

NEWS FROM THE DOCKS



ASSOCIATION OF LOUISIANA

Louisiana Ports Deliver

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Message from the PAL Office

Do you believe in miracles? Les Miles and I do. How else can you possibly explain the incredible chain of events that has led to LSU playing Ohio State in the BCS Championship game on January 7th? What a season it has been!

GEAUX TIGERS!!!!

PAL continues to work toward our conference this coming March 12-14th in Shreveport. Shortly after the first of the year you will receive "Save the Date" postcards that will have the name, phone number and block code of our host hotel. The Ports of Shreveport-Bossier, Natchitoches, Alexandria and the Red River Waterway Commission will jointly host the conference. They are all working hard to make sure that our 25th annual conference will be one to remember!

As previously mentioned, PAL has contracted with the Shaw Group to develop a Strategic Economic Development Plan for Louisiana Ports. A kick off meeting was recently held and PAL is pleased to see progress. We anticipate a ten-month completion for this project.



The Holidays are here. Christmas is less than two weeks away. As you prepare for this busy

season, take a little time to enjoy the festivities. PAL would like to wish each of you a very Merry Christmas and Happy Holiday Season!



Legislative Update

State Issues:

On September 6th, PAL's executive committee met with Governor Elect Jindal for over 45 minutes. He was well versed on the importance of ports and stated that he supported increased emphasis on ports as a way to improve our economy. The meeting was very cordial and achieved its purpose of bringing the importance of ports and funding to Gov. Elect Jindal's attention.

This is a major step toward building a relationship with his administration. He asked that PAL and its members continue to publicly justify the economic benefits, which accrue to the La. economy from its investment in ports.

PAL would like to express its appreciation to Senator A.G. Crowe for his assistance in scheduling this meeting and his support of PAL's efforts.

The elections of 2007 are complete and a new legislature has been selected. We will see a lot of new faces in 2008. In the House alone there will be 59 new members. The Senate will have a total of 18 new members. However, 15 of these are moving up from House seats. This will mark the beginning of a new educational effort by PAL. It will be a priority for PAL to make sure that each new member is aware of the

importance of the port and maritime industry to Louisiana's economy and the well being of its citizens. Please help us spread the word.

Federal Issues:

WRDA became law when the US Congress overrode the Presidential veto. The \$23 billion total bill was passed November 8th by a 79-14 vote in the Senate, after a 361-54 vote in the House to override the veto. The bill will bring over \$3 billion in critical hurricane protection and coastal restoration projects for south Louisiana

Corporate Member News

Port Fourchon

The Department of Homeland Security's Transportation Worker Identification Credential (TWIC) program opened its enrollment center at Port Fourchon allowing Port workers, truckers and others at Port Fourchon to begin enrolling in the program. The TWIC program's goal is to ensure that any individual who has unescorted access to secure areas of port facilities and vessels has received a thorough background check and is not a security threat.

"The start of enrollment is one more step in our effort to prevent persons who are a threat from gaining access to secure areas of port facilities," said Maurine Fanguy, TWIC program director for the Transportation Security Administration (TSA). "We appreciate the support of our partners at Port Fourchon for helping to make one of the world's most advanced interoperable biometric systems a reality."

Port Director Ted Falgout stated, "Establishing a TWIC Center at Port Fourchon is a service that we have worked diligently to achieve, and we are very pleased to accommodate. Having this service provided locally will make this required security measure less burdensome to our local workers."

Port Fourchon is among the first 20 ports to begin enrollment in the nationwide program. Ultimately, fixed enrollment centers will be in place at 147 ports along with mobile enrollment centers at dozens of other locations as needed. Nationwide, more than 1 million workers with unescorted access to secure areas will apply for TWIC during the rest of 2007 and 2008.

If you want more information on how to enroll, please visit the TWIC Enrollment Center located in the Port Commission's Operations Center in Fourchon from 8a.m. to 4:30 p.m. or please call the Enrollment Center at (985) 396-2437.

Port Fourchon is Louisiana's southern most port on the Gulf of Mexico. The port has historically been a land base for offshore oil support services and currently services about 16% of the nation's oil supply.



Port of South Louisiana

The Port of South Louisiana's *PSL Responder*, its state-of-the-art security command boat, was honored by *WorkBoat* magazine as one of its '10 Significant Boats of 2007' during its 28th International Work Boat Show held in New Orleans.



From left to right: John McClendon, President/CEO of SeaArk Marine; David Krapf, *WorkBoat* Magazine; Mitch Smith, Operations Director and Joel Chaisson, Executive Director, Port of South Louisiana; and Rick Tolivar, Chief Scientist, Teledyne Solutions, Inc.

WorkBoat magazine recognizes the 10 significant new boats of the year from the scores of boats highlighted in the pages of its magazine during the previous 12 months. The *PSL Responder* was the only security command boat among those honored that included a Hawaiian ferry, a Seattle Fire Dept. boat, numerous supply boats and others.

In its presentation on the *PSL Responder*, *WorkBoat* noted its high-tech, cutting-edge communications and surveillance equipment as well as the speed capacity of the vessel.

The magazine's associate editor, Ken Hocke, wrote about the *PSL Responder* at length in the November 2007 issue after his first-hand experience riding on the vessel with its crew throughout the Port's 54-mile district. Hocke

referred to the boat as being a ‘multimission boat’ for its use as an on-scene command and control center during emergencies such as oil spills, search-and-rescue operations and security threats.

The *PSL Responder* was dedicated in August 2007 and has been used as part of the Port’s 24/7 security operations in its 54-mile district. It also supports the Coast Guard in its various marine safety/security missions within the 300-mile long Lower Mississippi River.

On hand for the presentation were Port of South Louisiana representatives Joel Chaisson, Executive Director and Mitch Smith, Director of Operations; John McClendon, President/CEO and Ken McFalls, Vice President of Sales, SeaArk Marine; and Steve Kuffman, President and Rick Tolivar, Chief Scientist of Teledyne Solutions, Inc.



Port of New Orleans

The Board of Directors of the National Waterways Conference elected Port of New Orleans President and CEO Gary P. LaGrange as the group’s new chairman.

LaGrange accepted the new role during the NWC’s 2007 Annual Meeting in Mobile, Ala., which was held Nov. 7-9.



“I am truly honored to serve this distinguished group of professionals, all of whom work hard each day to promote the importance and economic value of America’s vast waterways,” LaGrange said. “More than \$750 billion of our nation’s GDP comes from commerce in our

nation’s maritime sector and we must strive to secure the investment we deserve.”

On Thursday, during a luncheon speech at the annual meeting, LaGrange announced the U.S. Senate’s override of the Presidential veto of the Water Resources Development Act to an ecstatic audience.

“Most of the individuals in attendance were key players in the effort to pass our nation’s first Water Resources Development Act in nearly eight years,” LaGrange said. “This group has worked tirelessly to reach members of Congress to secure the votes necessary to override the President’s veto.”

LaGrange’s commitment to the maritime industry is reflected in the numerous leadership posts he’s held at every level. He most recently served as chairman of the American Association of Port Authorities, an alliance of 350 ports in the Western Hemisphere. He also serves on the boards of the Gulf Ports Association of the Americas, Waterways Council Inc., and is past chairman and past president of the Gulf Intracoastal Canal Association. LaGrange, who previously led the Port of West St. Mary (La.), Port of South Louisiana, and the Port of Gulfport (Miss.), was named “Man of Steel” in 2006 by the American Institute of International Steel and received the Leadership Award for Post Katrina by the International Maritime Association Hall of Fame at the United Nations in New York.

As NWC chairman, LaGrange succeeds Scott Robinson, director of the Muskogee City-County Port Authority, who held the post since 2005.

Based in Arlington, Va., NWC is an advocacy group dedicated to a greater understanding of the widespread public benefits of the American Waterway System. The 192-member organization, serves as the secretariat for the National Waterways Alliance, a coalition of trade and regional associations, cooperatives, businesses, industries, ports, waterways services and labor organizations that have an interest in national waterways policy issues.

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New Board Member

Valerie S. Cahill, an independent investment banker from Jefferson Parish, has been sworn in as a member of the Board of Commissioners of

the Port of New Orleans. Ms. Cahill was nominated for the position by the AFL-CIO and succeeds Mr. Conrad Appel as one of two Jefferson Parish representatives on the seven-person Board.

Ms. Cahill is an independent investment-banker with expertise in GO-Zone solutions and development opportunities, as well as credit and bond financing for affordable housing and new markets tax credits.



A licensed general contractor, Ms. Cahill also earned certification through the International Program of Port Planning and Management, the industry's premier planning and management certification.

"I am thrilled to be here during this compelling time in the life of the Port and in the life of the City of New Orleans," Ms. Cahill said. "The Port is the region's number one economic engine and I plan to work diligently to fulfill its mission statement of job creation and economic development. I am thrilled to serve and am honored and grateful to the Governor for appointing me."

Gov. Kathleen Blanco appointed Ms. Cahill to the regional Board for a five-year term.

"Ms. Cahill's experience and enthusiasm will serve our Board well as we plan for the future of this great Port and City," LaGrange said. "It is a privilege to welcome her to the Board."

Ms. Cahill is extensively involved in civic and trade associations throughout the region. She is a member of the board of directors of the World Trade Center and Women's Professional Council. Ms. Cahill also serves on the executive committee of the Louisiana Urban Land Institute. Named "Woman of the Year" by CityBusiness in 2004, Ms. Cahill is a Fellow of the Loyola Institute of Politics and is active in the Junior League of New Orleans, New Orleans

Real Estate Investors Association and Commercial Real Estate Women. She has also participated in New Orleans regional trade delegation trips to Nicaragua, Costa Rica, Honduras and Panama.

Commissioners are unsalaried and serve staggered terms. The Board governs public port operations in Orleans, Jefferson and St. Bernard parishes. The Governor appoints Board members from a list of three nominees submitted by 19 local civic, labor, education and maritime groups. The Board reflects the three-parish jurisdiction with four members from Orleans Parish, two from Jefferson Parish and one from St. Bernard Parish.

Norwegian Spirit Set To Cruise From New Orleans

The Port of New Orleans will welcome Norwegian Cruise Line's 1,966-passenger *Norwegian Spirit* for its inaugural cruise from the Crescent City Sunday.

The *Norwegian Spirit* succeeds NCL's *Norwegian Sun*, which sailed from New Orleans last season. The 880-foot balcony cruise ship sails seven-day Western Caribbean itineraries, with port calls to Roatan, Honduras; Santo Tomas de Castillo, Guatemala; Belize City, Belize; and Cozumel, Mexico. The *Norwegian Spirit* will sail regular seven-day cruises from the Port's Erato Street Cruise Terminal and Parking Garage through March 30, 2008.

"It is great to welcome back Norwegian Cruise Line to New Orleans and to continue to build upon this valued partnership," said Port President and CEO Gary LaGrange. "We are encouraged by the swift return of cruising to the Port and proud of the economic impact it has on the City's tourism industry and rebounding economy."

NCL was the first home-ported cruise line to return to New Orleans following Hurricane Katrina when the *Norwegian Sun* began sailing seven-day cruises from Erato Street Oct. 15, 2006.

An economic impact study conducted in 2005, found the cruise industry contributes \$226 million annually to the regional economy and supports more than 2,800 jobs. The *Norwegian Spirit* joins the 2,056-passenger *Carnival*

Fantasy, which sails four- and five-day Western Caribbean cruises year-round from the Port of New Orleans.

For more information about cruising from New Orleans, visit the Port's web site at www.portno.com and click on "Cruises."



Port of Lake Charles

Homeland Security Tabletop Exercise

On November 6, the Lake Charles and Harbor District hosted a Homeland Security tabletop exercise that included a number of area first responder organizations.

"The Port's involvement in and hosting of this Tabletop Exercise Autumn 2007 is crucial due to the fact the Lake Charles Harbor and Terminal District is a hub and major stakeholder in activity, governance and problem resolution concerning security matters of local maritime interests" said Officer Robert Hebert of the Harbor Police Department .

The tabletop exercise focused on awareness and prevention of attacks on local area facilities, and in case of an incident, how to respond. The exercise also provided an opportunity for the protective services and the emergency response community to come together and start building resource contacts. The exercise encouraged critical thinking among individuals, and communication between law enforcement, fire response, medical response, disease control, private security and industry, and emergency preparedness sectors.

"We believe this exercise enhanced awareness, and reinforced the diligence which becomes the wellspring of awareness," said Captain Cheryl Cooper of the Harbor Police Department.

Over 24 area organizations participated in the exercise.

New Director of Engineering and Maintenance Development

R. Adam McBride, Port Director for the Lake Charles Harbor and Terminal District, is pleased to announce that Mr. Donald Brinkman, Jr. has joined the Port of Lake Charles senior management team. Mr. Brinkman will take the position of Director of Engineering, Maintenance and Development.



Brinkman brings to the Port over 10 years of engineering experience which includes project planning, construction, maintenance, design, and compliance. Brinkman has spent the last four years with the City of Lake Charles initially as the City Engineer, and then later as Director of Engineering, Planning, and Development and Code Enforcement.

Brinkman's work history also includes two years with the Louisiana Department of Transportation and five years as a project engineer/manager for Global Industries, LLC.

"I am pleased at the opportunity of joining the Port of Lake Charles as I know the Port plays a major role in economic development for the city, region, and state. I look forward to the exciting challenge of working for an organization that's fast moving and in an aggressive growth pattern. I look forward to working with Mr. McBride and the Port's professional staff," said Brinkman.

Brinkman attended McNeese State University and earned a B.S. in Civil Engineering and a Masters of Engineering, ME, Engineering Management. Brinkman is a Louisiana Licensed Professional Engineer and has training and course work in Principles of Project Management, Primavera Basic and Advanced, Introduction to ArcGIS I, Public Contract Code and Competitive Public Bidding, National Incident and Management Systems, and NIMS 100, 200, 700, and 800.



Port Manchac

Port Manchac and Bayou Diesel, LLC are currently in the final stage of negotiations on a long-term lease at the terminal located on the northwestern shore of Lake Pontchartrain. The company plans to construct and begin operations

of a bio-diesel manufacturing facility before the end of 2008.



The raw material for the refining process will be delivered to the port site via rail and a majority of the finished product will be distributed by truck. Representatives with Bayou Diesel, LLC believe that Port Manchac's inter-modal infrastructure will offer an efficient flow of cargo for their operations.

The forty (40) acre facility is strategically located adjacent to the mainline of the Canadian National (CN) Railway and contains four thousand (4,000) feet of rail spur track to handle large cargo shipments. CN provides regular rail service to site six (6) days a week. In addition, the facility is an ideal truck transfer site adjacent to Interstate -55 with a direct link to nearby Interstates 10 & 12. Barge service to Lake Pontchartrain is accessed via North Pass.



Associate Member News

LaPTAC

The Louisiana Procurement Technical Assistance Center (PTAC) has issued its first quarterly newsletter. They hope you will enjoy the new addition to their outreach efforts. Please let them know if there are any specific topics you would like to see in future issues. If the articles bring up any questions, please contact your PTAC Counselor for assistance.



This is a direct link to the newsletter:
http://la-ptac.org/events/downloadFile.jsp?path=/siteSpecific/1118/Files/Articles/&file=FALL_07_ISSUE.pdf

DOTD

The Marine Transportation System Plan and the UNO Study, Comparative Analysis of Intermodal Ship to Rail, are on DOTD's home page under "What's new on the site".
<http://www.dotd.louisiana.gov/>

Legal News



BAILMENT

What it Means to the Barge Owner

Your barge, loaded with grain, is en route from St. Louis to New Orleans as part of a tow being pushed by one of your tow boats. When it arrives in New Orleans for unloading it is to be dropped off at a public fleet near the elevator where it will remain until shifted to the elevator. The pushboat assigned to the fleet accepts your barge and places it in the fleet. Three days later, before it can be unloaded, the fleet reports to you that your barge has capsized and all cargo lost. What are the legal duties owed you by the fleeter and what protection does the maritime law afford you?

Maritime law requires that a fleeter use reasonable diligence, and take reasonable precautions to care for those barges entrusted to his fleet. The fleeter is not the insurer of the barges in his custody. The barge owner will want to establish that the fleeter was bailee of the barge. To establish a bailment, the barge owner must 1) prove that when tendered to the fleeter, the barge was in good seaworthy condition, and, 2) prove that while in his custody the fleeter had exclusive control over the barge. If these criteria are not met, a court could find that bailment does not exist. Why is proving bailment important for the barge owner? Because, once bailment is established, if the barge owner proves his barge sustained damage while in the fleeter's care, then the law presumes that the fleeter is responsible for the damage. This is, however, a rebuttable presumption. The law requires that the fleeter come forward with proof that he exercised reasonable care so that regardless of what caused the barge to flip, it was not his fault, or that the fleeter prove why the barge flipped and that he played no part.

The reason the law places this burden on the fleeter is that he is best situated to explain the circumstances.

To determine if the fleeter exercised reasonable care, the courts look for evidence of the initial inspection of the barge by the fleeter when he decided to take it into his fleet (the fleeter has the right to reject an unseaworthy barge), safety and quality of the moorings, evidence of periodic inspections and statutory compliance. (See, 33 CFR 165.803).

If the fleeter claims that the barge flipped due to an "Act of God" (severe weather event), he must prove that the natural forces which occurred were unforeseeable and unpredictable, and that despite having exercised reasonable care (that which a prudent mariner would do), the damage could not have been prevented. This is a heavy burden which can be difficult for the fleeter to carry.

Remember, however, that even though bailment will give rise to a presumption of negligence on the part of the fleeter, the barge owner still bears the burden of persuasion. The barge owner may in many circumstances be faced with a situation where there is little or no physical evidence or eyewitness accounts of the cause of the damage. The prudent barge owner will leave no stone unturned in its investigation, and should not solely rely on the presumption of negligence conceived by evidence of bailment as the vehicle to recover from the fleeter losses sustained when his barge is damaged or sunk.



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

America's Wetland

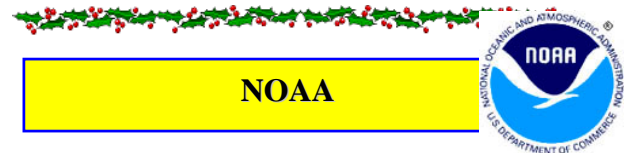


As you may know, Congress recently approved more than \$10 billion in additional funding for Louisiana's ongoing recovery efforts. These

federal dollars will directly impact the lives of thousands of Louisianans, and we want to show our appreciation to our elected leaders in Washington for continuing to make our state's recovery a national priority.

Together with the Louisiana Recovery Authority and our state's elected officials, America's WETLAND is encouraging you to show your appreciation by visiting the Louisiana Gives Thanks [website](#) where you can sign a thank you letter to members of Congress and the President, thanking them for continuing to support Louisiana's recovery. The deadline for signatures is Wednesday, November 21, the day before Thanksgiving. We hope to present a card containing thousands of signatures, and we hope yours will be among them.

While the past two years have been full of challenges, the progress we've made would not have been possible without the support of the American people and our representatives in Congress and the White House. Please join us in letting them know how appreciative we are this holiday season.



NOAA PORTS® Ocean Observing System Installed in Mobile Bay.

NOAA announced that the Port of Mobile, Ala. has become the 14th location in the United States to install the Physical Oceanographic Real-Time System. PORTS®, developed and operated by NOAA, provides accurate real-time oceanographic and meteorological data to mariners that can significantly reduce the risk of vessel groundings and increase the amount of cargo moved through the port. The system became operational on Dec. 3.

"NOAA is committed to providing real-time environmental data through PORTS® and other integrated ocean observing systems to ensure safe, efficient navigation within our nation's ports and beyond," said John H. Dunnigan, NOAA assistant administrator for the National Ocean Service. "NOAA is pleased to add the Port of Mobile to the nationwide PORTS® network."

Administered by the NOAA Center for

Operational Oceanographic Products and Services, PORTS® measures, integrates, and disseminates observations of water levels, currents, salinity, wind, and bridge clearance. Knowledge of environmental conditions can significantly reduce the risk of vessel groundings and increase the amount of cargo moved through a waterway by enabling mariners to safely utilize every inch of dredged channel depth. Port of Mobile PORTS® data are updated every six minutes and thoroughly quality controlled to ensure accuracy.

“PORTS® gives our shippers, pilots, and regulatory agencies important, real-time information on navigational conditions, which allows for the optimization of cargo carriage and improves safety,” said James K. Lyons, director and CEO of the Port of Mobile. “We are a proud sponsor of this important technology at the Port of Mobile.”

While designed to be of service to the marine transportation community, the data are freely accessible on the Internet at <http://www.tidesandcurrents.noaa.gov/ports>. NOAA PORTS® information users include port authorities, vessel pilots, shipping companies, U.S. Coast Guard, U.S. Navy, recreational boaters, fishermen, coastal managers, environmental organizations and academia.

The Mobile system brings to 14 the number of PORTS® in operation around the nation. Studies have shown more than a 50 percent decrease in vessel groundings following the installation of PORTS® in other areas. Estimates of economic benefits directly attributed to PORTS® range from \$7 million per year for Tampa Bay to \$16 million per year for Houston-Galveston. The Port of Mobile is the 11th largest in the United States, handling 24 million tons of cargo in 2006, accounting for \$89.5 million in revenue.



Welcome New Associate Member

PAL would like to welcome another new associate member this month:

Infinity Engineering and Consulting, LLC is a consulting engineering firm located in New Orleans. They will be represented by Mr. Michael Yazbeck.

MARK YOUR CALENDARS

*December 13th, PAL Monthly meeting – Natchitoches, Louisiana
 January 10, 2008, PAL Monthly Meeting – Baton Rouge
 February 7, 2008, PAL Monthly Meeting, Baton Rouge, LA
 March 12 –14, 2008 – PAL Annual Conference, Eldorado Resort
 Casino, Shreveport, LA*



MERRY CHRISTMAS and HAPPY HOLIDAYS

