

# NEWS FROM THE DOCKS



ASSOCIATION OF LOUISIANA

*Louisiana Ports Deliver*

April 2005  
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## Message from the PAL Office

### **NEW EXECUTIVE DIRECTOR**

PAL would like to welcome Joe Accardo as its new Executive Director. Joe has served as the Executive Director of the Port of South Louisiana since 2000 and was a state legislator prior to that. He will assume his position on April 15<sup>th</sup>. We all look forward to working with Joe in this new capacity. He will be doing his best to keep PAL's agenda before the legislature during the coming session.



As we welcome Joe, we say goodbye to Sherri McConnell. Sherri has done a wonderful job for PAL for nearly 7 years. We will all miss her and we wish her every success in the future. Sherri has brought new ideas to PAL and has shared her political insight with us. She will remain with PAL until the end of May to help Joe in the transition process. I am sure that we will still call upon her from time to time.

### **PAL CONFERENCE**

The excitement continues to build, as PAL gets ready for its 22<sup>nd</sup> Annual Conference. For those of you who do not already know, the conference will be held in Baton Rouge and the Port of Greater Baton Rouge will be our host. The conference will take place May 4-6<sup>th</sup> at the

Sheraton Argosy in the downtown area. Plans include a presentation by Senator Jay Dardenne, an economic update by Dr. Loren Scott and a presentation by Julio Melera, editor of the Baton Rouge Business Report. It is shaping up to be a very interesting, informative and entertaining conference. We do hope that you are making plans to come.

PAL could still use a few sponsorships. If you are considering a sponsorship, please contact us **now** so that we will have time to give your organization credit in all of the conference materials.

Our Associate Membership continues to grow as we welcome two new members this month. If you are interested in knowing more about associate membership, please contact this office or visit our web site at [www.portsoflouisiana.org](http://www.portsoflouisiana.org).

## Legislative Update

### **Special Election Fills House Seats**

Attorney Hunter Greene won the House District #66 special election Saturday with 53% of the vote. Greene, a Republican, will fill the unexpired term of Rep. Mike Futrell who resigned to take the State Director's job with Senator David Vitter. Former legislative aide Regina Ashford Barrow won her bid for House seat 29 with 59% of the vote. That seat was vacated by Rep. Sharon Weston Broome who ran a successful campaign for the Senate. Greene and Barrow will fill the rest of the terms that expire in early 2008. Both will be sworn into office before the Legislature convenes its annual session April 25.

## Corporate Member News

### *Port of New Orleans*

#### **Angus Cooper Named Maritime Person of the Year**

The Propeller Club has named Port of New Orleans Board Chairman Angus Cooper Maritime Person of the Year. On May 21, 2005 the Propeller Club and the maritime industry will hold a dinner in honor of Mr. Cooper at the Plimsol Club in New Orleans.

Maritime Person of the Year is an annual award given to an outstanding member of the maritime community. The Propeller Club gave its first Maritime Person of the Year award in 1957.

Mr. Cooper is Chairman and CEO of Cooper/T. Smith and Chairman of the Board of Commissioners of the Port of New Orleans, where he has overseen the development and completion of the new Napoleon Avenue container terminal. He has also guided the Board through the Homeland Security implementation of new security regulations at the port. During his tenure as Chairman, the Port started construction on the Erato St. Cruise Terminal.

In addition to serving as Chairman of the Board of Commissioners of the Port of New Orleans Mr. Cooper serves on the Board of Directors of the Whitney National Bank, the D-Day Museum, the Coast Guard Foundation, and The World Presidents Organization. He is a member of numerous organizations such the New Orleans Board of Trade and has served as director of countless organizations.

Angus R. Cooper II started his long and dedicated career with the maritime industry in 1964 upon graduation from the University of Alabama. He began working for the Cooper Stevedoring Corporation, which flourished under his direction. He turned the small company into a major Louisiana corporation and opened several maritime companies that provide a wide range of maritime services. He is nationally and internationally known and respected for his expertise in trade, shipping economics and maritime business acumen. He has fought for Louisiana maritime interests in the halls of Congress in Washington D.C.

Mr. Cooper joins the ranks of numerous accomplished Port Commissioners and port executives who have been awarded the Maritime Person of the Year, including Harry X. Kelly, Capt. John W. Clark, Terrence J. Smith, Capt. James R. Ayers Jr., R.H. Barkerding, James Smith, John P. Laborde, J. Ron Brinson, Capt. Mark Delesdernier Jr., Donald T. "Boysie" Bollinger, Senator F.E. "Hank" Lauricella, and Gary P. LaGrange.

The mission of the Propeller Club of the United States is to promote and support the American Merchant Marine and the development of river, Great Lakes and harbor improvements to support all waterborne trade.

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### *Port of South Louisiana*

The Port of South Louisiana's Commission unanimously elected retired Judge Joel T. Chaisson as its new Executive Director. Mr. Chaisson signed a three (3) year contract effective April 15, 2005. He previously served as the port's legal counsel for the past five (5) years. He succeeds Mr. Joseph Accardo, Jr., who served as Executive Director of the port since February 2000 and as General Counsel from 1997 to 2000.



Mr. Joey Murray, III and Mr. Joel Chaisson

Mr. P. Joey Murray, III, was elected President for 2005-06. Mr. Murray is Governor Kathleen Blanco's at-large appointment to the commission. He succeeds Mr. Gregory Gravois, who served as Commission President for the past two (2) years.

The seven (7) –member commission is comprised of representatives serving four (4) year terms from the parishes of St. Charles, St. John, and St. James. Three (3) of its members are appointed by each parish and four (4) of the members are appointed by the governor to

represent each parish, including an at-large position.

Elections were also held to fill the remaining positions on the port's governing panel during its March meeting. The commissioners elected the following members to serve these offices: Executive Vice-President Sheila Bonnette, Governor's appointment representing St. Charles Parish; Vice-President Gregory Gravois, Governor's appointment representing St. James Parish; Vice-President Louis Joseph, Governor's appointment representing St. John Parish; Vice-President Jay Roberts, representing St. Charles Parish; Treasurer Bill Hubbard, representing St. John Parish; and Secretary Lawrence Jackson, representing St. James Parish. All office positions are elected for one (1) year terms.

Mr. Chaisson and Mr. Murray each commented that they "look forward to their new leadership role at the Port of South Louisiana." The gentlemen stressed their desire to continue the successful working relationship among the port commission and staff in its mission to generate new economic development opportunities for residents of the river parishes.

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### ***Port of St. Bernard***

#### *St. Bernard Port's Industrial Park Helps Cultivate Small Business*

Small businesses looking to relocate to a centrally located industrial park are invited to inspect the facilities at the St. Bernard Port, Harbor & Terminal District.

"It may be a misconception that we can only accommodate large employers such as Boasso America in our industrial parks, but we actually can fit the needs of businesses of any size," said Robert Scafidel, executive director of the St. Bernard Port, Harbor & Terminal District. "Our mission is to cultivate a climate where businesses of all sizes can flourish, which, in turn, contributes to our tax base and to the economic stability of St. Bernard Parish."

The St. Bernard Port has a combination of 300-plus acres at its Chalmette and Arabi Terminals, which flank the Chalmette National Historical Park between the Mississippi River and St. Bernard Highway.

"Our Business Parks include everything from a 150-square-foot office space to large warehouses and ground storage areas," said David "Jeff" McClain, director of quality control for the St. Bernard Port. "We also can build to suit and work with prospective businesses to build from the ground up." "We invite inquires for office, warehouse and laydown space."

One local small business that has located at the St. Bernard Port's Chalmette Terminal and Industrial Park with stellar results is Quality Stone and Flooring LLC.

Owned by Tony Goutierrez and his wife, Cathy Perez Goutierrez, Quality Stone began its operations at the St. Bernard Port in 2003. "We did some research and looked for a place to lease to start our business," Cathy Goutierrez said. "The Port fit our needs."

Quality Stone leases a 6,000 square-foot warehouse for their business, which cuts and installs marble and granite kitchen countertops, tabletops and bathrooms.

"We have a state-of-the-art saw and state-of-the-art edging machine to do our decorative edge work," Tony Goutierrez said. "We do four to five kitchens a week and we could do twice that, but we do quality work and we don't want to ruin our reputation by growing too quickly."



Quality Stone has customers throughout southeast Louisiana, from Houma to Bogalusa, with clients in New Orleans, Metairie and on the North shore.

"I really like the Port's location. It's centrally located within my client base, and the people of St. Bernard have provided me with a

dependable, responsible workforce,” Tony Goutierrez said.

Goutierrez and his wife, both lifelong St. Bernard Parish residents, liked the St. Bernard Port for two main reasons. “Number one: The security was really good, and Number two: It’s in the heart of St. Bernard,” Tony Goutierrez said. “I don’t think I could find a better place. It’s so peaceful – I really enjoy being there.”

The St. Bernard Port, Harbor & Terminal District has 24-hour security and is accessible by rail and truck. Located two miles east of I-510 and five miles west of I-10, the Port’s Industrial Parks boast more than 50 tenants employing 1,000-plus individuals.

### Associate Member Profiles



## **The Bossier Group**

The Bossier Group is a progressive group of companies desiring to increase our involvement in statewide economic development.

We have over 50 years of history and roots stemming from heavy highway construction and related industries such as aggregates, materials supply, trucking and traffic management to small asphalt overlay projects, both public and private.

Due to the nature of some of our core businesses, we have daily interaction with materials transport via waterways as well as locations proximate to water for some of our asphalt plants. Years of investments have accumulated various assets around the state. From our efforts to manage and further develop these assets, our knowledge and ensuing interest in economic development of the entire state of Louisiana has skyrocketed. We also feel a sense of duty to be a proactive corporate citizen and assist however possible to improve Louisiana.

Our family of companies includes; Diamond B Construction Co, LLC, Perfect Paving, TranSand, Inc., Stars & Stripes Traffic Systems,

LLC, Highway Materials & Signs, Inc., and HMS Signs & Decals. The Bossier Group’s corporate office is located in Alexandria with permanent plants and offices in Monroe, Alexandria, Leesville and Amite, La. and two mobile plants that travel around the state.

Combining the latest technology with solid, strong, and steady service for over 50 years, Diamond B is an award winning highway construction company. Diamond B Construction performs all phases of highway and road construction including patching, milling, soil cement, aggregates supply and asphalt paving.

Perfect Paving is a division of Diamond B geared for smaller projects including parking lots, driveways, and small road projects.

TranSand, Inc. is a freight management and hauling company with 40 late-model trucks that are well equipped and constantly maintained. They are dependable and committed to the goal of meeting the customers’ hauling needs on time and within budget. Services are available statewide, 7 days a week with day and night shifts offered. Haul rates are negotiable based on the type of work and location of job. TranSand’s experienced drivers have a proven track record for high quality and quantity results.

Stars & Stripes Traffic Systems is extremely focused and only installs highway markings (reflectors, line stripes, etc.).

The core business of Highway Materials & Signs is the sale and rental of traffic, construction and safety equipment and supplies.

A division of Highway Materials & Signs, HMS Signs & Decals designs and prints information in vinyl or ink on a wide variety of mediums. This includes any type of sign, decal, logo, banner, fleet graphic, lettering, magnetic, etc.

The Bossier Group is proud to join PAL and we look forward to working with all concerned parties on economic development in order to positively impact the future of our great state.

## Legal News



### Expanding Federal Jurisdiction and Enforcement of Environmental Laws

In recent years there has been an ever growing tendency of environmental agencies and government prosecutors to pursue environmental violations with both civil and criminal penalties. For instance, in 1999 \$61.6 million dollars in fines were levied against defendants convicted of environmental crimes. In 1999 fines totaled \$166.7 million dollars, a substantial increase. Further, government agencies have learned to coordinate their efforts and cooperate among themselves which has served to enhance the government's ability to successfully investigate and prosecute maritime and environmental incidents.

In the area of vessel searches and seizures, recent decisions have illustrated that the requirement of a search warrant as a safeguard against unreasonable government investigations is weakening. In *United States v. Royal Caribbean Cruises, Ltd.*, the Federal District Court for Puerto Rico found that a series of warrantless searches of a cruise ship charged with discharging harmful quantities of oil into navigable waters of the United States were statutorily and constitutionally reasonable. In that case the cruise ship was observed approaching San Juan Harbor trailing a large oil slick. The Coast Guard thereafter boarded the vessel on five separate occasions with no search warrant to conduct its investigation. The District Court noted that the Coast Guard's actions were permissible and fell under the regulations directed to safety inspections and ships. The court also noted that the searches were minimally intrusive therefore not of significance to trigger the warrant requirement of the 4<sup>th</sup> Amendment.

In *United States v. Varlack Ventures, Inc.*, the Federal Third Circuit Court of Appeals found that the warrantless search of a commercial ferry by the Coast Guard was reasonable under the 4<sup>th</sup> Amendment because of the existence of sufficient evidence to establish reasonable suspicion of criminal activity and the risk of

flight of the vessel. In that case the Coast Guard made multiple inspections of the ferry under the belief that the captain and/or crew was intentionally discharging oil into the waterway. The captain and owner of the vessel were eventually charged with knowingly discharging oil into U.S. waters and other crimes. The captain filed a Motion to Suppress the evidence based on the fact that the searches were not supported by warrants. The District Court granted the Motion and the government appealed.

On appeal, the Third Circuit noted that the searches were covered by 14 U.S.C. 89, which allows for searches of vessels for criminal activities based upon reasonable suspicion of criminal activity and because the Coast Guard undoubtedly possessed reasonable suspicion of criminal activity, warrants were not necessary.

Under the Clean Water Act, the government's burden of proof is not particularly high in order to impose criminal sanctions under the Clean Water Act. Historically, criminal sanctions have been imposed only when prosecutors have established that the defendant acted with gross negligence or recklessness. However, in 1999 the Ninth Circuit Court of Appeals in *United States v. Hanousek* held that Congress intended that a person who acts with ordinary negligence in violating those standards set forth in the Clean Water Act may be subject to criminal penalties. Consequently, the longstanding rule that the government must establish gross or reckless misconduct which almost equates to criminal or willful intent to do harm may no longer be the standard.

Members of the maritime industry should be advised to keep an eye on legislative and judicial developments in the environmental law context. As environmental enforcement efforts continue to intensify, it is imperative that you be armed with this knowledge to insure that you are prepared to respond to environmental incidents in the inevitable government investigations.



BY WILTON E. BLAND, PARTNER  
MOULEDOUX, BLAND, LEGRAND &  
BRACKETT.  
504-595-3000 OR WWW.MBLB.COM

## NOAA Hydrographic Survey Priorities - Gulf of Mexico

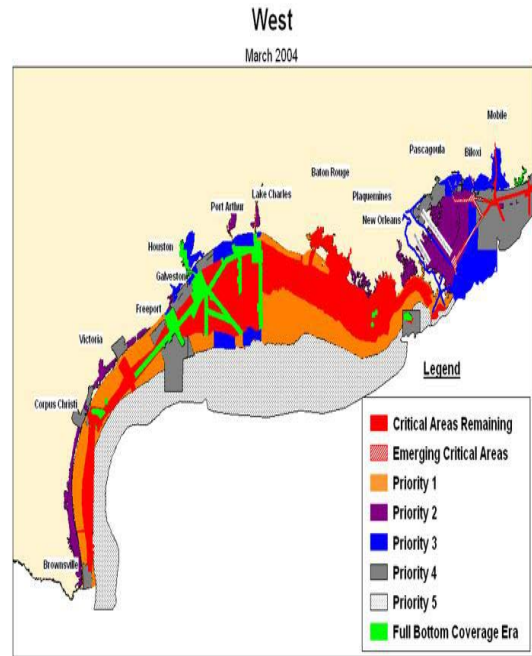
### Federal Update

#### *NOAA Hydrographic Survey Priorities*

The National Oceanic and Atmospheric Administration (NOAA) provides nautical charts and related hydrographic information for safe, efficient, and environmentally sound marine transportation. NOAA's mandated charting responsibility covers all U.S. territorial waters and the U.S. Exclusive Economic Zone (EEZ), a combined area of 3.4 million square nautical miles! The production of high quality navigation charts to support the safety of marine transportation depends on the availability of up-to-date, reliable hydrographic survey data.

The NHSP (NOAA Hydrographic Survey Priorities) identifies and prioritizes the over 500,000 square nautical miles of area within NOAA's scope of responsibilities that are navigationally significant. The areas are prioritized for hydrographic survey based on input from the marine transportation community; age, technology, and procedures used to obtain current charted hydrography in the area; marine traffic volume and typical underkeel clearance conditions; potential for unknown obstructions, pinnacle rocks, or other hazards to navigation; and other factors.

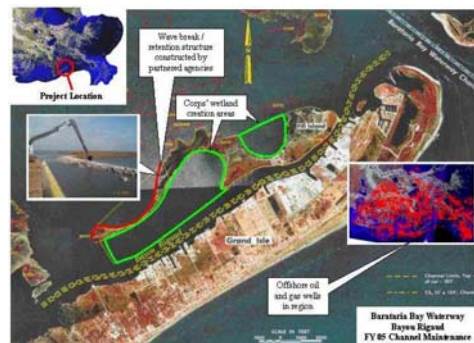
The NHSP is used as the basis for long term planning and scheduling for NOAA hydrographic survey efforts. The NHSP also identifies the 15,000 sum of area surveyed over the last 10 years with modern technology by NOAA's in-house platforms and through outsourcing to the private sector. Over 24,000 sum of "Critical Area" and over 50,000 sum of "Priority One" area remain in urgent need of survey. The following graphic represents priorities along the western section of the Gulf of Mexico.



#### *Whisperwave Wave Dampening Structures*

Final inspection and approval by Grand Isle of the installation of Whisperwave wave dampening structures that were approved by NOAA and the State for installation as the third phase of the construction of this project has taken place. Mayor David Carmandelle and Shaw Coastal did a great job on this project and our thanks goes to them for their efforts.

Related to this project, the Nature Conservancy has been in contact concerning building an oyster reef bedding project along the outer rock riprap of the Fifi Island project site. Shaw Coastal has advised them that this project may be a good effort once the COE portion of the project is completed.



## ***Effects of Hurricane Ivan***

This is from a recent set of photographs of the Chandeleur Island Chains found on Chart 11363. The conversion of the islands into submerged shoals for a large amount of the chain is part of the background in submitting proposed plan for chart update to 11363 to show the reduction of the island chain into open water for a very significant area of the feature

Chandeleur Island Lighthouse,  
before and after Hurricane Ivan 2004



## **America's Wetlands**

### ***Coca-Cola Joins America's WETLAND to Raise Awareness about Louisiana's Disappearing Wetlands***

The America's WETLAND campaign has partnered with Coca-Cola Enterprises in New Orleans and the Baton Rouge Coca-Cola Bottling Company to create a new summer promotion called "Coke Outdoors and You," aimed at spreading the word to Coke drinkers about America's WETLAND and the loss of Louisiana's coast. The promotion will last from May 15th to July 31st and includes promotion-specific packaging on 3.8 million 12 packs of Coca-Cola Classic and Caffeine Free Coca-Cola Classic to be sold in Arkansas, Mississippi, Louisiana and parts of Texas.

In addition to discount coupons for outdoor activities found in America's WETLAND, the specially-marked boxes will feature conservation facts and inform millions of Americans where they can get the new "Save America's WETLAND" bracelets.

The campaign would like to thank the Coca-Cola Enterprises in New Orleans and the Baton Rouge Coca-Cola Bottling Company for supporting the effort to save America's WETLAND with this promotion.

## **Announcement**

Jennifer Marusak, formerly Executive Director of the Pilot's Association, has joined the staff of the Secretary of State as Director of Intergovernmental Relations. Jennifer invited all PAL members to Secretary McKeithen's annual golf tournament to be held Friday, April 15<sup>th</sup>. Registration is \$250 per person. For additional information contact Jennifer at [jennifer.marusak@sos.louisiana.gov](mailto:jennifer.marusak@sos.louisiana.gov).

## **Welcome New Associate Members**

PAL would like to welcome L. B. Foster Company of Metairie as our newest associate member. L.B. Foster is a steel-piling supplier. They will be represented by Mr. Ernie Koehler.

Osprey Line, LLC has also become a new associate member. Osprey is in domestic marine transportation. They will be represented by Mr. Mike McQuillan.

If you have news to share, please send the PAL office a press release, and we will include it in the next issue. We would also like to include your pictures. Be sure to send them along as well as the articles.

## **MARK YOUR CALENDARS**

**April 20, 2005** - PAL Monthly Meeting –Port of New Orleans – 10AM

**April 20 & 21, 2005** – Governor's Conference on Economic Development –Marriott Hotel – New Orleans, LA

**May 4-6<sup>th</sup>, 2005** – PAL 22<sup>nd</sup> Annual Conference "Reinventing Louisiana Ports" - Sheraton Argosy Hotel – reservations 1-888-627-856

**June 2-5, 2005** - Beau Rivage, Biloxi, MS 27th Annual International Freight Forwarders and Customs Brokers Association of New Orleans Conference - "*Charting a Course in the new world of Transportation*"

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