

BREAUX ACT
Coastal Wetlands Planning, Protection and Restoration Act

TASK FORCE MEETING
April 16, 2002

Minutes

I. INTRODUCTION

Colonel Thomas Julich convened the forty-sixth meeting of the Louisiana Coastal Wetlands Conservation and Restoration Act Task Force. The meeting began at 9:45 a.m. on January 16, 2002 at the Estuarine Habitats and Coastal Fisheries Center, Lafayette, Louisiana. The agenda is shown as enclosure 1. The Task Force was created by the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA, commonly known as the Breaux Act), which was signed into law (PL 101-646, Title III) by President George Bush on November 29, 1990.

Mr. Dave Frugé recognized Mr. Steven Stefanski with Congressman Chis John's office. Mr. Frugé presented a certificate of appreciation to Colonel Julich for his leadership as Task Force chairman. "Under his watch Davis Pond is flowing water and there was teamwork under his leadership." Colonel Julich stated that he was in command for two weeks when he attended his first Task Force meeting. At the beginning of his tenure he set goals. One goal was to advance coastal issues during his command. The second goal was to build closer relationships with other agencies and the public.

Mr. Fruge also gave Colonel Julich a certificate of appreciation for Mr. Robert Schroeder for his years of service as chairman of the Technical Committee.

II. ATTENDEES

The attendance record for the Task Force meeting is presented as enclosure 2. Listed below are the six Task Force members:

Dr. Len Bahr, State of Louisiana
Mr. Sam Becker, Environmental Protection Agency
Mr. David Frugé, U.S. Department of the Interior
Mr. Don Gohmert, U.S. Department of Agriculture
Mr. Rollie Schmitten, U.S. Department of Commerce
Col. Thomas Julich, U.S. Army Corps of Engineers
All of the Task Force members were in attendance.

TAB D

III. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Mr. Tom Podany presented the minutes from the previous Task Force meeting.

Motion by Mr. Rollie Schmitten to approve the minutes from the January 16, 2002, Task Force meeting.

Mr. Dave Frugé seconded the motion.

The motion passed unanimously.

IV. TASK FORCE DECISIONS

A. Report on CWPPRA Funding and Expenditure Overview and Guidance from Task Force on 13th Project Priority List (PPL)

Mr. Greg Miller presented a CWPPRA Funding and Expenditure Overview showing cumulative funding needs and shortfalls. Colonel Julich called for discussion.

Mr. Frugé stated that there is a niche for Breaux Act projects, especially when considering those with Water Resources Development Act (WRDA) potential. A figure that came to his mind was a limit of \$25K for Breaux Act projects. He stated that for some projects the Breaux act would fund Phase I efforts but construction would be undertaken under WRDA.

Mr. Becker recommended prioritizing projects but not necessarily capping them. "Cost is an important consideration but should not be a driving force." He suggested that Breaux Act could play a role in 2050 and that mixed funding was possible.

Dr. Bahr was also against setting a cap and suggested that other funding sources could be sought for portions of a project. He cited Bayou Lafourche as an example.

Mr. Schmitten stressed the need to look for a niche for Breaux Act funds. He urged the Task Force not to forfeit any emergency needs or future opportunities. He recommended going forward with a smaller list and balancing the issues.

Mr. Gohmert reminded the Task Force that when they embarked on cash-flow they moved away from funding all projects. He thought it was clear then that not all Phase I projects were guaranteed Phase II funds. He stressed the need to

continue working with the public to identify priority projects. He suggested a modified Priority Project List (PPL) to truly identify needs.

Colonel Julich called for a discussion leading to a motion on whether to do a 13th PPL and if so, what it should look like.

Mr. Frugé offered the following motion for PPL 13:
That no more than 8 candidates should be chosen for detailed analysis, 2 per region, and only 4 projects should be selected for funding. The fully funded cost estimate should be no more than \$25M and one demonstration project <\$1M could be considered.

Dr. Bahr did not like all of the stipulations in that motion but supported a smaller list.

Mr. Becker wanted the \$25M to be viewed as a guideline allowing room to consider expectations.

Mr. Schmitten wanted add to the motion that Phase II is not automatic.

Mr. Gohmert liked the motion as Mr. Frugé presented it.

Dr. Bahr suggested applying flexibility to the regional idea as well.

Mr. Hanchey pointed out that the cash-flow process was designed to get us to this point and that the program still has dollars in pre-cash flow projects that perhaps should compete. He suggested that the Technical Committee prioritize projects and organize this information for Task Force decisions. He also, stated that many CWPPRA projects could be folded into the Comprehensive Study. He also suggested that the items listed for PPL13 should be guidelines and not strict rules.

Dr. Bahr made the point that we can't make the case for more money if we still have money in the bank.

Dr. Jenneke Visser, LSU, voiced her support for the comments of Mr. Hanchey and Dr. Bahr, as did Mr. Cullen Curole.

Mr. Frugé modified his motion as follows:

That no more than 8 nominees be chosen for detailed evaluation (2 per region).
That projects not exceed \$25M unless the Technical Committee finds that a good project exists that wouldn't be appropriate for WRDA funding.
That a single demonstration may also be selected.

Mr. Gohmert seconded the motion.

Mr. Schmitten wanted to add that Phase I decisions do not guarantee Phase II funding. This was not added to the motion.

Dr. Visser stated that not all regions are created equal. Region 1 only has one basin, land loss higher in regions 2 and 3. Region 3 has more basins. Some regions have more projects on the ground already.

TAB D

Mr. Frugé amended his motion to strike the "2 candidates per region" and retain the "no more than 8 candidates." He, also, added that no more than 4 projects be selected for Phase I funding.

The motion passed unanimously

Judge Edwards asked a question about the selection of the 8 candidates. Mr. Darryl Clark explained the process and clarified that the Technical Committee would set the limit, if any, on the number of projects that a region could nominate. Colonel added that it would be prudent to select a few very good projects from each region.

B. Request for Phase II Approval for the Coastwide Nutria Control Program

Mr. Saia presented the recommendation of the Technical Committee that the Task Force approve funding Phase Two of the Coastwide Nutria Control Program (CNCP) in five-year increments. The estimated fully funded Phase II cost for the first five-year increment of the CNCP is \$12,676,485. At the point in time when CWPPRA funds for the CNCP are expected to run out, and prior to approval of new projects, LDWF and NRCS should report to the Task Force on the status of CNCP, including potential alternative funding mechanisms. The Task Force may be asked to consider providing additional funding to CNCP prior to funding new construction starts. The Phase Two approval of funding for the first five year increment is contingent upon completion of all Phase One activities as identified by the CWPPRA SOP.

Mr. Gohmert moved to approve the Technical Committee recommendation.
Mr. Schmitten seconded the motion
The motion passed unanimously.

C. Request for Project Construction Approvals

Mr. Saia presented the Task Force decision to fund Phase II construction funds in the amount of \$1,378,643 for the Oaks/Avery Canal Hydrologic Restoration Project (TV-13a) Phase 2 (Structural Component) and \$1,548,429 for the Humble Canal Hydrologic Restoration Project (ME-11) which had been approved by a majority fax vote on February 22, 2002.

Mr. Saia also asked the Task Force to confirm their fax vote of 5 April 02 to approve a \$400,000 cost increase for the Mandalay Shoreline Protection Demonstration project. The revised total cost of the project is \$1,872,582, a 57

TAB D

percent increase over the approved fully funded cost of \$1,194,494. Mr. Frugé explained that the cost increase could possibly be held to \$300,000 if the low bidder on the construction contract could be qualified.

Mr. Saia presented a recommendation of the Technical Committee to approve construction funding in the amount of \$2,862,806 for Phase II of the Pecan Island Terrace Creation Project (XME-22).

Mr. Frugé moved to approve the recommendation and confirm the three fax votes. Mr. Becker seconded the motion. The motion passed unanimously.

D. Fax Vote Results For The West Bay Sediment Diversion Project

Mr. Saia presented the results of the Task Force fax vote for reauthorization of the project as a non-cash flow project. USACE New Orleans District Counsel has advised that the West Bay CSA cannot be executed until the Task Force addresses compliance of the project with CWPPRA §3953(a)(4)(B) which requires projects to be substantially completed within five years of placement on a priority list. To remedy this situation, the Task Force was asked to reauthorize the project.

The Task Force voted unanimously to reauthorize the West Bay Sediment Diversion Project. The fax vote included the following resolution:

“To comply with § 3952(a)(4)(B) of the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA), the CWPPRA Task Force hereby reauthorizes the West Bay Sediment Diversion Project to be constructed in Plaquemines Parish, Louisiana. In addition, the Task Force directs that the project continue to be developed and constructed under pre-cash-flow management procedures.”

Mr. Frugé moved to confirm the fax vote approval. Mr. Gohmert seconded the motion. The motion passed unanimously.

E. Request for Approval of the Coastwide Reference Monitoring System

Mr. Saia presented a Technical Committee recommendation that the Task Force approve the adoption of the Coastwide Reference Monitoring System (CRMS). A lengthy discussion followed. Mr. Fruge wanted startup funds approved but with a lot of control built in. He wants a detailed implementation plan developed. Mr. Becker questioned whether expenditures in the out years

TAB D

would be subject to approval of Task Force. Dr. Bahr emphasized that the monitoring plan needed to be effective as well as cost effective. He stated that new tools had been developed during the past 10 years that can be used to evaluate the effectiveness of our program. "The coastwide philosophy makes sense." Colonel Julich asked if the recommended approval included up-front costs. Mr. Podany explained that the money for CRMS would come from the funds budgeted for monitoring. Greg Steyer stated that when the Technical Committee made the recommendation to approve the CRMS (2002-2010 program) there was no discussion of earmarking funds on a year-to-year basis. He wants to implement the program within the historical monitoring budget, 13 percent. Mr. Hanchey pointed out that while the proposal recommends a \$24M program with no net increase in monitoring cost and assumes that \$5M per year will be available based on prior lists, future lists may be smaller and thus have smaller monitoring budgets. This would represent a net increase in monitoring costs. He wants to see a detailed plan developed with a project by project accounting of the monitoring funds. He believes that there is no need to rush into implementation even considering Louisiana Coastal Areas Study needs and that they should come back at future Task Force meetings and request funds. Colonel Julich questioned whether to put off approval. Mr. Hanchey suggested that the Task Force endorse the concept and provide direction to develop an implementation plan for the next Task Force meeting. Mssrs. Schmitten and Hanchey discussed the need to incorporate the latest technology. Mssrs. Hanchey and Steyer debated the need to contract out much of the work. This concerned Mr. Hanchey. Mr. Steyer told the Task Force that the whole implementation schedule for getting equipment out, data in, etc., all involves getting land-rights and that funding initiates the land rights process. Mr. Schmitten said that his agency strongly supports a coastwide program and suggested endorsing CRMS in principle and approving a one year authorization to begin implementation and to develop a detailed implementation plan. Mr. Hanchey expressed concern that money would be taken from specific projects.

Mr. Schmitten moved that the Task Force adopt CRMS in principle, direct a phased-in approach, approve first year authorization, and require an implementation plan ASAP but not later than one year.

Mr. Dave Frugé seconded the motion.

Mr. Becker questioned what would be included in the first year authority. Mr. Steyer explained that the first year of implementation in his proposal includes extensive aerial mapping and would require funding in the amount of \$850K and land rights in the amount of \$215K. He stated that the Technical Committee had recommended that land rights come out of construction and not monitoring funds. A lengthy discussion followed about the need for photography at this time. Colonel Julich questioned whether the proposal required the approval of new

TAB D

funds. Mr. Steyer replied that it could be done within the programmatic funding and no additional dollars were necessary. Mr. Becker suggested approving funds for the land rights in the first year and getting more details on the financing of the program in the implementation plan. Mr. Schmitten amended his motion accordingly. Mr. Steyer requested authority to use monitoring contingency funds to develop the implementation plan. He thought that the cost would be less than \$15K. The motion was amended to allow monitoring contingency funds, not to exceed \$20K, to be used for the implementation plan. Mr. Steyer repeated the recommendation of the Technical Committee that the \$215K for land rights could come from construction funds. After a brief discussion Mr. Hanchey suggested that the funds come out of the monitoring budget and recommended amending the motion to allow taking up to \$250K out of contingency budget for land rights and implementation plan development. Colonel Julich called for a vote.

The motion passed unanimously.

F. Request for Deauthorization of the Bayou Bienvenue Pumping Station and Terracing Project

Mr. Saia presented the Technical Committee recommendation that the Task Force deauthorize the Bayou Bienvenue Pumping Station and Terracing project. Letters were sent to Congressional representatives, state representatives, local government representatives and other interested groups on March 1, 2002 requesting comments regarding deauthorization of the project. No comments were received. Mr. Dan Arceneux wanted to know about getting some money for other work in the area. Colonel Julich advised him to seek funding under another project.

Mr. Rollie Schmitten moved to approve the deauthorization.
Mr. Gohmert seconded the motion.
The motion passed unanimously

V. INFORMATION

A. Status of Breaux Act Program Funds and Projects

Mr. Podany presented the status of the Breaux Act planning and construction programs. The approved FY02 Planning Program budget of \$5,725,602 was detailed in the meeting binders. Taking into consideration approved current estimates, project expenditures through present, and Federal and non-Federal cost

TAB D

sharing responsibilities, \$57,893,188 of Federal funds are estimated to be available, based on Task Force approvals to date.

B. Report on PPL12 Areas of Need/Opportunity

Mr. Saia presented the Technical Committee recommendation for areas of need/opportunity developed for PPL12.

Regional Planning Teams (RPT) met from February 25-28, 2002 to select three areas of need/opportunity per basin. The areas of need/opportunity were presented to the Technical Committee during the March 6, 2002 meeting. The Technical Committee approved the areas of need/opportunity provided by the RPT leaders.

Agencies, parishes, landowners, and other individuals will develop projects addressing areas of need. Regional Planning Team meetings will be held from April 22-25, 2002 to formulate, combine, and nominate projects. Each region will nominate no more than three projects. The Technical Committee will select six to eight projects as PPL 12 candidates during the May 22, 2002 meeting. Dr. Bill Good presented the status of the two ongoing 2050 Feasibility Studies. About 90 percent of the comments on the wetland creation study have been addressed. The EIS is scheduled to go to the public in February. On the Barrier Island study, alternatives are being finalized and the EIS should be ready for agency review in the late spring. The hydrologic model of Barataria is gathering elevation data by LIDAR. The existing conditions model should be ready in December 2002.

C. Report on Outreach Committee Activities

Ms. Gabrielle Bodin reported on the Breaux Act outreach program. (The January – March 2002 Report was included in the briefing book.) Mr. Scott Wilson presented samples of the fact sheet that have been developed for Breaux Act projects which are available on the internet. Ms. Lynn Shomberg reported on the outreach efforts in conjunction with the Superbowl. It was a scaled-down effort due to the consequences of Sept 11th.

D. Report on Confronting Climate Change in the Gulf Coast Region.

Dr. Howard Twilly presented the report on climate change in place of Dr. John Day. The report highlighted the need to factor this into what we are doing. Dr. Twilly referred to a Gulfwide report (5 states) and the analysis therein. He

TAB D

mentioned that Dr. Day co-authored a Pew report on freshwater and he authored another PEW report on coastal systems. He emphasized the need to translate science into action and adaptation. Climate change is not a single issue. It is a factor that will amplify our present use of our ecosystem. We should look at the consensus of the last several years and factor this in to how we will manage our freshwater, groundwater, and sediment resources. Look at the three reasons for changes in climate: temp, precipitation, sea level rise (sure of first and last). 3 deg F in next 15 yrs, 15" sea level rise in next 100 years (equates to a net 44" rise due to subsidence). Precipitation predictions range from 30% more to 30% less precipitation. These projections need to be factored into what we do on the coast.

E. Report on the Status of the Breaux Act Oyster Relocation Plan (OUCH)

Mike Voison, chairman of the Oyster Lease Task Force reported on the status of the oyster industry and the interest of oyster fishermen in coastal restoration. The industry produces 250M lbs of oysters annually in South Louisiana. There are 400,000 acres under lease and 1.7M acres held for the public. He stated that 5-15 parts per thousand(ppt) salinities are needed for oysters. The annual oyster harvest is worth \$266M. He reported that the Chesapeake Bay area received \$50M to bring back oysters in the bay. He stated that despite the Caernarvon challenges, the oyster industry continues to support coastal restoration. He gave a brief history of freshwater diversions as they relate to oyster production and detailed some of the problems with the operation of the Caernarvon structure. He talked about the oyster relocation plan and the efforts underway at Davis Pond. He looks forward to working with the Task Force to resolve the remaining issues.

Mr. Jack Caldwell stated that one of the basic principles to be observed in coastal restoration is the preservation of Louisiana's private farming system. The oysterman should not suffer the unrecouped loss of oysterbeds, if a coastal restoration project comes along. He reported that the state legislature developed a statute in its most recent session that will be taken to the Oyster Task Force. He discussed the income approach and the matter of the cumulative area. He stated that representative Tauzin has agreed to look at the extension as part of the Davis Pond area. We have settled with all oysterman north of the 5 ppt salinity line. Tauzin is attempting to get additional funds for the area below the 5 ppt line.

F. Report on the Louisiana Coastal Area - Feasibility Study.

Mr. Jon Porthouse, LDNR, reported on LCA. A draft report for Marsh Creation has been completed and a \$40M plan has been developed. It includes 1000 acres, south of Hwy 1. It should be out for review next month. A draft

TAB D

report on Shoreline Protection should be completed by the end of the year. It will not make it in WRDA 2002. The hydrodynamic model is finally getting off the ground and is expected to be running in the next year.

A Cost Sharing Agreement (CSA) for the Comprehensive Coastwide Restoration Feasibility Study was signed by the Corps and LDNR on March 14, 2002. It provides \$8.6 M over the next 1.5 years to put details on a conceptual plan for Coast 2050. EIS scoping has begun. There is a need to get the Vertical Team together early in the process and keep them involved continually throughout the process in order to have a report to Congress in 2004. Public participation is lagging behind. Mr. Porthouse thanked the Task Force members, local governments, and the public for their assistance in getting the study started and is looking forward to working with them over the next year.

G. Presentation on the Coastal Gulf of Mexico Modeling Effort.

Dr. Paul Kemp reported on the Gulf of Mexico shelf modeling effort. Dr. Bahr commented on the need to get a good handle on salinity levels in the Gulf. He commented on the Northern Gulf Littoral Initiative (NGLI), modeling nutrients, pathogens, toxic chemicals, as well as, several other relevant models. A focus meeting was suggested as the next step.

H. Discussion of format options for the Report to Congress.

Dr. Bahr reminded the Task Force that the Breaux Act requires a report to Congress every 3 years documenting effectiveness. We have submitted 2 reports to Congress already and considerable effort went into those reports. He requested some guidance from the Task Force on what the next report to Congress should look like. He suggested a report on the Everglades Program as a model. It should be a simple report for the Congressional delegation. Mr. Gohmert agreed. He thought that we need to make the report more interesting, with more pictures and less technical information. We need to show that the Breaux Act process is working and achieving results. It needs to be positive and upbeat and focus on accomplishments. There was general agreement among the Task Force members that the report should be shorter, 15 to 25 pages, and less technical.

VI. Additional Agenda Items

A. Dr Bahr told the Task Force that the study to gain WRDA 2004 authorization for the 2050 effort includes several major ideas that are significant enough to consider another look, such as, delta management of the lower Mississippi River,

TAB D

a massive conveyance channel or 3rd delta, and an Atchafalaya reef. He informed the group that the Governor's office, with strong support from Mike Foster, will host a workshop to look at the bay system on April 22-23rd. The state has put up \$1M and expects the Corps to cost share 50/50. He hopes to get a bathymetric survey of the area started through NOAA.

B. Mr. Schmitten introduced a new publication entitled "Wetlands and Fish, Catch the Link". All of the Breaux Act agencies are in the report.

VII. Request for Public Comments

The Task Force chairman offered members of the public an opportunity to comment on issues of concern.

A. Mr. Doug Daigle, Miss River Basin Alliance, stated that reports that are coming out emphasize the need to consider climate changes in our coastal efforts. He wanted to know what the State's policy is. He thought that the carbon budget study findings should be tied into coastal work.

B. Dr. Jenneke Visser reported on the adaptive management effort. It includes an outline of the cradle-to-grave review that will happen in the process. She expects a final report in October 02 and a workshop in mid-August 02.

C. Mr. Malcolm Meyer thanked the Task Force on behalf of Senator Breaux,. And reported that the senator was happy to work on the radio spots for the outreach effort.

D. Dr. Bahr called attention to an EPA report that just came out titled, "National Coastal Condition Report". All national coasts are included. He urged everyone to take a look at it

VIII. Date and Location of the Next Task Force Meeting

The next meeting of the Task Force will be held on August 7, 2002, at the Corps of Engineers, New Orleans District, Assembly Room A, beginning at 9:30 a.m.

The meeting was adjourned at 12:45 p.m.