.; Plains Pipeline, LP. Commissioner Lafont questioned the Swift Energy permit time limit, which Mr. Autin stated that permits are usually valid for 5 years however this is an extension of a 2007 permit.

Construction & Development Committee - Chairman Bruce reported that the committee met on February 24, 2010 at the Operations Building in Galliano. Present were Ervin Bruce, Donald Vizier, and Larry Griffin. John Melancon was absent. The committee also met on March 8, 2010 at the Administration Building in Galliano. All members were present. Commission then discussed items that were discussed at the committee meetings.

Upon motion by Jimmy Guidry and second by John Melancon, the board unanimously approved the Substantial Completion Certificate dated March 3, 2010 from Coastal Dredging for the Slip B Dredging Project Phases 3 & 4 (SPN578-29-0018(323) and SPN578-29-0019(322)).

Finance Committee - Chairman Melancon reported that the committee met on February 24, 2010 at the Operations Building in Fourchon. Present was Jimmy Guidry, Larry Griffin, and Wilbert Collins. John Melancon was absent. The committee also met on March 8, 2010 at the Administration Building in Galliano. Wilbert Collins was absent. The Commission then discussed items that were discussed at the committee meetings.

Upon motion John Melancon and second by Ervin Bruce, the board unanimously approved payment of February invoices and recognized expenditures over \$10,000. Total February expenses \$1,903,547.52.

Upon motion by John Melancon and second by Jimmy Guidry, the board unanimously approved the out of state travel requests from Chett Chiasson to attend the AAPA Harbor, Navigation and Environment Seminar in South Carolina on May 3rd; Larry Griffin, Perry Gisclair, and Jimmy Guidry to attend the AAPA Commissioners Seminar in California on June 21st; and April Danos to attend the AAPA IT Committee Meetings in Pennsylvania on April 27th.

President Griffin opened the floor for any other business. Mr. Autin recommended the board add to the agenda the Memorandum of Understanding "MOU" with LOOP and the Lafourche Parish Sheriff's Office "LPSO" and the second MOU is with the Lafourche Parish Fire District and Lafourche Parish Ambulance District. Upon motion by Jimmy Lafont to add these items to the agenda, which was second by Chuckie Cheramie, the vote resulted in 8 yeas and 1 absent by Collins.

Mr. Autin reported that the MOU with LOOP and LPSO describes how they both have projects funded by Port Security Grants and how the Port will be able to use these improvements during evacuation circumstances. This is a requirement of Port Security Grant Program. Upon motion by Chuckie Cheramie and second by Jimmy Lafont, the board unanimously approved the MOU with LOOP

and the LPSO for the use of the Multi-Agency Emergency Response Center as required by the Port Security Grant Program.

Mr. Autin reported that the second MOU with the Fire District and the Ambulance District will allow both to use the Emergency Response Facility in Fourchon. Upon motion by Jimmy Guidry and second by Ervin Bruce, the board unanimously approved the MOU with the Lafourche Parish Fire District and the Lafourche Parish Ambulance District for the use of the Multi-Agency Emergency Response Center as required by the Port Security Grant Program.

Director Chiasson reported on federal appropriations requests for \$1.05 million for the Corps maintaining the channel in Bayou Lafourche from Bollinger slip south to Belle Pass. The second request is for \$5 million for the extension of the parallel taxiway at the airport. Director Chiasson stated that during his next trip to Washington at the end of March, he will be meeting with Senator Mary Landrieu and giving a presentation to the Ready Community Partnership panel regarding hurricane preparedness and recovery.

Director Chiasson stated that he will be giving a presentation this afternoon at 2:00 pm in Fourchon to the USCG Admiral Mary Landry.

Commissioner Cheramie questioned the progress of his request regarding the list of funds generated by the Port including the amount of tax revenues and how much we contribute to other organizations. Mr. Rome reported that he did receive a report from the Assessor's office but was unable to get the sales tax information. He should have the report ready for the next committee meeting in Fourchon.

President Griffin presented to the board to enter into an Executive Session. Mr. Autin recommended the executive session to update the board on the litigation defined as "*Greater Lafourche Port Commission vs. James Construction LLC, et al, Suit No.105161 in Division E of the 17th JDC-Parish of Lafourche*". Upon motion by John Melancon and second by Jimmy Guidry to enter into executive session, a two-thirds roll call vote was taken which resulted in 8 yeas by Cheramie, Gisclair, Lafont, Vizier, Melancon, Griffin, Guidry, Bruce and 1 absent by Collins. When the board returned from executive session, Commissioner John Melancon made the motion authorizing Executive Director Chett Chiasson to negotiate and approve a settlement of the following lawsuit "*Greater Lafourche Port Commission vs. James Construction LLC, et al, Suit No.105161 in Division E of the 17th JDC-Parish of Lafourche*". The motion was seconded by Perry Gisclair and unanimously approved.

Upon motion by Jimmy Lafont and second by John Melancon, the board adjourned the regular meeting.

ORDINANCE NO. 73

AN ORDINANCE ESTABLISHING HEIGHT ZONES FOR THE TENTH WARD OF LAFOURCHE PARISH AND PROVIDING FOR THE ELIMINATION, REMOVAL, ALTERATION AND MITIGATION OF HAZARDS TO AIR NAVIGATION

BE IT ORDAINED by the Board of Commissioners of the Greater Lafourche Port Commission:

SECTION I. SOURCE AUTHORITY

The provisions of this Ordinance are adopted pursuant to the authority conferred by Louisiana Revised Statutes 2:383, or Constitutional Article VI, Section 17 and RS 2:381, et seq.

SECTION II. PURPOSE

- A. It is hereby found by the Greater Lafourche Port Commission ("GLPC") that an obstruction has the potential for endangering the lives and property of users of the South Lafourche Leonard Miller, Jr. Airport ("SLLMJA"), and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the SLLMJA; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the SLLMJA and the public investment therein. Accordingly, it is declared:
1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the SLLMJA;
 2. That it is necessary in the interest of public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
 3. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- B. It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

SECTION III. DEFINITIONS

- A. The definitions cited herein have been extracted from 14CFR77.2 and 14CFR77.25 and are modeled on examples made available in USDOT FAA Advisory Circular 150/5190-4A, dated December 14th, 1987 :

Airport – The SLLMJA, Galliano, Louisiana

Airport Elevation – The highest point of the airport's usable landing area for fixed wing aircraft, measured in feet from sea level.

Approach Surface – A surface longitudinally centered on the extended runway centerline, extending outward and upward from each end of the primary surface of runway 18/36 and at the same slope as the appropriate Approach Zone height limitation slope set forth in Section IV of this Ordinance. In plan of the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, Transitional, Horizontal, and Conical Zones – These zones are set forth in Section IV of this Ordinance.

Aviation Board of Adjustment – A board consisting of five (5) members to be appointed by the GLPC.

Conical Surface – A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Hazard to Air Navigation – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height – For the purpose of determining the height limitations in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface – A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which in plan coincided with the perimeter of the horizontal zone.

Larger than Utility Runway – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Nonconforming Use – Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance, or any amendment thereto.

Nonprecision Instrument Runway – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in Nonprecision instrument approach procedure has been approved or planned.

Obstruction – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Ordinance.

Person – An individual, firm, partnership, corporation, company, association, joint stock association, or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Precision Instrument Runway – A runway having an existing instrument landing approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved layout plan or other planning document.

Primary Surface – A surface longitudinally centered on the runway, extending 200 feet beyond each end of the runway. The width of the primary surface is 1,000 feet, as set forth in Section IV of this Ordinance. The elevation of any point on the primary surface is the same elevation of the nearest point on the runway centerline.

Runway – A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure – An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

Transitional Surfaces – These surfaces extend outward at 90 degree angles to the runway centerline extended at a slope of seven feet (7') horizontally for each foot vertically from the sides

of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

Tree – Any natural growth.

SECTION IV. AIRPORT ZONES ESTABLISHED

- A. In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the SLLMJA. Such zones are shown on the map entitled “AIRSPACE ZONES – SOUTH LAFOURCHE LEONARD MILLER, JR. AIRPORT” prepared by Picciola and Associates dated January 12, 2008. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. *Approach Zones*
 - a. *Runway Larger than Utility with a Visibility Minimum as Low as ¾ Mile Nonprecision Instrument Approach Zone* – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - b. *Precision Instrument Runway Approach Zone* – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. *Transitional Zones* – The transitional zones are the areas beneath the transitional surfaces.
3. *Horizontal Zone* – The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
4. *Conical Zone* – The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

SECTION V. AIRPORT ZONE HEIGHT LIMITATIONS

- A. The height limitations cited herein have been extracted from 14CFR77.23 and 14CFR77.25 and are modeled on examples made available in USDOT FAA Advisory Circular 150/5190-4A, dated December 14th, 1987

- B.** Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in questions as follows:

1. *Approach Zones*

- a. *Runway Larger than Utility with a Visibility Minimum as Low as ¾ Mile Nonprecision Instrument Runway* – Slopes thirty-four feet (34') for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- b. *Precision Instrument Runway Approach Zone* – Slopes fifty feet (50') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence, slopes upward forty feet (40') horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

2. *Transitional Zones* – Slopes seven feet (7') outward of each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation which is 1 foot above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 angles to the extended runway centerline.

3. *Horizontal Zone* – Established at 150 feet above the airport elevation or at a height of 151 feet above mean sea level.

4. *Conical Zone* – Slopes twenty feet (20') outward for each foot upward beginning at the periphery of the horizontal zone at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

5. *Excepted Height Limits* – Nothing in this Ordinance shall be construed as prohibiting construction or maintenance of any structure, or growth of any tree to a height up to 50 feet (50') above the surface of the land.

SECTION VI. USE RESTRICTIONS

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, making it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

SECTION VII. NONCONFORMING USES

1. *Regulation Non Retroactive.* The regulations prescribed by the GLPC shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as to the effective date of this Ordinance, or otherwise interfere with the continuance of non conforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.
2. *Marking and Lighting.* Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the GLPC to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such marks and lights shall be installed, operated, and maintained at the expense of the Greater Lafourche Port Commission.

SECTION VIII. PERMITS

- A. *Future Uses* – Except as specifically provided in 1,2, and 3 hereof, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no trees shall be planted in any zone hereby created unless a permit thereof shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Sub-Paragraph E of this section.
 1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet (75') of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 2. In areas lying within the limits of the approach zones and transitional zones, but at a horizontal distance of not less than 4,500 feet from each end of the runway and 1,200 feet from the runway centerline, no permit shall be required for any tree or structure less than seventy-five feet (75') of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
 3. In the area lying within the jurisdiction of the GLPC, but outside the horizontal zone, no permit shall be required for any tree or structure less than 200 feet (200') of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- B. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess

of any height limits established by this Ordinance except as set forth in Section V, Sub Section B, Part 5.

- C. *Existing Uses* – No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made.
- D. *Nonconforming Uses Abandoned or Destroyed* – Whenever the GLPC determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- E. *Variances* – Any person desiring to erect or increase the height of any structure, or permit the growth of any tree or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Aviation Board of Adjustment for a variance from such regulations. The application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigation airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Aviation Board of Adjustment unless a copy of the application has been furnished to the GLPC for advice as to the aeronautical effects of the variance. If the GLPC does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.
- F. *Obstruction Marking and Lighting* – Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Aviation Board of Adjustment, this condition may be modified to require the owner to permit the GLPC at its own expense, to install, operate, and maintain markings and lightings.

SECTION IX. ENFORCEMENT

It shall be the duty of the GLPC to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the GLPC upon a form published for that purpose. Applications required by this Ordinance to be submitted to the GLPC shall be promptly considered and granted or denied.

SECTION X. AVIATION BOARD OF ADJUSTMENT

- A. There are hereby created a Board of Adjustment to have and exercise the following powers:
 - 1. To hear and decide final action on all appeals from any order, requirement, decision, or determination made by the GLPC in the enforcement of this Ordinance;

2. To hear and decide special exceptions to the terms of this Ordinance upon which such Aviation Board of Adjustment under such regulations may be required to pass;
 3. To hear and decide specific variances.
- B. The Aviation Board of Adjustment shall consist of five (5) members, each to be appointed by the Commission for a term of three (3) years and to be removable by the GLPC upon written charges and after public hearing.
 - C. The Aviation Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Ordinance. Meetings of the Aviation Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Aviation Board of Adjustment may determine. The Chairperson or, in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witness. All hearings of the Aviation Board of Adjustment shall be public. The Aviation Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed with the GLPC and on due cause shown.
 - D. The Aviation Board of Adjustment shall make written findings of acts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Ordinance.
 - E. The concurring vote of a majority of the members of the Aviation Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or of the applicant on any matter which it is required to pass under this ordinance, or to effect variation to this Ordinance.

SECTION XI. APPEALS

- A. Any person aggrieved or any person affected, by any decision of the GLPC and the Aviation Board of Adjustment made in the administration of this Ordinance, may appeal and request appearance before the Aviation Board of Adjustment.
- B. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Aviation Board of Adjustment, by filing with the GLPC a notice of appeal specifying the grounds thereof. The GLPC shall forthwith transmit to the Aviation Board of Adjustment all the papers constituting the record upon which the action appealed was taken.
- C. An appeal shall stay all proceedings in furtherance of the action appealed from unless the GLPC certifies to the Aviation Board of Adjustment, after the notice of appeal has been filed, that by reason of the facts stated in the certificate a stay would in the opinion of the GLPC cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the Aviation Board of Adjustment on notice to the GLPC and on due cause shown.
- D. The Aviation Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

- E. The Aviation Board of Adjustment may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

SECTION XII. JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the Aviation Board of Adjustment may appeal to the 17th Judicial District Court as provided for by law.

SECTION XIII. PENALTIES

Each violation of this Ordinance or any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100.00) or imprisonment for not more than thirty (30) days or both; and each day a violation continues to exist shall constitute a separate offense.

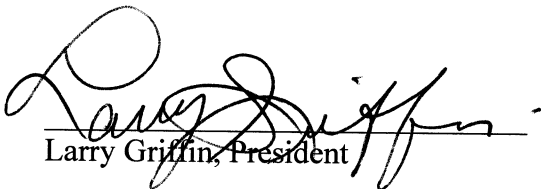
SECTION XIV. CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION XV. SEVERABILITY

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

ATTEST:


Larry Griffin, President


Wilbert Collins, Secretary