

# COASTAL WETLANDS PLANNING, PROTECTION, AND RESTORATION ACT

## TASK FORCE MEETING

January 11, 1991

### MINUTES

#### I. INTRODUCTION

Col. Richard V. Gorski, representing the Secretary of the Army, convened the inaugural meeting of the Louisiana Coastal Wetlands Conservation and Restoration Task Force at 9:00 a.m., January 11, 1991, in the District Assembly Room of the New Orleans District, U.S. Army Corps of Engineers. The Agenda is attached as Enclosure 1. The Task Force was created by the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) which was signed into law (PL 101-646, Title III) by President Bush on November 29, 1990.

#### II. ATTENDEES

The Attendance Records for the Task Force meeting are attached as Enclosure 2. Listed below are the six Task Force members, all of whom were in attendance, with the exception of Mr. Richards who was represented by Mr. Horace Austin:

Mr. David Chambers, State of Louisiana  
Mr. Russell Rhoades, Environmental Protection Agency  
Mr. S. Scott Sewell, U.S. Department of the Interior  
Mr. William Richards, U.S. Department of Agriculture  
Mr. Timothy Keeney, U.S. Department of Commerce  
Col. Richard Gorski, U.S. Department of the Army, Chairman

#### III. DISCUSSION OF FISCAL MATTERS

In his opening remarks, Mr. Chambers noted that Governor Roemer had written a letter to the Assistant Secretary of the Army for Civil Works [(ASA(CW))], offering to fund the participation of the U.S. Army Corps of Engineers (USACE) in the CWPPRA during FY 1991, if the State was permitted to receive credit or reimbursement for those funds. Mr. Chambers indicated that the State did not view continuation of cost sharing under the LCCWS as an appropriate use of State funds. Mr. Morgan Rees, representing ASA(CW), stated that his office had been unable to identify an authority that would allow the

State to receive such credit or reimbursement. Mr. Rees also stated that the only authorized source of funding for USACE participation that his office had identified, was the LCCWS and that use of those funds would require the State to resume sharing 50% of those expenditures, as provided in the previously signed cost-sharing agreement for the LCCWS. Mr. Rhoades then suggested that the Secretary of the Army's staff prepare a legal brief that addresses the issues of USACE funding in FY1991 and credit for the State of Louisiana. Mr. Rhoades asked that the legal brief be made available to the Task Force members for their review and comment. Mr. Chambers asked that the Secretary of the Army's staff provide the State with a written response to Governor Roemer's letter and provide the State with the results of the legal reviews made by the other Task Force members. Mr. Chambers said he will present this information to the State's Wetland Conservation and Restoration Task Force for their review. The State Task Force will then make a decision on the State's final position on the FY 1991 funding and credit issues.

#### IV. TASK FORCE DECISIONS

- A. The administrative procedures contained in Enclosure 3, "Task Force Meeting Procedures", were unanimously approved by the Task Force members.
- B. Projects approved by the Task Force for inclusion on the Priority List or in the Restoration Plan do not require further action by the Congress prior to implementation. There was unanimous agreement among the Task Force members.
- C. Section 307(b) can be implemented pursuant to Section 303(b), if the Task Force identifies the redistribution of the Mississippi River and Atchafalaya River flows as an appropriate alternative to be evaluated for inclusion in the Restoration Plan. Section 307(b) can also be implemented by the Secretary of the Army under a separate authority. There was unanimous agreement among the Task Force members.
- D. A single Task Force Technical Committee will be formed to implement Sections 303(a) and 303(b). Each Task Force member will have one representative on the Technical Committee. Work Groups, staffed by technical representatives from the Task Force members, will be used by the Technical Committee to accomplish necessary implementation tasks. This procedure was unanimously approved by the Task Force members.

- E. The public involvement procedures outlined in Enclosure 4 "Public Involvement Program", were unanimously approved by the Task Force members.

## V. TASK FORCE ASSIGNMENTS

### A. All Task Force Members

1. Identify the following criteria and provide to the Chairman, as soon as possible.
  - a. Criteria for selecting projects for the Priority List.
  - b. Criteria for ranking projects on the Priority List.
  - c. Preliminary list of projects to be considered for inclusion on the Priority List.
2. Provide the Chairman with the names of individuals to fill the following positions, as soon as possible.
  - a. Task Force member alternate.
  - b. Technical Committee member.
3. Provide a draft FY 1991 budget estimate to the Chairman NLT February 11, 1991. This should be an estimate of the cost of accomplishing the following tasks in FY 1991.
  - a. Preparation of the draft Priority List.
  - b. Preparation of the Plan of Study for the Restoration Plan.
4. Review the legal brief to be prepared by the Secretary of the Army's staff, as described under Section III above. Provide comments to the Task Force Chairman, as soon as possible.

### B. State of Louisiana

Develop a draft definition of "no-net-loss" for the purpose of implementing Section 304. Provide the definition to the Task Force for discussion at the April 1991, Task Force meeting .

C Secretary of the Army

1. Determine if the Federal Task Force members can contract with the State of Louisiana for construction of wetland restoration projects.
2. Determine if funds can be expended to implement projects included in the Restoration Plan, as soon as the Restoration Plan is submitted to Congress.
3. Determine if study cost sharing would be required if Section 307(b) is implemented as a separate study independent from the CWPPRA.
4. Prepare a legal brief, for review by the Task Force, addressing the issue of alternative funding sources for USACE participation in implementation of the CWPPRA during FY1991 and the issue of the State of Louisiana's request to receive credit or reimbursement for cash expenditures or in-kind contributions made by the State during FY 1991 to expedite implementation of Sections 303(a), 303(b), and 304. Task Force action on both issues awaits receipt and review of this legal brief, by the Task Force members.
5. The above assignments will be completed prior to the April 1991, Task Force meeting.

**VI. CLOSING STATEMENT BY MR. KEENEY**

Enclosure 5 is the text of Mr. Keeney's closing statement.

**VII. WRITTEN QUESTIONS FROM THE PUBLIC**

No written questions were received from the members of the public in attendance.

**VIII. ADJOURNMENT**

The Task Force meeting was adjourned at 11:55 a.m.