

Coastal Wetlands Planning, Protection and Restoration Act

TASK FORCE MEETING

February 28, 1996

MINUTES

I. INTRODUCTION

Colonel Kenneth Clow, representing the Secretary of the Army, convened the twenty first meeting of the Louisiana Coastal Wetlands Conservation and Restoration Task Force at 9:40 a.m. on February 28, 1996, in the Mineral Board Hearing Room of the State Land and Natural Resources Building in Baton Rouge. 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 Record for the Task Force meeting is attached as enclosure 2. Listed below are the six Task Force members. All members were in attendance.

Dr. Len Bahr, State of Louisiana
Mr. William Hathaway, Environmental Protection Agency
Mr. David Frugé, U.S. Department of the Interior
Mr. Donald Gohmert, U.S. Department of Agriculture
Mr. Thomas Bigford, U.S. Department of Commerce
Colonel Kenneth Clow, U.S. Department of the Army, Chairman

III. APPROVAL OF MINUTES FROM PREVIOUS MEETING

The minutes of the Task Force meeting held on September 21, 1995 (enclosure 3), were approved unanimously with no discussion. Mr. Gohmert made the motion to approve the minutes, and Mr. Bahr seconded it. [1/95]¹

IV. TASK FORCE DECISIONS

A. Approval of Project Funding Allocation Document.

Mr. Green presented a procedure developed by the Technical Committee that would reserve at least $\frac{2}{3}$ of priority list funds for large-scale projects with systemic effects (enclosure 4). Ms. Cathy Mitias, who chaired the working group that prepared the document, noted that the original language had defined large-scale projects as

¹ The Task Force meeting was recorded on audio tape. The bracketed figures represent the tape no./counter no. for the discussion of this item. Multiple tape/counter numbers are used when an item is discussed more than once during the meeting.

those with estimated costs greater than \$10 million; the Technical Committee changed the language to say "generally, but not limited to, projects costing more than \$10 million." Col. Clow asserted the Task Force's need to retain the flexibility this language provides. [1/150-303]

Motion by Mr. Frugé: That the project funding allocation document as recommended by the Technical Committee be approved by the Task Force.
[1/318]

Second: Mr. Gohmert.
Passed Unanimously.

B. Selection of the 5th Priority Project List.

Mr. Green presented the recommendation of the Technical Committee concerning the 5th Priority Project List. In response to a question from Mr. Frugé, he listed some of the items to be investigated in phase 1 of the Bayou Lafourche Siphon project: legal issues, ownerships of the batture, hydraulic effects of increasing the flow, determination of the optimum flow, determination of the amount of additional water which would be used for municipal and industrial water supply so that portion of the cost could be broken out of the project and not funded by the CWPPRA, and outfall management. Mr. Thomas assured the Task Force that EPA will ask for input from all the agencies regarding their concerns in order to ensure that all issues will be covered. In response to a request from Mr. Frugé, he agreed to provide Task Force members with a copy of a draft scope of work for phase 1 of the project. [1/543-2/222]

Mr. Gohmert advised the other Task Force members that the Acadian Gas Pipeline Company had indicated an interest in serving as the local cost-sharing partner for the Freshwater Bayou project.

Mr. Green noted that the Corps of Engineers had received on February 27 (one day prior to this meeting) a letter from the Vermilion Parish Police Jury assuring that the local cost share for the Oaks/Avery Canals project had been guaranteed by LDNR. Dr. Bahr said that he would investigate the situation. [2/229-367]

Motion by Mr. Frugé: That the Task Force approve the 5th Priority Project List as recommended by the Technical Committee. The Bayou Siphon project (PBA-20), at \$1,000,000; Myrtle Grove Siphon project (PBA-48a), at \$4,500,000; and Sweet Lake/Willow Lake Hydraulic Restoration project (CS-16b), at \$2,300,000, are funded at reduced levels for phase 1. The Freshwater Bayou Bank Stabilization project (PME-29) is approved contingent upon the local 25-percent cost share being provided by a non-State entity. [2/222]

Second: Mr. Gohmert.
Passed unanimously.

The table below is the 5th Priority Project List.

5th Priority Project List

Project Number	Project	Fully Funded Cost (\$1,000)	Cost of Phase 1 (\$1,000)	Cumulative Cost (\$1,000)
BA-3c	Naomi Outfall Mgmt	1,744	1,744	1,744
PTV-19	Little Vermilion Bay Sediment Trapping	940	940	2,684
TE-10/XTE-49	Grand Bayou/GIWW Freshwater Diversion	5,136	5,136	7,820
PBA-20	Bayou Lafourche Siphon	24,487	1,000	8,820
PBA-48a	Myrtle Grove Siphon	15,526	4,500	13,320
XPO-69	Bayou Chevee Marsh Creation	2,891	2,891	16,211
CS-11b	Sweet Lake/Willow Lake Hydro Rstn	4,763	2,300	18,511
	Raccoon Island Sgmntd Breakwaters (Demo)	1,500	1,500	20,011
XME-29	Freshwater Bayou Bank Stabilization*	3,999		

* Approval of XME-29 is contingent upon provision of the local share by a non-State sponsor.

Following approval of the list, Mr. Kirk Cheramie of the Bayou Lafourche Fresh Water District thanked the Task Force for its action and offered to fund placement of a sign designating the CWPPRA project on Bayou Lafourche.

C. Deauthorization of Projects.

Mr. Green presented the recommendation of the Technical Committee for the deauthorization of the Lower Bayou LaCache and Dewitt/Rollover projects. At its September 21, 1995, meeting, the Task Force had initiated the deauthorization process for these two projects, along with the West Bay Sediment Diversion project. Mr. Green noted that during the comment period two letters of support had been received for the West Bay project, which, in spite of huge cost increases, remains a very effective project. Mr. Green reported that the Technical Committee did not recommend deauthorization of the West Bay Sediment Diversion project. [4/570-589]

Motion by Mr. Gohmert: That the Task Force deauthorize the Dewitt/Rollover Vegetative Plantings project (ME-8) and the Lower Bayou LaCache Hydrologic Restoration project (TE-19). The U.S. Army Corps of Engineers is directed to resume implementation of the West Bay Sediment Diversion project (MR-3). [5/32]

Second: Dr. Bahr.

Passed unanimously.

D. Approval of Monitoring Plans.

Mr. Green presented the recommendation of the Technical Committee concerning approval of the revised monitoring plans for the Boston Canal/Vermilion Bay Shoreline Stabilization project and the Sabine National Wildlife Refuge Protection project. He informed the Task Force that the plans had been revised to bring their estimated costs within 125 percent of the budgeted

amounts. In response to a question from Mr. Gohmert, Mr. Green said that he would check with the chairman of the Monitoring Work Group to determine whether vegetational surveys could more effectively be done near the end of the project life.

Motion by Mr. Frugé: That the revised monitoring plans for the Boston Canal/Vermilion Bay Shoreline Stabilization project and the Sabine National Wildlife Refuge Protection project be approved.

Second: Dr. Bahr.

Passed unanimously.

E. Budget Amendment: Monitoring Plan Development.

Mr. Green presented the Technical Committee's recommendation concerning a request for funding of monitoring plan development by the National Biological Service (see enclosure 5).

Motion by Mr. Gohmert: That the fiscal year 1996 budget be amended to provide \$62,000 for funding of monitoring plan development by the National Biological Service.

Second: Mr. Frugé.

Passed unanimously.

F. Budget Amendment: Public Outreach.

Mr. Green presented the recommendation of the Technical Committee concerning the development of an educational CD-ROM and an Internet home page (enclosures 6 and 7). Funds currently budgeted for educational brochure production (\$20,000) and coastal liaison (\$10,000) would be transferred to development of the CD-ROM and the home page, respectively. Enclosure 8 is a request from the Outreach Committee outlining the proposed budget revision.

Motion by Dr. Bahr: That the fiscal year 1996 budget for the Outreach Program be amended to transfer \$20,000 from educational brochure development to development of an educational CD-ROM and \$10,000 from coastal liaison activities to development of an Internet home page.

Second: Mr. Gohmert.

Passed unanimously.

G. Extension of LUMCON Agreement.

Mr. Green advised the Task Force that the Technical Committee recommended a no-cost extension of the fiscal year 1995 contract with LUMCON. Dr. Reed told the Task Force that completion of tasks had been delayed due to slippages in meeting dates for monitoring plan development and for the feasibility study on the Mississippi River. Enclosure 9 is a copy of the agreement.

Motion by Mr. Frugé: That a no-cost extension through December 1996 of the fiscal year 1995 memorandum of agreement between LUMCON and the U.S. Army Corps of Engineers be approved.

Second: Mr. Gohmert.

Passed unanimously.

V. INFORMATIONAL AGENDA ITEMS

A. Ms. Cathy Mitias announced that the projects submitted by the State for deauthorization consideration at the 21 September 1995 Task Force meeting (enclosure 10) were no longer being reviewed for deauthorization. Col. Clow directed the lead agencies to resume implementation of those projects. [1/376-395]

B. Ms. Phyllis Darensbourg reported on the activities of the Outreach Committee. She told the Task Force that a draft description of the full-time outreach position approved by the Task Force had been forwarded to the committee from the Governor's Office of Coastal Activities and that the position should be staffed by April 15, 1996. She noted that two issues of *Watermarks*, the CWPPRA newsletter, have been produced, and that the icons used to denote project types in the first issue served as the basis for a winning science project for a local 6th grader. Ms. Darensbourg reported that there have been no expenditures for coastal liaison; those responsibilities will be assumed by the full-time outreach coordinator once that position is filled.

Dr. Bahr suggested that a wetlands display at the Aquarium of the Americas would be very effective; Ms. Darensbourg agreed to put the item on the agenda for the Outreach Committee's next meeting. [5/494-6/150]

C. Mr. Green reported on the Technical Committee's investigation of the possibility of funding an additional feasibility study. He advised the Task Force that there are insufficient funds available in the planning budget to initiate another feasibility study while the two existing studies are being conducted. He pointed out, however, that phased funding of projects on the 5th Priority Project List might free up planning funds which would otherwise have been dedicated to preparation of future priority project lists. [1/110-148]

D. Ms. Beverly Ethridge, Environmental Protection Agency, briefed the Task Force on the status of the Conservation Plan authorized by section 304 of the CWPPRA. She said that funds for preparing the plan have been transferred to the State, which is negotiating an agreement with the LSU Agricultural Extension Service to do the outreach part of the plan. She noted that the State is seeking a contractor to review data on permits. Ms. Ethridge advised the Task Force that delineation of the coastal zone remains an issue, as the zone defined by the Task Force extends to the boundaries of all parishes in the coastal zone, whereas the State coastal zone boundaries are more restrictive. Thus, the State has no regulatory authority in a portion of the CWPPRA coastal zone, jeopardizing its ability to achieve no net loss of wetlands as a result of development, as required by section 304. Dr. Good told the

Task Force that the Conservation Plan is on schedule for completion in December 1996. [2/381-432]

E. Messrs. Elguezabal, Thomas, Yakupzack, Osborn, and Gohmert reported on the implementation status of projects from priority project lists 1-4. [4/202-497]

F. Mr. Elguezabal gave an overview of the CWPPRA construction program. He noted that there are 12 projects either completed or under construction, and that 25 projects are scheduled for contract award during fiscal year 1996. He advised the Task Force that the average time from authorization to contract award is 33 months, a period he believes can be reduced to 18 months. Mr. Elguezabal pointed out that construction expenditures thus far total only \$24 million; he urged the agencies to submit bills as soon as possible. [4/501-565]

G. Dr. DeRouen reported on the status of the Barrier Shoreline feasibility study. He told the Task Force that the cost for the phase 1 EIS is estimated at \$441,000; the agencies will have an opportunity to comment on the scope of study. He noted an unbudgeted requirement for \$347,000 to allow for agency participation in the study. He said that while agency participation had been a line item in the budget proposal, LDNR had assumed that \$750,000 would go toward environmental compliance and the balance of the study cost (\$2.25 million) would be for the scope of services contract. In response to a question from Mr. Frugé, Dr. DeRouen said that phase 1 of the study is scheduled to be completed at the end of this year. [3/188-450]

H. Mr. Axtman briefed the Task Force on the status of the Mississippi River Sediment, Nutrient, and Freshwater Redistribution study. He said that inadequate funding this fiscal year has caused a slip of about two months; modeling may cause an additional two-month delay. He told the Task Force that the scheduled November 1998 completion date is contingent upon receiving \$1.9 million in fiscal year 1997. Mr. Frugé recommended that whatever action is necessary should be taken to keep this study, which he considers the Task Force's top priority, from being delayed. [3/456-end]

VI. TASKS REQUIRING FURTHER ACTION

A. Cost Sharing under the Conservation Plan.

Mr. Elguezabal presented three possible alternatives for cost sharing under the Conservation Plan authorized by section 304 of the CWPPRA.

1. The local share of all CWPPRA projects (including those already constructed) would be reduced to 15 percent.
2. The local share for any unspent funds (including for projects under construction at the time of plan approval) would be reduced to 15 percent.
3. The local share for any CWPPRA projects approved after approval of the Conservation Plan would be 15 percent.

Mr. Elguezabal noted that alternatives 1 and 2 would require revision of all existing cost sharing agreements. Mr. Bigford reported that NMFS had developed an opinion according to which the reduction in funding would be retroactive; however, he said the meaning of "retroactive" is not clear. Col. Clow directed Mr. Elguezabal to prepare an issue paper laying out the alternatives and defining such terms as "retroactive." He directed the other agencies to obtain legal opinions on this issue.

B. Revision of the Louisiana Coastal Wetlands Restoration Plan.

Mr. Green presented the recommendation of the Technical Committee that the Task Force authorize preparation of a scope of study for revision of the Louisiana Coastal Wetlands Restoration Plan. He stated that planning funds should be available with the reduction of the 6th Priority Project List as a consequence of phased construction of projects on the 5th Priority Project List, which will tie up funds that would have been used for construction of projects from future lists. The Task Force directed the Technical Committee to prepare an estimate of time and cost required for revision of the restoration plan, to be presented at the next scheduled Task Force meeting. [5/56-341]

C. Feasibility Study Steering Committee.

Mr. Podany briefed the Task Force on the activities of the Feasibility Study Steering Committee. He told the Task Force that the committee had, at its last meeting, approved the \$1,056,000 budget for the Mississippi River Diversion study, which had been conditionally approved by the Task Force at its September 21, 1995, meeting. He noted that some agencies had concerns regarding the high cost of the environmental impact statement for the Barrier Shoreline study.

Mr. Podany noted that phase 2 of the Barrier Shoreline study (concerning the Chenier Plain) must be coordinated with other studies in the area. He proposed that a scope of work be developed to determine what should be addressed outside of the phase 2 study, supplemented by some other funding source. The Task Force directed the committee to proceed with development of a scope of work and report on the scope at the next scheduled Task Force meeting. [2/433-3/168]

D. Planning Program.

The Task Force directed the Technical Committee to prepare a multi-year budget for the planning program to be presented at the next scheduled Task Force meeting. [3/350-405]

VII. ADDITIONAL AGENDA ITEMS

A. Dr. Good presented a concept under which the Task Force would assume operation, maintenance, and monitoring responsibilities for wetlands restoration projects constructed by the State. He told the Task Force that LDNR has been forced to drop some State projects from its monitoring program due to lack of funds. He pointed out that the CWPPRA provides for assumption of maintenance of completed

projects. Dr. Good told the Task Force that the State will prepare a list of projects to be presented to the Technical Committee. [6/240-278]

B. Mr. Hartman, chairman of the group appointed by the Technical Committee to investigate the issue of mitigation credits for local cost sharers, reported on the activities of the group. He pointed out that non-State local cost sharers could provide a means of using Federal funds which might otherwise go unspent. He told the Task Force that, while Federal guidelines do not allow the use of Federally funded projects as mitigation banks, there remains the possibility that the local share might be considered not part of the Federal project. Mr. Hartman advised the Task Force that the group is attempting to get verification on some of the issues.

VIII. DATE AND LOCATION OF THE NEXT TASK FORCE MEETING

In accordance with policy, the next Task Force meeting is tentatively scheduled for April 18, 1996. The site of the meeting will be the Southern Science Center of the National Biological Service in Lafayette, Louisiana. Task Force members will be contacted to confirm the date.

IX. QUESTIONS FROM THE PUBLIC

No written questions or comments were received from the public.

X. ADJOURNMENT

Mr. Gohmert moved to adjourn the meeting at 2:20 p.m. Mr. Frugé seconded the motion, and it was passed unanimously.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING

28 February 1996

**BUDGET AMENDMENT:
OUTREACH PROGRAM**

For Task Force decision.

Mr. Green will present the recommendation of the Technical Committee concerning a redistribution of funds in the budget of the CWPPRA outreach program for the purpose of developing an educational CD-ROM and an Internet home page. Software development is to be done by the National Biological Service. A memorandum from the chairman of the Outreach Committee is enclosed, along with information on the proposed system (from NBS) and a comparison of outreach approaches (from NMFS).

Recommendation of the Technical Committee:

That the budget of the CWPPRA outreach program be revised by transferring \$20,000 from production of brochures (leaving a zero balance) to the production of an educational CD-ROM and by transferring \$10,000 from coastal liaison activities (leaving a balance of \$5,000) to development of an Internet home page.

MEMORANDUM FOR CWPPRA Technical Steering Committee

SUBJECT: Revised Budget for CWPPRA Public Outreach Committee

The Public Outreach Committee requests approval to revise its current budget to allow for production of Internet graphic material and an educational CD ROM program. Both products are viewed by the outreach committee members as being both more effective in the long-term and more achievable in the short-term over other activities previously planned. The revisions do not increase the total budgeted amount.

The following are activities, products and other expenditures as revised for the FY96 Public Outreach program. The proposed changes are noted. Below each item is the recommended lead agency and the manner of expenditure.

- | | | |
|----|--|----------|
| 1. | FULL-TIME, TEMPORARY POSITION,
GRADE GS-11 OR EQUIVALENT: | \$35,000 |
|----|--|----------|

Lead agency: LA
Service by state position

- | | | |
|----|----------------|----------|
| 2. | NEWSLETTER (2) | \$22,000 |
|----|----------------|----------|

Lead agencies: ACOE & NRCS
Service by NRCS contract

- | | | |
|----|-------------------------|----------|
| 3. | NEWSLETTER PRINT & MAIL | \$ 6,000 |
|----|-------------------------|----------|

Lead agency: NRCS
Service by contract

- | | | |
|----|--------------------------------------|----------|
| | Proposed Change (new product) | |
| 4. | INTERNET INFORMATION SUPPORT | \$10,000 |

Lead Agencies: ACOE, F&WS & NMFS
Service by ACOE, F&WS and NBS

- | | | |
|----|--------------------------------------|----------|
| | Proposed Change (new product) | |
| 5. | Educational CD ROM PRODUCTION | \$20,000 |

Lead Agency: ACOE, F&WS & NMFS
Service by NBS

- | | | |
|----|--|---------|
| | Proposed Change (reduced from \$15,000) | |
| 6. | COASTAL LIAISON ACTIVITIES | \$5,000 |

Lead agency: LA
Service by contract

CELMN-PA PROPOSED BUDGET FOR CWPPRA PUBLIC OUTREACH

7. GENERAL OVERVIEW BROCHURE	\$15,000
Lead agencies: EPA	
Service by LCES, LSU contract	
Proposed Change (eliminated)	
8. EDUCATIONAL BROCHURE	(\$20,000)
Lead agencies: NMFS/USF&WS	
Service by NMFS contract	
9. SLIDE PRESENTATION	\$ 5,000
Lead agency: EPA	
Service by LCES, LSU contract	
10. PROJECT PAMPHLETS	\$ 1,500
Lead agency: ACOE	
Service by contract	
11. PHOTOGRAPHY	\$ 5,000
Lead agency: ACOE	
Service by ACOE staff	
12. EXHIBIT TRAVEL	\$ 2,000
Lead agency: ACCE	
Service by contract	
13. MISC TRAVEL & PER DIEM	\$ 3,000
For use by all agencies	
TOTAL BUDGET	\$129,000

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CH, Public Affairs