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# Environmental groups oppose changes in selection process for levee authority members

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Steve Murchie of the Gulf Restoration Network explains why several environmental groups are opposing a bill to be considered in the 2014 Legislature that would give more power to Gov. Bobby Jindal over selections to boards of the Southeast Louisiana Flood Protection Authority-East and West.

Print (<http://impact.nola.com/environment/print.html?><http://connect.nola.com/user/mschleif/index.html>)

By Mark Schleifstein, NOLA.com | The Times-

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on February 27, 2014 at 5:25 PM, updated February 27, 2014 at 5:27 PM

Representatives of four local and national environmental groups announced Thursday (Feb. 27) their opposition to **proposed legislation**

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that would give **Gov. Bobby Jindal** (<http://topics.nola.com/tag/bobby-jindal/>) more power in selecting members of the **east bank**

([http://search.nola.com/southeast+louisiana+flood+protection+authority+east/1/all/?date\\_range=all](http://search.nola.com/southeast+louisiana+flood+protection+authority+east/1/all/?date_range=all)) and West Bank levee authorities.

At a news conference adjacent to the site of a London Avenue Canal floodwall that failed during Hurricane Katrina, the groups objected to the bill introduced in advance of the 2014 legislative session by **Sen. Robert Adley**

([http://search.nola.com/sen.+Robert+Adley/1/all/?date\\_range=all](http://search.nola.com/sen.+Robert+Adley/1/all/?date_range=all)), R-Benton, that would give the governor the power to reject all nominees for an authority board seat recommended by an independent panel, and require the independent panel to submit new nominees until the governor found one that was acceptable.

The legislation also would require the independent nominating board to submit three names for each vacancy, instead of two names.

Adley said the language of the bill was recommended by the Jindal administration, which is in the midst of a feud with the Southeast Louisiana Flood Protection Authority-East over the authority's decision in July to file a **lawsuit against 97 oil, gas and pipeline companies**

(<http://topics.nola.com/tag/coastal%20erosion%20lawsuit/posts.html>) to require them to repair damage to wetlands.

Jindal has said the levee authority's lawsuit was improperly filed without his permission and that it conflicts with the state's strategy for coastal restoration.

The representatives of the environmental groups said the legislation was more aimed at protecting the oil and gas industry than the residents of the New Orleans area from flooding.

"We're here today because we are not going to let a state senator who lives 200 miles away from this levee play politics with our protection," said Anne Rolfes, founding director of the Louisiana Bucket Brigade, an environmental group that focuses on issues involving oil refineries. "We have communicated with every member of the state Legislature to be on the lookout for this bill, to not only vote against it, but to encourage Sen. Adley to pull the bill.



**trial/index.html#incart\_spec\_report)**

Mark Schleifstein, NOLA.com | The Times-Picayune

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Levees.org President Sandy Rosenthal said that there likely are changes needed in the legislation governing the selection of authority board members, but that the changes should be aimed at strengthening the authority's independence and not at allowing politics to govern the selection process.

No other levee board in the country requires that its membership include engineering and science experts, a regional focus and a focus solely on flood protection, she said.

After the suit was filed, Jindal replaced three members of the nine-member authority board whose terms had expired with individuals who are supporting his efforts to kill the lawsuit. But Jindal has been stymied in an effort to replace authority President Tim Doody, whose term also has expired.

The independent nominating committee again submitted Doody's name to the governor, along with the name of former 4th Circuit Court of Appeal Judge David Gorbaty, as nominees for a seat representing St. Bernard Parish.

Jindal did not appoint either of the men. In January, former Coastal Protection and Restoration Authority Chairman Garret Graves, who resigned last week and is now running for Congress, notified the committee that both Doody and Gorbaty had "become ineligible" to serve on the board.

Graves said Doody had been informed "of a conflict of interest relating to his employer following his re-nomination to SLFPA-E," while Gorbaty has been appointed to be chief administrative officer for St. Bernard Parish, which makes him ineligible to hold the authority position.

Doody, an accountant with Chaffe McCall law firm in New Orleans, said officials at his firm asked him to recuse himself from votes involving the energy companies' lawsuit, citing the possibility that the law firm might represent some of the companies in the future. Doody said he is unaware of his firm now representing any of the companies.

But Doody insists there is no conflict of interest, and has resubmitted his name to be considered for reappointment to the nominating committee, which will meet March 6. Gorbaty has not submitted his name for appointment in advance of that meeting.

According to the Coastal Protection and Restoration Authority office, the only other applicants for the St. Bernard opening who have submitted their names for consideration by the nominating committee are Sean Doody, a State Farm Insurance agent who is Tim Doody's brother; Holt Fastring, a mechanical and safety engineer who lives in Baton Rouge, and thus may not be eligible for that seat; and lawyer Michael Ginart Jr., a former St. Bernard Parish councilman.

One of Jindal's new appointees, New Orleans lawyer Joe Hassinger Jr., is a partner in the Galloway Johnson Tompkins Burr and Johnson law firm, which is representing several of the companies involved in the suit, though on matters separate from the lawsuit.

On Dec. 23, in an opinion requested by Hassinger, the Louisiana Board of Ethics said he could remain a levee authority member because his firm's legal work does not include the levee suit.

"We've already seen the governor try to pack the levee board with his appointees who pass a political litmus test of defending the oil and gas industry's interests," said Steve Murchie of the Gulf Restoration Network. "This legislation from Sen. Adley would allow the governor to reject whatever nominees are put forward until he gets one with his approval that will fulfill his agenda.

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"Giving the governor veto power over who sits on the levee boards is exactly the wrong direction to go," he said.

"The whole issue with the lawsuit against 97 oil, gas and pipeline companies is a separate issue that should be determined in the courts," said Darryl Malek-Wiley, a New Orleans representative of the Sierra Club. "It's time to stop playing politics with people's lives in New Orleans and quit messing around with the levee board."

After introducing the bill, Adley defended it as necessary to assure that authority seats are filled when terms expire, rather than the present policy of board members serving until they are replaced.

"I was astounded when this authority came before my committee (last year) to find out that at that stage of the game, two or three members' terms had expired but they were still serving," Adley said. "The appointing committee could just keep submitting the same names and they could serve forever. That was not ever the law's intention."

Adley has made clear that he is an opponent of the lawsuit. He is the principal investor in Benton-based Pelican Gas Management Co., and serves on the board of several national and regional organizations involved in energy issues.

Adley's bill would require three nominees to be recommended for each vacancy, with their names accompanied by ratings based on qualifications. The governor would have 60 days to appoint one of the nominees or reject them all.

After receiving written notice of rejection from the governor, the committee would have another 45 days to submit new nominees, which could include names that were considered by the committee but not submitted during the first recommendations. Rejected nominees could be considered for other vacancies.

The bill also would require the selection of a new appointee if the governor's appointee is rejected by the Senate.

If the committee fails to recommend nominees within 90 days of a vacancy, or within 45 days of the governor's rejection notification, the governor would have the authority under the proposal to appoint someone as long as that person meets the requirements for that seat. Some levee authority members are required to be certified engineers or scientists.

The image shows a real estate listing interface. On the left is the nola.com logo and the text 'Real Estate'. To the right, there are two columns of listings. The first column is for Mandeville, LA and the second is for Slidell, LA. Both listings are marked 'FOR SALE'.

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Is the TP trying to sway public opinion in favor of the levee baord? Under the current system, the selected nominee has to be conformed by the Seante and signd off by the Governor. So what is the big deal? The Governor made it clear he didn't want two or three particular individuals? So what! They were not flood experts - no big loss. The members wanting to serve again have manipulated the system to their advantage so many times in the past just to keep control of their little empire. They have intentionally kept members who were supportive of their agenda on the board while expediting the replacement of members who opposed their views. That's no differnce in what the Governor is trying to do.

Senator Adley is correct in recommneding the Governor remove those members for cause. However the casue should not be filing the big oil lawsuit, the cause should be failing to perform the job they were tasked with and not only failed, but intentionally did not do it - provide oversight of the work of the Corps of Engineers in rebuilding our flood protection system. Here it in their own words in the link below.

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Bad precedent.

Too much power in one office.

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