Minutes of the Regular Meeting of the Board of Commissioners of the Lake Charles Harbor and Terminal District held at 5:00 P.M., Monday, October 24, 2022 in the Boardroom of the Port of Lake Charles located at 1611 West Sallier St., Lake Charles, Louisiana.

In attendance and constituting a quorum, were:

Thomas L. Lorenzi, President

M. Keith Prudhomme, Vice President

Kevin D. Guidry, Secretary/Treasurer

David J. Darbone, Assistant Secretary/Treasurer

Carl J. Krielow, Commissioner

Absent:

Dudley R. Dixon, Commissioner

Also Present:

 Richert Self, Executive Director

Jon Ringo, General Counsel

 Cameron Landry, Director of Administration and Finance

 Channing Hayden, Director of Navigation

 Todd Henderson, Director of Operations

 Nick Pestello, Director of Engineering and Maintenance

 Therrance Chretien, Director of Cargo and Trade Development

 Michelle Bolen, Executive Administrative Assistant

Mr. Lorenzi called the meeting to order at 5:01 P.M. Mr. Krielow gave the invocation. Mr. Guidry led the Board and audience in the Pledge of Allegiance.

Mr. Lorenzi made a statement reminding the public of the Port’s procedure for the public to address an agenda item to the Board.

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1. Approval of the September 26, 2022 Regular Meeting Minutes.

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Mr. Darbone offered a motion to approve the September 26, 2022 Regular Meeting Minutes. Mr. Guidry seconded the motion and it carried unanimously.

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2. Submission 2022 – 049 authorizing the Executive Director to submit a Capital Outlay Request for the implementation of certain port improvement projects.

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Mr. Self stated that staff requests the Board of Commissioners to authorize the Executive Director to submit a Capital Outlay request for the project related to the Berths 4, 5 and 6 Wharf and Shed reconstruction and City Docks reauthorization. It is a reauthorization because they were previously approved by Capital Outlay. They have some portion of the funding that is in Priority Five and another portion that is in Priority Two. Staff is just resubmitting and requesting reauthorization for that project.

Mr. Prudhomme offered a motion to adopt Resolution 2022 – 049 to authorize the Executive Director to submit a Capital Outlay Request for the implementation of certain port improvement projects. Mr. Krielow seconded the motion.

Mr. Krielow asked if staff was going to make that part of this. Mr. Self replied that they were not as they have a separate submission on that one. It was because it was added after they had noticed what a different number it was. It is going to come up in just a minute.

The motion passed unanimously.

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3. Submission 2022 – 050 accepting the lowest responsive bid of Alfred Palma, LLC in the amount of $1,898,000 for the base bid plus a contingency in the amount of $285,000 for a total of $2,183,000 for the electrical modifications at BT-1 and to amend the 2022 capital budget.

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Mr. Self said staff requests the Board of Commissioners to authorize the Executive Director to accept the lowest responsive bid from Alfred Palma LLC. for the electrical modifications at BT-1. Mr. Pestello went out for bids in August for electrical modifications at BT-1, which are going to be necessary for new equipment that is going to be arriving for the ship loaders and the hopper. Staff received four bids with the lowest bid being in $1.9 million by Alfred Palmer.

Mr. Krielow offered a motion to adopt Resolution 2022 – 050 to accept the lowest responsive bid of Alfred Palma, LLC in the amount of $1,898,000 for the base bid plus a contingency in the amount of $285,000 for a total of $2,183,000 for the electrical modifications at BT-1 and to amend the 2022 capital budget. Mr. Darbone seconded the motion and it carried unanimously.

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4. Submission 2022 – 051 authorizing the advertisement and receipt of bids for the New Warehouse at City Docks.

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Mr. Self stated staff requests the Board of Commissioners to authorize the advertisement and receipt of bids for the new warehouse at City Docks in accordance with Louisiana Department of Transportation and Development Port Priority Program.

They currently have back warehouses 8 through 14, which will be demolished. A new modern warehouse will be constructed at that site called Warehouse 300. It will be the number 300, but it is on the footprint of that 8 through 14 Warehouse area, which will handle a lot of the modern cargo the Port is handling these days.

Mr. Guidry offered a motion to adopt Submission 2022 – 051 to authorize the advertisement and receipt of bids for the New Warehouse at City Docks. Mr. Prudhomme seconded the motion and it carried unanimously.

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5. Submission 2022 – 052 authorizing the District to amend the professional services agreement with CSRS Disaster Recovery Management.

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Mr. Self said staff requests the Board of Commissioners to authorize the Executive Director to amend the Professional Services Agreement with CSRS Disaster Recovery management for Hurricane recovery and Grant Management Services from Hurricanes Laura, Delta and winter storm Yuri. The Port contracted with CSRS to handle all of the Port’s FEMA/GOHSEP Grant reimbursements. At the top of this submission, there are zero costs. The cost is $1.2 million, but there is zero budgeted because based on the calculation from FEMA, staff anticipated they will be reimbursed by FEMA. That calculation is done at the bottom. At this point, staff estimates about $135 million in FEMA related claims minus $45 million for insurance. That gets to about $90 million. Take 5% of that, which is the overall threshold the Port must stay below to get reimbursed by FEMA.

Mr. Darbone offered a motion to adopt Submission 2022 – 052 to authorize the District to amend the professional services agreement with CSRS Disaster Recovery Management. Mr. Guidry seconded the motion and it carried unanimously.

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6. Submission 2022 – 053 approving the Board of Commissioners Election of Officers due to vacancy.

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Mr. Krielow offered a motion to adopt Submission 2022 – 053 to nominate Mr. Guidry to move up to Secretary/Treasurer and Mr. Darbone to Assistant Secretary/Treasurer. Mr. Prudhomme seconded the motion and it carried unanimously.

Mr. Lorenzi stated they want to thank Ms. Judy for her service. Ms. McCleary was recently hired by the Golden Nugget and pursuant to state law they are a tenant of the Port. Also, being a Casino gaming operator regulated by state law, she cannot be a public official and have any business dealings with the Casino.

She chose to resign to avoid any conflicts that may exist. They are going to miss her. She has been a great Commissioner, but are happy for her new job, and hopefully the Port gets someone new appointed soon. Staff has notified the legislative delegation of the vacancy. They will make a nomination to the governor and he will appoint from there. That is the process.

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7. Submission 2022 – 054 authorizing the Executive Director to submit a Capital Outlay request for improvements to Port property at the Turning Basin.

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Mr. Self stated staff requests the Board of Commissioners to authorize the Executive Director to submit a Capital Outlay request on behalf of the South Louisiana Rail Facility for the improvements to Port property at the Turning Basin. Staff was contacted last week by the Director of the South Louisiana Rail Facility asking staff to submit the application on their behalf. Staff is working with Meyer to prepare that application. The deadline is actually November 1st. It is in the process. Myers is working on the application and the Port is really just kind of acting as a conduit. They have done in the past for Leevac and for Farmers Rice Mill several years before.

Mr. Krielow offered a motion to adopt Resolution 2022 – 054 to authorize the Executive Director to submit a Capital Outlay request for improvements to Port property at the Turning Basin. Mr. Darbone seconded the motion and it carried unanimously.

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 8. Lake Charles Methanol Briefing Note.

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Mr. Self stated he has asked Linda Miller and Don Maley, by ZOOM phone call, to provide an update with Lake Charles Methanol.

Ms. Miller stated they came to the Board in the spring to extend their lease option. She wanted to give the Board an update on the projects. This is a little more formal than usual because she wanted to talk to the Board about how they are rebranding the project in light of where things are going in the world. She gave a presentation.

The first slide is the focusing on their hydrogen production for conversion to fluid methanol. Two trains with natural gas. They first make hydrogen in the auto-thermal reformer. Then they move onto methanol. They were emphasizing hydrogen because in the last two major bills passed by Congress, the bipartisan infrastructure bill or law in November of 2021 as well as the Inflation Reduction Act in August of this year, they are really focusing on the movement to the hydrogen autonomy. Interestingly, hydrogen and it was is important to be fuel, but is mostly carried in other chemicals like methanol or ammonia. About 98% of the hydrogen gets moved through conversions from other chemicals. This project is right in line with that. They wanted to re-brand the project, so that they are in line with these new bills and the various incentives that they offer.

Emphasizing for the new economy, now they describe the project as the Clean Hydrogen Project that will produce 550 million kilograms of hydrogen per conversion into 3.6 metric tons of low carbon blue methanol. They will have very low carbon emissions. She will talk on the next page of the progress they have made in the last few months, but in general, the attributes of the project they have take-tendered long-term off-take contracts. They have identified their long-term equity and tax equity investors. The DOE is still very interested in providing the debt for the project. They have a premier site at the Port of Lake Charles and have a 20-year contract in place to transform CO2. They also have a long-term natural gas supply agreement. They have a scheduled level to show our closing, which they are targeting for the third order of next year.

On the permitting side, they have received permits for the project, but will have to modify them as they are moving away from the Petco project to all-natural gas fuel. Happily, the consequence of that is less emissions and the change in permitting should be a reasonable process. They are very close to finalizing their natural gas supply and transportation arrangements. The permitting has started for the transportation.

In the last few months, they have signed all of our off-take agreements for the methanol offered for 20 years. They have also signed the agreement to providing all of their projects CO2 to be sequestered in secure geologic storage in celine aquifers. Two comments on this area, Mr. Ringo participated in the reception last week. Mr. Don Maley was there as well for one of their off-takers who wanted to meet and greet people in the area and judge for himself and the support for the project. It was a very successful meeting. They were very impressed with the level of support in the community for the project. They appreciate MR. Ringo’s participation in that.

One of their off-takes is planning on making in the next couple of weeks, a press release. Lake Charles Methanol will likely make a press release at the same time. They will keep Mr. Self and Mr. Ringo up to date on the timing of that, so that the Port will not be surprised. That is just another indication that the project continues to move forward. The DOE continues to be a very interested and they will be working with them pretty soon. On the construction contract side that they have released their primary technology provider to put together the PDP (Project Design Package), which is the critical path item in order to get the primary contractor to get started in the very beginning of next year. That is moving along quite nicely as well. Staff moved to the next slide.

Here is their schedule. They are in the steel Blue Area, the main tasks that need to be completed besides updating the permits are really to complete the engineering and the EPC agreement and to complete the DOE financing. The engineering will take about eight months from January. That gets them very close to the September time-frame, are hoping that they can pull everything all together and do all these things simultaneously. The plant will take about three a little over three years to build. It will be a commercial operation for a long time under these 20-year off-take agreements. Staff moved to the next slide.

The next two slides are kind of overall slides that remind them of the benefits of the project. They are capturing and sequestering a million tons of CO2. It is significant and this page shows what's that equivalent to and what does that really mean. It is equivalent to removing over 200,000 in automobiles from the road, adding 200 utility-scale wind turbines eliminating 2.3 million barrels of oil, eliminating electricity used by 180,000 households or equal to the carbon sequestered by 16 million trees. What this project is going to be doing on the CO2 side is really quite significant. Staff turned the to the next page.

This page shows the financial benefits. It will be over $4 billion of capital investment. A lot of that will benefit the area. There will be substantial employment during construction. They are really good high-paying jobs. They were working with the McNeese State about establishing programs to train people for these jobs. There will be significant sales tax reviews during the construction period. Sf course there is the economic multiplier effect.

That is their update of the project. She asked for questions on the project. Mr. Krielow asked regarding the commitment from DOE, is that still $2 billion dollars. She replied they are hoping there is going to be more than that. They are hoping for about $3 billion. They have at least $8.5 billion. DOE’s authority has been increased. DOE is going to have a lot to do with the hydrogen economy as well. They just published some new guidelines related to the bipartisan infrastructure law, so they're right in the mix of all this hydrogen stuff as well.

Mr. Krielow asked if the current commitment it tied to the old process or on one of the slides she had a comment that it is going to require a recommitment from DOE. She stated that was correct. They are always in touch with the DOE. In terms of process, they asked if LCM could submit a new part one application describing the new project, which they have. Now they are wanting LCM to give up additional information. Interestingly, one of their Potential Equity Partners had a call with the DOE that are being reported that they were looking at the LCM project and the DOE told them that the Lake Charles project is their highest commitment. Their highest priority. Because what they are still doing in terms of sequestering carbon and the new process using the auto-thermal reformer, it not only captures a million tons of carbon, but it also reduces the carbon that is actually being generated right from the start. It is about a 90% reduction to conventional SMR technology. That is still a great interest to the DOE. She is very confident of their support of the project. It is just a matter of process that they have to go through. Mr. Darbone asked if that was 1,500 new manufacturing jobs that LCMs are going to be able to produce. He said 750 are going to be permanent jobs and maybe 750 construction jobs. How do you break that down? Ms. Miller replied that is really just during the construction period. The permanent jobs at the plant are 200. Then there is a multiplier effect by having those jobs because they come in the area. They have to buy houses. They buy groceries. They go out to ea. There is a multiplier effect.

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 6. Executive Director Quarterly Expenses Briefing Note.

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The Executive Director Quarterly Expenses Briefing Note was rendered to the Board and is on file in the Executive Offices.

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 7. September 2022 Financials Briefing Note.

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The September 2022 Financials Briefing Note was rendered to the Board and is on file in the Executive Offices.

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 8. FEMA/GOHSEP Financials Briefing Note.

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Mr. Landry stated that a couple of things in the prior month they saw that the project total and current obligated decreased a significant amount well. It fluctuates all the time, so this month they actually saw it start to go up. As some of those amounts start to pass through FEMA and get approved, staff will see it continue to go up. They have one big project that they are working on, so they will see that continue to rise hopefully over the next couple months.

The FEMA/GOHSEP Briefing Note was rendered to the Board and is on file in the Executive Offices.

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 8. Monthly Staff report from Director of Administration and Finance.

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Mr. Landry said they are mostly working on the budget right now trying to get it tied together to have something to present to the Board early next month.

The Director of Administration and Finance Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

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 9. Monthly Staff report from Director of Navigation.

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Mr. Hayden said he wanted to remind the Board of an upcoming energy project Energy is undertaking. He showed a presentation.

Entergy is going to run some more lines. It is called The Mud Lake to Big Lake Project. From what he was told Entergy is running these lines on both south of the Intercoastal and they are crossing the Ship Channel in order to have a second line going into the facilities. It will be a lot more reliable. There are two crossings. One is over the Calcasieu River and the other crossing is on the Intercoastal. They are going to run along over to the facilities over here such as Lake Charles Methanol and Lake Charles LNG. It will be available for all on Alcoa, Big Lake fuels etc. and the line down here will service Cameron LNG plus whatever else eventually ends up south of there. The crossing on the channel is the one that the Port is most interested in. There is a 237-foot minimum clearance that has got everything factored in heat it's the ball of the line all that sort of stuff and that compares with the 170 eight-foot clearance on the current high lines. The wind ratings and the towers construction. They think that is going to be finished by about March and the whole project looks like they are trying to have that scheduled to have that finished for April. The lines are going to be run with helicopters once they get the two towers built. Mr. Prudhomme asked what is the typical clearance for the 210 Bridge. Mr. Hayden stated the 210 bridge is about 178 feet. It also depends on well 137 depending on the tie that changes every day. Mr. Pestello said the 210 bridge is 137. I stand correct okay but this is much higher than any of those other transmissions.

The Director of Navigation’s Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

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 10. Monthly Staff report from Director of Operations.

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Mr. Henderson said at City Docks they have a bag ship here for bagged milled rice. Recently at City Docks, they have done about 19,000 tons of aluminum hydrate cargo transfers and some graphite cargo coming up. They have gotten two Lumber vessels with about 33,000 metric cubic meters, another 14,000 in hydrate and another structural steel shipment. They have another bagged rice ship that is scheduled to load by the end of this month.

At BT-1, they have loaded about 3,000 tons of calcine, 11,000 tons of raw coke and a 36,000-ton barite shipment. Hopefully, they are going to finish the year strong. They have two rutile ships about 20,000 about close to 0 000 tons of raw coke and another sixty thousand tons of bare right trying to stay busy if you have any questions.

The Director of Operations’ Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

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 11. Monthly Staff report from Director of Cargo and Trade Development.

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They are currently working on two projects. One will be bringing in dried cement by vessel going directly to barges. This will run for about 20 months. The other is bringing in about 30 barges of 40-foot, 36-inch diameter pipe. This would start at the first part of next year and run through 2024.

This week they also have two groups coming in. One is interested in City Docks to lease warehouse space for an import/export operation. The other group is interested in the Industrial Canal property. They have a history of building processing plants, so it is a potential big project.

Staff has a bid out about for about 9,000 tons of aluminum ingots, which he hopes to hear back next week if they are successful or not.

The Director of Cargo and Trade Development’s Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

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12. Monthly Staff report from Director of Engineering, Maintenance, and Development.

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Mr. Pestello stated they have numerous projects out for bid now at various stages and others going out to bid soon. One is the Warehouse 300 mentioned earlier.

He did want to give the Board an update on one project out for bid. It has been a long time coming. It is the Sallier Rail Relocation Project. It is currently out. They will open bids on November 4th. He had a pre-bid last week and had numerous contractors show up, so they had a lot of interest. This is part of the DOTD project for the Nelson Road Bridge extension, which is also out for bid right now. He sees a lot of people that know of that project. It has been around for a long time. They plan to open bids November 9th.

Mr. Krielow asked regarding the tank demo and remediation, who is going to be the environmental overseer on that. Mr. Pestello replied that the overseer will be Regan Brown, Assistant Director of Navigation. He will be there as well, but they will also probably use Southland Environmental as their consultant to help with the third-party inspections. They will also have a lab. They have been working with the lab on getting expedited test results and everything because that is going to be a key factor in getting the containers turned around and they help in preparing the biggest package.

The Director of Engineering, Maintenance, and Development’s Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

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13. Monthly Staff report from the State Port Lobbyist.

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The State Port Lobbyist’s Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

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 14. Monthly Staff report from the Federal Port Lobbyist.

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Emily Bakke de Silva with the Picard Group addressed the Board. She stated they appreciate the opportunity to represent the Port in Washington and how much they have enjoyed working with Port staff over the last almost two years. Their job is basically to raise the profile of the Port and the channel and ensure that sufficient federal funding flows to both the Port and the channel. They have been quite busy working through some funding challenges in FY 22 and just over the past couple years. A lot of that is due to the change in administration and its priorities. So much of their recent work has been to reframe and reposition themselves with the administration by highlighting some of the work that they know is a priority for the administration, such as environmental resiliency projects and green initiatives. They have been focusing on those that both the Port and the channel users are moving on.

Regarding a recap of FY22 and where things stand currently for FY23 and where they hope to go for the next fiscal year, FY24 the original core work plan, which was released in the spring of this year for FY22 included only $17.5 million dollars in O&M funding for the channel. They needed $35.55 million . It fell well short of that. In the spring, in concert with the Port staff, they began an all-out press, both with the core down here in Louisiana and at headquarters and with the Congressional Delegation. Senator Kennedy first raised the issue with Lieutenant General Spellman who is the head of the CORPS at an FY23 budget hearing because he does sit on the subcommittee that appropriates funding for the CORPS. He also sent a letter in May raising his concerns. In May, the CORPS issued its work plan for the remainder of the year and she felt so great because the additional funding was included. However, they put restrictions on it and they said you cannot use it to dredge, but you can use it for salt water barrier and Tanner Gates projects resiliency initiatives. Again, staff began reaching out and said this is not going to work and again Port staff was doing the same. In June, the CORPS advised the Port that the channel would be receiving additional unrestricted O&M funds, but not to the level needed in July. They began the Begging for Bucks tour. Some of that had to be virtual. They raised their concerns with the CORPS headquarters and with OMB to discuss the ongoing issues with FY22 and to talk about FY23 and FY24.

While their staff continued to push the CORPS from their end, the federal delegation was pushing from theirs. Of note, Congressman Higgins personally made calls to CORPS leadership on Picard’s behalf and it was through these joint efforts they were able to push the CORPS to allocate additional unrestricted funds. They ended up actually with more funding than needed, which was fantastic. Even though it felt dire earlier in the summer, they ultimately came out in a much better standing. They certainly do not want to go through that every year. From those actions, they do not want to face those similar issues in FY23, so staff spent quite a bit of time reframing and saying to the administration, “Look we're doing some great things down here. Fund our projects.” Again, staff continued the Begging for Bucks meetings in September and Port staff and other channel users came up to DC. They all had some great meetings with the House and Senate Appropriations committees, with the Congressional Delegation on the house side and then also with the two senators. Staff urged them to help with FY23 funding and also asked them to reach out to OMB before the FY24 President's budget even comes out. They are trying to kind of plant the seeds early for FY24. They are highlighting green initiatives that the Port and users are investing in. Last week, they sat down with CORPS headquarters again to discuss those initiatives,

In addition to the CORPS and budget issues, which get the most attention, a few things we've done to raise the profile of the Port and the Ship Channel, the Executive Director testified before the House Homeland Security committee last year regarding the state of America's ports. They look to reopen after Covid and again their focus was they are also dealing with kind of compound crises because of Laura and Delta and urging federal assistance they have worked with Port staff on FEMA reimbursement delays, which exceed the work that they have done. But, they were able to bring FEMA to the table on a couple of issues they have had. Senator Kennedy's Projects Director came to the Port and visited. He did that in August and then Sam Graves, Congressman from Missouri, came and will soon chair the house Transportation infrastructure committee. He was down here in August and that committee has jurisdiction over the CORPS. He was able to see some of the work that they are doing. Staff has also been working with Mayor Hunter. Mr. Self mentioned earlier about some funding that he is working on through capital outlay for Berths 4, 5 and 6. He also applied for a Federal grant, which staff is still waiting on with baited breath. They were supposed to announce these grants in September, so she feels like any day and certainly before the elections, they will be announced.

There was also an issue that staff is working on with Mr. Hayden related to the WORDA 7001 process. It is a process to identify new projects that you may want the CORPS to fund. While they were working on those submissions with Mr. Hayden, they realized that the Port does not qualify as a disadvantaged community as defined by the CORPS. So, staff highlighted that issue with Congressman Higgins’ staff and suggested a workaround related to federally declared disasters. Congressman Higgins ultimately introduced some legislation earlier this year that would require the Secretary of the Army to include communities affected by major disasters in the definition of economically disadvantaged communities. Staff is doing things like that, that may not ultimately be directly tied to CORPS funding, but again they are trying to kind of leverage different areas of the federal government where they can.

They have helped with op-eds letters of support testimony and Federal Register comments just to name a few. They appreciate the trust that the Board has given them to represent the Port on the federal.

The Federal Port Lobbyist’s Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

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15. Other Matters which may properly come before the Board.

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There were no other matters to be discussed.

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 16. Executive Session and appropriate action in any of the following matters:

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Mr. Lorenzi asked for a motion to enter into Executive Session. Mr. Krielow offered a motion to enter into Executive Session. Mr. Guidry seconded the motion and it carried unanimously.

The Board entered in to Executive Session at 5:43 p.m.

* Stacey A. Ryan, et al, vs no. 2014-004268 Calcasieu Parish Police Jury, LCHTD, et al-14th JDC, State of LA.
* IFG Port Holding, LLC vs LCHTD – Case: 2:16-cv-00146 U S District Court, Western District of Louisiana, Lake Charles Division.
* LCHTD vs IFG Port Holding, LLC – Case: 2:16-cv-00785 U S District Court, Western District of Louisiana, Lake Charles Division.
* LCHTD vs Reynolds Metals Company – Case 2:17-cv-01114 US District Court, Western District of Louisiana, Lake Charles Division.
* Executive Director and General Counsel Employment Contracts.
* LCHTD vs Harbor Docking and Towing No. 2022 – 0995-F, 14th JDC, State of LA.

The Board returned from Executive Session at 5:55 p.m. No action was taken in Executive Session.

There being no further business to come before the Board, Mr. Lorenzi asked for a motion to adjourn. Mr. Krielow offered a motion to adjourn.. Mr. Prudhomme seconded the motion and it carried unanimously. The meeting adjourned at 5:56 p.m.

All discussions held on the above items were recorded using the FTR Gold recording program.

Please note that when the votes are shown as unanimous, it is the policy of the Board that the President does not vote except in the event of a tie vote by the rest of the Board and/or unless otherwise indicated.

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 THOMAS L. LORENZI, President

ATTEST:

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KEVIN D. GUIDRY, Secretary/ Treasurer