

HYDRO CONSULTANTS, INC.

PROFESSIONAL HYDROGRAPHIC
AND LAND SURVEYORS

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FACSIMILE TRANSMISSION COVER SHEET

DATE June 3, 2003 PROJECT NO. 10-1020

SUBJECT : _____

SEND TO FAX NUMBER 342-6887

TOTAL NUMBER OF PAGES 7 (INCLUDING COVER SHEET)

ATTENTION : Ms. Sandra Thompson

Department of Natural Resources

Baton Rouge, Louisiana

FROM : Ernie Gammon

COMMENTS : _____

HARD COPY TO FOLLOW

NO HARD COPY TO FOLLOW

Hydro Consultants

From: "Ernie Gammon" <egammon@hydroconsultants.com>
To: "Sandra Thompson" <SANDRATD@dnr.state.la.us>
Cc: "Ernie Gammon, Jr" <egammonjr@hydroconsultants.com>; "Scheffy, Robert" <rscheffy@joneswalker.com>
Sent: Tuesday, December 10, 2002 6:30 PM
Subject: Re: FW: Bayou postillion

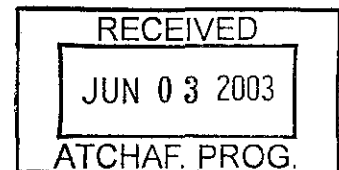
Sandra:

1. Deletion of the dead end slips as spoil disposal sites is not a problem.
2. It is my understanding (from Rob's recent email) that Newman has agreed to our increasing the spacing between the "barricade" pilings (planned for two of the canals) to approximately 8 feet (instead of the original 7 feet) to minimize the probability that the pilings will be destroyed or vandalized by boaters whose boats are wider than the originally proposed openings. We have not yet worked up the specs for the pilings (timber vs. steel vs. concrete), so the center-to-center dimension may not be exactly 8 feet. We need to provide clearance of about 92" from edge-of-piling to edge-of-piling to accommodate the larger bass boats and larger commercial fishing boats that normally traverse the canals.

Ernie

----- Original Message -----

From: "Sandra Thompson" <SANDRATD@dnr.state.la.us>
To: <egammon@hydroconsultants.com>
Sent: Tuesday, December 10, 2002 3:22 PM
Subject: Fwd: FW: Bayou postillion



- > What do you think?
- >
- > >>> "Scheffy, Robert" <rscheffy@joneswalker.com> 12/02/02 12:01PM >>>
- > To the group:
- >
- > I apologize for the delay in forwarding this material to you.
- > Newman's
- > changes were in WordPerfect so if I need to make a PDF file let me know
- > and
- > I will do so for you.
- >
- > A couple of things that are relevant:
- >
- > 1. Section 2.1.1 has been deleted. This provided us with the right
- > to
- > use the dead end slips for spoil disposal. Ernie will have to comment
- > on

- > that. He has further expanded sites to be excluded. Ernie will have
- > to
- > comment on this.
- >
- > 2. The hold harmless section of the agreement has been expanded.
- > See
- > Section 2.7. I don't think it expands our liability much, if at all
- > from
- > the clause as originally drafted.
- >
- > 3. Most importantly, Newman has advised that at the time of his
- > letter he
- > had powers of attorney for only 89.32% of the interest, with 7.5%
- > being
- > forwarded which brings him to a total of 96.82% interest. He
- > represents
- > that he can obtain all but maybe 1%. I must remind you, and caution
- > you,
- > that Newman is no longer furnishing a title opinion, and no title
- > insurance
- > is being furnished. Because of the "boundary agreement" this matter
- > must be
- > approved by the Attorney General's office, the Division of
- > Administration
- > and the Governor. Representatives of those offices must make the
- > decision
- > on the viability of proceeding on the basis represented by Newman. A
- > separate document, tracking the agreement we have reached, will have
- > to be
- > signed by all involved.
- >
- > Further, because the State is also acquiring a servitude from the
- > landowners we must advise you that a servitude, to be valid, must be
- > granted
- > by all co-owners. While those that sign the agreement cannot challenge
- > the
- > State use of the servitude, a non-signatory co-owner can stop the
- > activities
- > of the State. The State must assess the business risk involved in
- > proceeding without a title opinion, without a title policy, and
- > without
- > assurances and/or representations from the landowners that all
- > interested
- > owners have signed the Boundary and Servitude Agreement.
- >
- > I will follow up with Newman to see if he has secured any
- > additional
- > powers of attorney.
- >
- > Summary:
- >

- > 1. Ernie Gamon should look at the deletions of the dead end slips to
- > see if
- > this affects his determinations and necessitates a moving of the
- > boundary
- > lines and servitude lines.
- >
- > 2. The State must make a decision on whether or not to proceed
- > without
- > 100% in interest signing the Agreement. This decision must go through
- > State
- > Lands and the Attorney General's office.
- >
- > Regards
- > Rob Scheffy
- > Robert W. Scheffy, Jr.
- > Jones, Walker, Waechter, Poitevent,
- > Carrere & Denegre, L.L.P.
- > 8555 United Plaza Blvd.
- > Baton Rouge, La. 70809
- > Phone: 225-248-2032
- > Fax: 225-248-3032
- > Email Address: RScheffy@joneswalker.com
- >

- > This communication is from a law firm and may be privileged and
- > confidential. If you are not the intended recipient, please notify the
- >
- > sender by reply e-mail and destroy all copies of this communication.
- >
- >
- >

- > -----Original Message-----
- > From: Newman Trowbridge [<mailto:newtrow@bellsouth.net>]
- > Sent: Thursday, November 07, 2002 12:30 PM
- > To: Scheffy, Robert
- > Subject: Re: Bayou postillion
- >
- >

- > I almost made it by noon. Attached is the letter, revised agreement
- > and
- > redline I am mailing to you today. Call when you are ready to
- > discuss.
- >

- > Thanks..Newman
- >

- > ----- Original Message -----
- > From: Scheffy, Robert <<mailto:rscheffy@joneswalker.com>>
- > To: Newman Trowbridge Jr. <<mailto:newtrow@bellsouth.net>>
- > (newtrow@bellsouth.net)
- > Sent: Thursday, November 07, 2002 10:13 AM
- > Subject: Bayou postillion
- >

>
> Newman; I have not received a draft reflecting the changes you
> mentioned.
> Just following up.
>
> Regards
> Rob
>
>

Hydro Consultants

From: "Ernie Gammon" <egammon@hydroconsultants.com>
To: "Info@Hydro" <info@hydroconsultants.com>; "Ernie Gammon, Jr (Office)" <egammonjr@hydroconsultants.com>
Sent: Wednesday, December 04, 2002 3:19 PM
Subject: Fw: Bayou postillion

----- Original Message -----

From: Scheffy, Robert
To: Sandra Thompson Decoteau (SANDRATD@dnr.state.la.us)
Cc: M. Ernest Gammon (egammon@hydroconsultants.com)
Sent: Wednesday, December 04, 2002 2:59 PM
Subject: FW: Bayou postillion

Sandra and Ernie; for your information.

-----Original Message-----

From: Newman Trowbridge [mailto:newtrow@bellsouth.net]
Sent: Wednesday, December 04, 2002 2:46 PM
To: Scheffy, Robert
Subject: Re: Bayou postillion

Rob,

Sorry I have not responded sooner to your e-mails. The First Circuit saw fit to reverse a \$17 million judgment in favor of my clients and the application for rehearing is due today. Just got the courier on her way with it to Baton Rouge.

Eight foot centers is fine. If we want to less and except additional areas, I will leave that up to Ernie. Signage, I suggest "PRIVATE PROPERTY KYLE/PETERMAN PROPERTIES." This is what we use elsewhere.

I am sending you hard copies of what was e-mailed to you on Nov. 7 as you requested. I have received additional powers but others, who had signed, have died. I will take stock of all of this and get with you next week.

Newman

----- Original Message -----

From: Scheffy, Robert
To: 'Newman Trowbridge'
Cc: Sandra Thompson Decoteau (SANDRATD@dnr.state.la.us)
Sent: Wednesday, December 04, 2002 12:33 PM
Subject: RE: Bayou postillion

Newman; I have just spoken with Ernie and we believe that perhaps there are two additional canals that should be less and excepted. There are two knock outs and four canals (three south, one north) that as we appreciate it we are not to put soil in. Of the three going south, two will have earthen dams and the other will have pilings. The one going north will have pilings.

Regarding the pilings, the plans call for pilings on seven foot center. Ernie has learned that some of the newer boats are wider than that (crayfish and the like). Ernie believes that at seven feet centers the fisherman will likely bend them to get around. Ernie thinks 8 ft. centers will solve this problem this problem with the fishermen but still keep the work boats out.

We also need some specifics on the signage.

12/5/2002

Thanks.

-----Original Message-----

From: Newman Trowbridge [mailto:newtrow@bellsouth.net]

Sent: Thursday, November 07, 2002 12:30 PM

To: Scheffy, Robert

Subject: Re: Bayou postillion

I almost made it by noon. Attached is the letter, revised agreement and redline I am mailing to you today. Call when you are ready to discuss.

Thanks..Newman

----- Original Message -----

From: Scheffy, Robert

To: [Newman Trowbridge Jr. \(newtrow@bellsouth.net\)](mailto:newtrow@bellsouth.net)

Sent: Thursday, November 07, 2002 10:13 AM

Subject: Bayou postillion

Newman; I have not received a draft reflecting the changes you mentioned. Just following up.

Regards

Rob