

# NEWS FROM THE DOCKS



ASSOCIATION OF LOUISIANA

*Louisiana Ports Deliver*

July 2005  
Volume 6, No. 7

## Message from the PAL Office

July at the PAL office has gotten off to a busy start. We are involved with developing an itinerary to take the Joint Legislative Committee on Transportation, Highways and Public Works on a tour of north Louisiana ports. You will recall that we did a similar tour of south Louisiana ports last March. Now, they have requested a tour of the rest of the state. Plans are still tentative but at this point we are planning to begin our trip in Vidalia, wander toward the northeast corner of the state and then turn back west toward Shreveport-Bossier. From there we will head south, pass through Natchitoches and Alexandria and then return to Vidalia. All of this will take place over a three-day period in September. We are pleased to have members of the legislature express an interest in our operations and we are delighted to have an opportunity to show them what we do.

As I am sure you have discovered, all of the photographs from the PAL conference are now posted on our website. We have gotten wonderful comments about how much fun they are to review. So, enjoy!

You will recognize John Massey of BYL International in the following photo. John attended our conference and won an LSU birdhouse as a door prize. He has told us "It may be the "highest" LSU birdhouse in the country as I have it at my Colorado place, 8800 ft. above sea level."



**AAPA Note:** The 2005 SEAPORTS 'Who's Who of the Americas Port Industry' list is now online at <http://www.aapadirectory.com>. In addition, you may access the newly released 2005-2006 AAPA SEAPORTS OF THE AMERICAS Directory by going to this site: [www.seaportsoftheamericas.com](http://www.seaportsoftheamericas.com)!

**Louisiana Positives:** Access this link to see a list of Louisiana Positives: <http://access.louisiana.gov/louisiana1st/web/common/positivelist.jsp> - 29

## Legislative Update

The 2005 Legislative Session ended shortly before 6 pm on June 23rd, as scheduled. Historically, PAL has concentrated on supporting increased funding for the Port Construction and Development Priority Program (PCDPP) and monitoring legislation, which would be harmful to ports. This session was very similar. The Ports Association supported the appropriations for the PCDPP in the Capital Outlay Bill, House Bill 2. This appropriation is contained in the DOTD budget, in the amount of \$20 million. This is \$4.5 million less than provided in FY 00/01 and FY 01/02. In two meetings during the session with Secretary Johnny Bradberry, an effort was made to convince him of the need for a larger appropriation to at least begin the process of providing increased funding for port infrastructure. It was pointed out that DOTD conducted an extensive study to develop a transportation plan, which included participation by PAL representatives. The La. Transportation Plan published in 2003 called for port infrastructure funding of \$37 million by 2007. Secretary Bradberry acknowledged the need for additional port infrastructure funding but indicated that additional funding from the

Transportation Trust Fund would not be possible, while at the same time committing to do his best to find additional funds in future years.

Prior to the session, Sen. Walter Boasso made a presentation to PAL relative to proposed legislation to create a LA. Waterways Infrastructure Bank, to assist in the funding for the construction of port infrastructure. This new program would be a complement to the Port Priority and Construction Program. Sen. Boasso introduced SB 311, which the PAL Board of Directors voted to support with some suggested modifications. These included: 1) limiting participation in the program to state ports; and 2) establishment of a board selected by the governor. Both suggestions were amended into the bill.

The original bill called for appropriations from the Transportation Trust Fund, the general fund, and slot machine revenue. PAL testified in favor of finding more funding for port infrastructure and supported the bill. During the legislative process, the funding was removed from the bill, because the proposed fund sources infringed on other agencies' budgets. Many of the members of the Legislature on the committees hearing the bill supported the concept of providing port infrastructure funding through a combination of loans and possibly grants. Many of them offered to work in future years to find funding.

The bill, if signed into law will offer PAL the opportunity to become involved in the organization of the Infrastructure Bank, including the appointment of the board and the implementation of rules. This would be in anticipation of working with Sen. Boasso and other legislators to find funds to operate the bank.

The efforts of Sen. Boasso and PAL to secure increased funding for port infrastructure raised the level of awareness in the Legislature about the need for additional port infrastructure funding. In an effort to address that issue, Sen. Edward Murray and Sen. Walter Boasso introduced Senate Resolution 158 to establish a maritime taskforce to study and identify concepts which may facilitate the growth and development of maritime commerce. That taskforce is to report to the Senate Committee on Transportation no later than January 1, 2006.

The Taskforce will be composed of multiple Senators and Representatives who come from districts with ports and other maritime organizations. Membership on the Taskforce will also include the President and Executive Director of PAL. The creation of this group will provide an opportunity to find additional sources of funding and ways to facilitate the future development of port infrastructure.

During Governor Kathleen Blanco's address to the PAL Conference, she emphasized the importance of ports to the economy of the state and she has appointed members to the Maritime Advisory Council who will begin organizing in the near future. Her address was followed by Secretary of Economic Development Mike Olivier's comments relative to his concept of the importance of ports to the state's economy and the development of a long range plan for supporting the funding and operations of individual Louisiana ports to serve the maritime industry. The Legislative Maritime Taskforce and the Maritime Advisory Council working separately but cooperatively will certainly have to look at developing a consistent and reliable source of funding to serve the needs of ports and the maritime industry. PAL will have the obligation, both as an organization and as individual ports, to be active in both organizations.

Two of the bills which PAL monitored, SB 291 and HB 286, did not survive the legislative process. Sen. Jay Dardenne offered SB 291 relative to economic development districts. The bill, originally conceived by Sen. John Hainkel and supported by many economic development organizations, failed on an effort to reconsider the vote shortly before adjournment sine die. Sen. Dardenne and the supporters of the bill were cooperative in accepting amendments suggested by PAL and the Port of Lake Charles to prevent the infringement of economic development districts on port functions and authority.

HB 286 by Rep. Gary Beard would have altered the highway construction program and was opposed by DOTD. It failed to get out of House Committee on Highways, Transportation and Public Works. Rep. Beard was also cooperative in listening to the concerns of Ports

During the early part of the session, representatives of the Division of Administration

and State Land Office brought to PAL's attention issues relative to the effects of Attorney General Opinion No. 04-0278. This opinion questioned the right of ports to utilize or allow others to utilize navigable waterways and state water bottoms without securing a lease from the State Land Office. After further discussion, it was agreed by all parties that attorneys representing several PAL members would prepare a memo relative to the issue and would request that the Attorney General's Office reconsider the opinion. This has resulted in the submission of a memo prepared by Michael Dees, General Counsel of the Port of Lake Charles, J. Michael Orlish, Special Counsel of the Port of New Orleans, Charles J. Tutt, General Counsel of the Port of Shreveport-Bossier, and T. Barry Wilkinson, General Counsel of the Port of Greater Baton Rouge. The memo strongly supports the position that the enabling legislation of the La. Constitution and Revised Statutes has granted ports the right to utilize the navigable waterways and state owned water bottoms without the requirement of a lease. The Attorney General's Office has not yet responded to the memo.

### DOTD News

Be advised that the offices of Ed Preau Jr., Asst. Secretary, Public Works & Intermodal Transportation and Amber Thomas have been moved back to the DOTD "Airport" Building.

The following is the new contact information:  
Physical address: 8900 Jimmy Wedell Road, Room 100, Baton Rouge, LA 70807  
Mailing address (same): P.O. Box 94245, Room 100, Baton Rouge, LA 70804-9245  
Phone - (225) 274-4106  
Fax - (225) 274-4110

### Corporate Member News

#### ***Port of South Louisiana***

#### ***Port of South Louisiana Hosts 2005 Maritime Industry Reception***

The Port of South Louisiana and Associated Terminals recently hosted members of the local maritime community to a reception at the Globalplex Intermodal Terminal Guest House in Reserve, Louisiana. The annual event is

organized to show appreciation for the numerous maritime industries operating within the port's fifty-four (54) mile district on the Lower Mississippi River.



More than 80 maritime-related companies were represented at the event that featured boiled Louisiana crawfish. Officials attending the event included Port of South Louisiana Commission President P. Joey Murray, III, Vice-President Jay Roberts, Secretary Lawrence Jackson, and Treasurer Bill Hubbard.

The port's tri-parish district was represented by St. Charles Parish President Albert Laque, St. John Parish President Nickie Monica, and St. James Parish President Dale Hymel, Jr.

Associated Terminals was represented by President David Fennelly and members of his staff. The company recently entered into an exclusive agreement with the port to provide all stevedoring operations at Globalplex.

Port of South Louisiana Executive Director Joel T. Chaisson commented, "the maritime reception is a great networking opportunity and venue to express our appreciation to the maritime community for providing vital transportation services to the port."

In 2004, "America's Largest Tonnage Port," received 3,764 vessel calls and 55,068 barge calls (an increase of 2% from 2003) at facilities located in its tri-parish district that extends from mile 114 to 168 on the Mississippi River.

---

#### ***Port of Vermillion (article appearing in The Daily Advertiser)***

With a \$50,000 loan and fingers crossed, Kaplan native Aaron Matte started his own

oilfield services company in Sabine Pass, Texas. He was his only employee.



Aaron Matte with Matte Services works at the Port of Vermilion

That was about 10 years ago and Matte, originally of Kaplan, hopes to bring his company, now with 80 employees and about 30 clients, home to stay.

In April, Matte Services Corporation opened a satellite office in the Port of Vermilion. The company offers onshore and offshore construction services. Within a year, the company may decide to move its corporate offices to the port.

"We just think there's more of an opportunity here," Matte said. "It would just be nice to move back home. We never would have looked at this place if I wasn't from Kaplan."

More than half of the company's clients are in Lafayette, and the majority of his employees are from here, Matte said.

For a man who says he just happened to be in the right place at the right time, he described his multi-million dollar business as a blessing.

"I didn't look to go in business myself. My back was against the wall," he said. "I never made \$50,000 in my life in a year. I never saw more than \$9.50 welding. Everything we see, we did by hand."

And that's part of the reason he looks forward to returning to Acadiana, he said.

"That's the point of coming home," he said. "We're going to make our stand here."

The business joins six other companies in the port, said Jay Campbell, port director.

"There's about \$11 million or \$12 million annually in payroll and \$25 million to \$30

million in projects at the port," Campbell said.

At the age of 13, Matte was working to put "a shirt on his back." Ironically, his first job was pumping gas at an Exxon station in Grand Isle, where his family moved for a short time. His father worked in the oilfield and Matte later started working offshore and worked his way up.

He stayed in the industry as it took its slip in the 1980s. In 1995, it was another company that elbowed him with the thought of starting his own business. The company assured him they'd hire him as a contractor. So, Matte Services was born with one employee - Matte himself. Later, he hired some of his first employees, people he had worked with previously.

"They said, 'we're either going to make it together or fail together,'" Matte said. "That was the most gutwrenching. They were going to leave their 401(k)s ..."

As CEO, Matte doesn't necessarily stay behind a desk. He still keeps his welding license up to date.

On Tuesday, Matte fielded interviews about the company's move from local reporters. The attention, he's not used to. He joked he hopes it doesn't jinx them.

"We have no name," he said. "All we have is quality and honesty."

---

### ***Port Fourchon***

Plans for a new highway and toll bridge on La. 1 in south Louisiana came in \$98 million above state estimates.

Officials of the state Department of Transportation and Development had figured the first round of construction would cost about \$154 million. Two bids were received and the lower of the two was about \$252 million.

DOTD Secretary Johnny B. Bradberry said state officials are studying the bids to see how to reduce costs. He said it is likely the project will need to be rebid.

Bradberry said the higher bids were partly due to the heavy construction work in Florida and other

Gulf South states after damages done last year by Hurricane Ivan.

"It is just a supply and demand kind of thing," Bradberry said.

---

***Port of Lake Charles***

***LAKE CHARLES HARBOR AND TERMINAL DISTRICT ANNOUNCES NEW ELECTED BOARD OFFICERS***

The Lake Charles Harbor and Terminal District announced the following new elected board officers effective July 1, 2005: Kay Barnett, President; Mark Abraham, Vice President; and Leonard Knapp, Secretary and Treasurer.



Mrs. Barnett is the Executive Director of Development of the Christus St. Patrick Foundation. The new Board President has a degree in French Education from Louisiana State University. She has served as Vice President of the Port Board for the past two years.

Mr. Abraham, a former board member of the Lake Charles City Council, is a local businessman and has served as a Board Commissioner since 2003. He has a degree in Accounting from Louisiana State University and is a member of several business and civic organizations.

Mr. Knapp is a Lake Charles attorney and former District Attorney for the 14<sup>th</sup> Judicial District who also has been on the Port's Board of Commissioners since 2003. He received his law degree from Louisiana State University and from Tulane University. He is a member of a number of legal associations and is active in community organizations.

**Associate Member Profile**



Cleco Corporation is an energy services company based in central Louisiana. They have been in business since 1934, and throughout their years of service, they have perfected the basics of a successful electric utility business: reasonable rates, reliable service and customer focus.

Their two primary businesses are Cleco Power LLC, a regulated electric utility business serving approximately 264,000 customers in Louisiana, and Cleco Midstream Resources LLC, a wholesale energy business.

Today, they own approximately 1,360 megawatts of regulated generating capacity and manage an additional 691 megawatts for their partners through Cleco Power. In addition, they have almost 2,100 megawatts of unregulated capacity in operation through Cleco Midstream Resources. This includes the Perryville plant, a 718-megawatt plant whose sale to a subsidiary of Entergy is pending.

To help them deliver reliable, reasonably-priced electricity to their customers, they use a diverse fuel mix of lignite, western coal, natural gas, oil and purchased power.

**CLECO's vision** is to be the region's premier energy services company recognized for outstanding leadership, reliability and innovative use of technology.

**CLECO's strategy** is to protect and grow shareholder value by efficiently optimizing their investments in the regulated utility and wholesale generation business.

**CLECO's goals** are to control costs while maintaining superior customer service, extract maximum value from their existing wholesale and utility assets, implement a long-term plan for generating capacity and fuel stability, lead Louisiana in service reliability and protect their investment-grade credit rating by reducing debt.

In 2003, they improved their liquidity and decreased debt levels; strengthened their service

reliability; received the Edison Electric Institute's prestigious Emergency Response Assistance Award; added depth to their leadership team; signed an agreement to sell one of their wholesale power plants, Perryville Power Station; and restructured the tolling agreements for Acadia Power Station to lessen risks.

Cleco's stock is traded on the New York Stock Exchange under the symbol CNL.

## Legal News

### WORK PLACE ISSUES: DISCRIMINATION AND HARASSMENT



MOULEDOUX, BLAND,  
LEGRAND & BRACKETT

Since the 1960's Congress has enacted a number of laws governing the obligations owed by employers to their employees including employee benefits, work

place safety, family and medical leave, and protection for persons with disabilities. As a result, employers have been required to become much more involved in managing the relationship between managers and co-workers, as well as between co-workers themselves. Not surprisingly, litigation involving claims of discrimination and harassment have arisen when these relationships are not managed properly.

Most discrimination cases involve claims by the employee that he or she was the victim of intentional different adverse treatment from his employer based upon his or her membership in a protected group such as race, sex, religion, age, national origin, or religious belief.

State and Federal law prohibit an employer from discriminating with respect to hiring, termination, compensation, promotions and benefits, etc., based on these criteria. For an employer to be held to have unlawfully discriminated against the employee, it must have acted out of a motive to treat him or her differently based on their membership in one of these groups. The Courts have held that the discrimination laws were designed to address ultimate employment decisions, not to address every decision made by employers that arguably might have some tangential effect upon those ultimate decisions. Ultimate decisions may

include acts such as hiring, granting leave, discharging, promoting and compensating. An act such as a verbal threat of termination, a negative performance evaluation or verbal reprimand may not constitute an actionable adverse employment action. While such action may increase the chance that a plaintiff might eventually suffer an adverse employment action, they do not rise above having mere tangential effect on a possible future ultimate employment decision.

However, if such acts create a hostile environment, there can be liability for harassment and/or constructive discharge. A constructive discharge occurs when the employer has created or tolerated the creation of such a racially or sexually hostile work environment that at reasonable person in the plaintiff's position would be compelled to resign. Evidence of discrimination can be proved by either direct or indirect evidence. Direct evidence usually consists of orally or written statements showing an intent to discriminate against an employee based on their sex, age, religion, etc. Direct evidence can also take the form of stereotypical comments that show the discriminatory mind set of decision makers in the business. If direct evidence of discrimination is shown, the employer will be found liable unless it can prove that discrimination played no role in its decision.

No court has ever really clearly defined sexual harassment. However, there are two widely known types of sexual harassment, (1) quid pro quo, when job attainment, advancement or retention is conditioned upon sexual relations or intimacy, and (2) hostile environment where sex or sexual tension so permeates the work environment that it interferes with an individual's work. Hostile environment cases are difficult to pigeon hole. When does innocent horseplay materialize into a legal sexual harassment? When does an employee's behavior indicate that the attention was welcomed? When does such behavior "interfere" with an individual's work performance? These are questions that are commonly raised. The Supreme Court has recognized that in determining whether a hostile environment has been created by acts of sexual harassment, the totality of the circumstances must be considered in assessing whether the particular environment is sufficiently severe or pervasive to constitute harassment. Factors to

be considered are the frequency of the conduct, its severity, whether it's physically threatening or humiliating and whether it unreasonably interferes with the employee's work performance. The employer can be held liable for harassment carried on by co-workers when it knew or should have known of harassment and failed to take effective remedial measures.

The following are suggestions for preventing financial exposure in these situations. First, develop an equal opportunity policy endorsed by company senior executives setting forth a zero tolerance for discrimination. Make sure that this information is widely and publicly disseminated in handbooks, handouts, posters and in employee meetings. Practice consistent treatment of employees across the board. Be consistent in your investigations and disciplinary actions. Establish and publicize general grievance and/or reporting procedures. In other words, have an open door policy with clear rules of conduct.

With regard to avoidance of liability for sexual harassment, again, develop, implement and announce an anti-harassment policy. Train your employees to recognize sexual harassment and express clear disapproval and absolute non-tolerance of sexually harassing behavior. Set forth clear disciplinary consequences and provide clear multiple avenues for reporting of complaints. Above all, take these complaints seriously.



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

## LSU Sea Grant Program



By Justin Farrell  
Research Associate-  
*Coastal Ports  
Specialist*  
**Louisiana Sea Grant  
College Program**

### **The LNG Debate Heats Up: ORV vs. SCV**

There has been a lot of controversy swirling around proposed Liquefied Natural Gas (LNG) in the Gulf of Mexico. Recently among Louisiana sportsmen, commercial fishermen, and environmental organizations, there has been a growing concern about the increase of LNG terminals proposed off the Louisiana coast. This article briefly explores one of the central environmental issues to the current LNG debate—open-loop LNG terminals.

To reduce its volume and make it more economical to transport, natural gas is liquefied through a cryogenic, or cooling, process. In order for it to enter the U.S. pipeline network as natural gas, the LNG must undergo regasification. Proposed LNG terminals typically use one of two processes for LNG vaporization, open or closed-loop systems. In both processes, water passes by the LNG to warm it.

The current debate centers on the environmental impact of the open-loop system, commonly called open rack vaporization (ORV). An ORV system uses ambient temperature seawater drawn from the Gulf of Mexico to return LNG to a gaseous state. The primary benefit of an ORV system is that it uses renewable resources, no fossil fuels are burned, and there are no increased greenhouse gas emissions, such as CO, CO<sub>2</sub>, and NO<sub>x</sub>.<sup>(1)</sup> But since hundreds of millions of gallons of water per day (mgpd) are pumped by one LNG terminal, opponents assert that ORVs have the potential to negatively impact ichthyoplankton (larval fish and eggs) populations through entrainment, e.g. organisms being sucked into the water intake and subject to thermal shock; or impingement, e.g. organisms trapped against the intake screens. Additionally, the seawater is chlorinated to prevent marine growth or bio-fouling inside the system, causing additional chemical shock to entrained

organisms. Companies do mitigate for entrainment by limiting intake rates and using wedgewire (or other) screens to prevent entrainment, however the Gulf of Mexico Fishery Management Council believes that the cumulative impacts of several LNG terminals will contribute to the decline of harvestable stocks by fishermen and affect the sustainability of some managed species. (2) This has led to an unusual alliance between environmental organizations and commercial and recreational fishermen (see below).

The alternative regasification process is a closed loop system, such as submerged combustion vaporization (SCV). SCV is a process where combusted fuel gases, consisting of either a portion of the regasified natural gas or diesel, are sparged into a submerged water bath to vaporize LNG. (3) While the use of SCV would reduce the entrainment of marine species and the thermal effect of the discharged water, it is a little misleading to claim that it will “virtually eliminate significant adverse impacts.” (4) Increased air emissions of NO<sub>x</sub>, CO, and CO<sub>2</sub> that result from SCV, may spark up another debate, reformulated gasoline. If converted to SCV, Shell estimated its ORV-approved Gulf Landing LNG terminal would burn 1.2 to 1.6 percent of its LNG in regasification at a cost of \$20 million to \$43 million annually, or \$321 million to \$670 million worth of fossil fuel over the thirty-year life of proposed port. (5)

#### **An unusual alliance...**

Perhaps the most outspoken opponents of ORV development in Louisiana are recreational fishermen and environmental organizations, a historically unusual alliance. For example the Gulf Restoration Network, Sierra Club, the Louisiana Charter Boat Association, and their counsel from the Tulane Environmental Law Clinic have filed a Petition for Review concerning Shell’s approved ORV use on its Gulf Landing terminal offshore Louisiana. The Coastal Conservation Association (CCA), when commenting on ConocoPhillips’ proposed Compass Port LNG terminal, expressed concerns over ichthyoplankton impacts and continued access to popular hard-bottom fishing grounds.

- For Shell’s Gulf Landing LNG terminal, the equivalent yield potentially lost to ORV was;

- Red drum: 1-3 % of total landings (commercial & recreational) in Louisiana.
- Gulf menhaden: <1 % of Louisiana commercial landings.
- Red snapper: <1% of the total landings in Louisiana. (6)
- The Louisiana’s Governor’s Office has weighed in heavily to the debate as recently as mid-May, stating in a press release that until studies demonstrate that the operation of ORVs will not have an unacceptable impact on the surrounding ecosystem, Gov. Blanco will only support offshore LNG terminals using a closed loop system having negligible impacts to marine life.
- Another Gulf State chimed in, when Governor Riley of Alabama stated that “I cannot support the development of terminals using the open-loop system unless there is proof of negligible impacts on the marine fisheries and marine habitat.” Under the Deep Water Ports Act, Governors are granted some power to veto offshore LNG facilities. In Mobile, Alabama recreational and commercial fishermen, seafood industry representatives and civic, economic and environmental organizations have announced the formation of the Gulf Fisheries Alliance.
- Sometime in mid-June, Senator Feinstein (D-CA) introduced an amendment to the energy bill which would have given state’s veto power over onshore LNG facilities proposed in their state. While the amendment failed, Gulf Senators Mary Landrieu (D-LA), David Vitter (R-LA), and Jeff Sessions (R-AL) voted in support of the amendment. (7)

#### **Organizations against...**

- National Marine Fisheries Service (NOAA Fisheries)
- Gulf of Mexico Fishery Management Council
- Gulf States Marine Fisheries Commission
- Louisiana Charter Boat Association
- Louisiana Shrimp Association
- United Commercial Fisherman's Association

- Louisiana Coastal Conservation Association (CCA)
- Association of Family Fishermen
- Tulane Environmental Law Clinic
- Terrebonne Fisherman's Organization
- Advocates for Environmental Human Rights
- Alabama Environmental Council
- Alabama Natural Heritage Program
- Alliance for Affordable Energy
- Atchafalaya Basinkeeper
- Atlantic States Legal Foundation, Inc.
- Sierra Club, Mississippi Chapter (Central)
- Citizens Against Widening the Industrial Canal
- Coalition to Restore Coastal Louisiana
- Sierra Club, Delta Chapter
- Galveston Bay Conservation & Preservation
- Galveston Bay Foundation
- Galveston Cares
- Galveston Ornithological Society
- GroundWork, Friends of the Earth (S. Africa)
- Informed Choices
- League of Women Voters of New Orleans
- League of Women Voters of St. Tammany
- Louisiana Audubon Council
- Louisiana Bayoukeeper
- Louisiana Bucket Brigade
- Louisiana Environmental Action Network (LEAN)
- National Wildlife Federation
- The Ocean Conservancy
- Portersville Revival Group (PRG)
- RESTORE
- Save Our Lakes and Ducks
- Southeast Chapter of the American Littoral Society
- Scenic Galveston & Friends of the Estuary
- Sierra Club, Galveston Chapter
- Sierra Club, Florida Chapter
- U.S. Public Interest Research Group (PIRG)
- Wildlaw

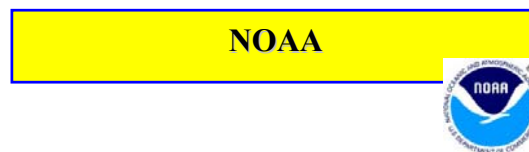
Organizations for...

- Greater New Orleans, Inc. (GNO)
- American Gas Association (AGA)

- The Entergy—Tulane Energy Institute
- Louisiana Chemical Association (LCA)
- Cytec Industries, Inc.
- Waldemar S. Nelson and Company, Inc.
- Louisiana Department of Economic Development
- Louisiana State University—Center for Energy Studies (CES)
- Louisiana Mid-Continent Oil & Gas Association

References:

- (1) Yang, C.C., and Z. Huang. (2004) Lower Emission LNG Vaporization. LNG Journal November/December (2004): 24-26.
- (2) Morris, J. Letter to MARAD Jamian, April 05, 2005.  
[http://dmses.dot.gov/docimages/pdf92/334910\\_web.pdf](http://dmses.dot.gov/docimages/pdf92/334910_web.pdf)
- (3) Yang, C.C., and Z. Huang. (2004) Lower Emission LNG Vaporization. LNG Journal November/December (2004): 24-26.
- (4) Sarthou et al. Letter to USCG Prescott, October 28, 2004.  
[http://dmses.dot.gov/docimages/pdf91/310571\\_web.pdf](http://dmses.dot.gov/docimages/pdf91/310571_web.pdf)
- (5) Final Environmental Impact Statement for the Gulf Landing LLC Deepwater Port License Application, USCG-2004-16860, available at <http://dms.dot.gov>
- (6) Final Environmental Impact Statement for the Gulf Landing LLC Deepwater Port License Application, USCG-2004-16860, available at <http://dms.dot.gov>.
- (7) [http://louisiana.sierraclub.org/Mr\\_%20Bill\\_says\\_She\\_II\\_NO.htm](http://louisiana.sierraclub.org/Mr_%20Bill_says_She_II_NO.htm)



NOAA is starting the early planning and field work for the installation of new tide and water level stations which will support the surveying and acquisition of aerial imagery for the Vermilion Bay, Lake Pelto, Terrebonne and Timbalier Bay Systems in coastal Louisiana. The current shoreline and coastal bay features have seen very significant changes in a short period of time and the present age of water depth (hydro survey) information make it's use in various coastal programs an issue needing updating.

Surveying of the Atchafalaya River, Bay, Delta, and offshore areas and acquisition of new aerial imagery of this area is underway at this time.

Coastal ports and waterways and local coastal parishes have seen significant growth of open water conditions in these coastal bays. Land elevations in these areas have also moved downward making coastal flooding of communities and important infrastructure like evacuation routes and port areas more significant. Coastal shorelines have changed very significantly making present charts and coastal shoreline information in need of updating by NOAA.

Field work and meetings with coastal parish government and port officials and local institutions, like LUMCON, BTNEP, Port of Iberia, Port of Intercoastal City, Port Fourchon, Port of Houma Terrebonne, Terrebonne, Lafourche, Vermilion and Iberia Parish government, various State agencies and others will start in July. Information on new hydro survey areas and timing and the proposed areas of new aerial imagery will also be developed in the near future.

Setting of tide stations to support the acquisition of new coastal imagery is important in areas like south Louisiana. As the federal authority in the establishment of the legal shoreline of the U.S., as well as maintaining the navigational charts of the nation, NOAA requires very accurate controls on tide ranges and water levels as coastal imagery is being acquired which is then compiled into many products and resources such as charts.

### **America's Wetlands**

#### **U.S. Senate Acknowledges Need to Save America's WETLAND**

Below is a statement from R. King Milling, Chairman of the America's WETLAND Foundation, on the June 24th passage in the Senate of a \$1 billion coastal impact assistance amendment to the Energy Bill, which is slated to provide more than \$500 million for Louisiana's coastal restoration efforts over the next four years.

"The nation moved a step closer today to support urgent attempts to save America's WETLAND in coastal Louisiana. The action by the Senate acknowledges that this region is of world ecological significance and the critical link of these important wetland areas to our Nation's

future energy and economic security. We have been sounding the alarm that coastal erosion in Louisiana has become an emergency. It is a tribute to our leadership from Louisiana and in the Senate that their colleagues have recognized the gravity of this situation."

### **CAFTA**

*The following article appeared in the New Orleans City Business on June 27, 2005*

#### **CAFTA Will Benefit Louisiana More Than Any Other State**

by Charles W. Nelson, President  
[World Trade Center of New Orleans](#)

The U.S.-Central America Free Trade Agreement being submitted by President Bush to Congress for final U.S. approval is important to our country as a whole and to Louisiana and its ports.

The World Trade Center, the Port of New Orleans, Greater New Orleans Inc., the city of New Orleans, Reps. William Jefferson, D-New Orleans, and Jim McCrery, R-Shreveport, and many others support this agreement and urge its approval by Congress.

Here's why: CAFTA is largely about opening the Central American markets of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, plus the Dominican Republic in the Caribbean to buy our goods and services. The U.S. market is already substantially open to their imports.

More than 75 percent of the CAFTA region's imports into the United States and 99 percent of its agricultural products already enter the United States duty free. This agreement will level the playing field by opening their markets to U.S. exports, eliminating tariffs and non-tariff barriers that impede U.S. opportunities in those countries.

For Louisiana, this means increased exports of goods and services produced by Louisiana companies and additional cargoes from more than 30 other states handled by our deepwater ports. The opportunities for Louisiana companies include increased sales of chemicals and plastics, paper products, industrial

machinery, processed foods, meat and poultry products, cotton, rice, soybeans and many other products.

The CAFTA market is already important to the United States and Louisiana and will grow larger under this agreement.

Today's U.S. exports to CAFTA countries exceed U.S. sales to Russia, India and Indonesia combined (\$15.7 billion in 2004), while Louisiana's exports to the CAFTA market are equal to Germany, the United Kingdom, France and Italy combined (\$1.2 billion in 2004).

Louisiana stands to benefit from CAFTA more than any other state because of our proximity to the region and our deepwater port system. The Mississippi River is truly the "Avenue of the Americas." It's a magnificent water highway to the world that is especially advantageous for shipments to and from Latin America.

According to a study by University of New Orleans Chancellor Tim Ryan, the total economic impact of Louisiana's ports exceeds \$29 billion and accounts for more than 240,000 jobs, or about one in eight, in the state.

Latin America is the obvious growth market for the future for Louisiana products and services, as well as for cargoes shipped through our ports. CAFTA will only enhance that potential.

In a major study last year commissioned by the Port of New Orleans, Louisiana State University economist James Richardson projected that CAFTA's passage would impact the Louisiana economy with new business sales of up to \$338 million and up to 2,700 new jobs.

One need only look around this city and state to see the multitude of opportunities for our businesses, our universities, our medical centers, our tourism industry and many other sectors of the economy.

At the same time, we understand the concerns of the state's sugar industry and its fear that this agreement and the small increase in allowed imported sugar from the CAFTA countries (amounting to 1.2 percent of current U.S. sugar consumption, growing slowly over 15 years to about 1.7 percent) will lead to more free trade agreements that include sugar. But most analysts project that CAFTA will have little impact on the domestic sugar industry given these relatively small amounts of additional imported

sugar and the safeguards for sugar built into the agreement.

CAFTA culminates 20 years of democratic and social progress in the region, encouraged by the United States. All of the presidents are committed to strengthening democracy in their countries and to promoting growth, reducing poverty and creating equality of opportunity.

The United States -- and Louisiana more than any state because of our long history of international relations and trade -- must not turn its back now on our friends in Central America and the Dominican Republic.

CAFTA is a welcome and vital agreement that deserves approval by Congress.

Charles W. Nelson, President of the World Trade Center of New Orleans, may be reached at 529-1601 or e-mail [wtc-info@wtcno.org](mailto:wtc-info@wtcno.org)

## MARK YOUR CALENDARS

*July 7, 2005 – PAL Meeting - Richmond Suites – Baton Rouge 10am.*

*July 18- 21 – Coastal Zone05 Conference – The New Orleans Marriott - (888) 364-1200*

*August 8-10 – 100<sup>th</sup> Annual Meeting of the Gulf Intracoastal Canal Association – Victoria, TX – Holiday Inn 361/575-1251*  
*"On August 8th, 1905, Mr. C.S.E. Holland called for a meeting of Texas and Louisiana businessmen to discuss the formation of what would become the Gulf Intracoastal Waterway and Gulf Intracoastal Canal Association. On August 8th, 2005 - we extend that invitation again..."*

*September 13 – Meeting of the Millennium Port Authority - 10:00 a.m. at DOTD Headquarters, 3rd Flr Conference Room.*

*October 23-27- 2005 Annual AAPA Convention and Exhibition - Port of Tampa will be the host...for additional information go to their web site... <http://www.aapaseaports.com/2005Tampa.html>*

*February 16-17, 2006 – 2006 Environmental Regulatory Compliance Conference – Alexandria, LA*

*March 2006, PAL Annual Conference – Lake Charles, LA*

