

BREAUX ACT
Coastal Wetlands Planning, Protection and Restoration Act

TASK FORCE MEETING
October 9, 2002

Minutes

I. INTRODUCTION

Colonel Peter J. Rowan convened the forty-eighth meeting of the Louisiana Coastal Wetlands Conservation and Restoration Act Task Force. The meeting began at 9:45 a.m. on October 9, 2002 in the Louisiana Room, at the Louisiana Department of Wildlife and Fisheries, in Baton Rouge, 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.

Colonel Rowan introduced Ms. Karen Gautreaux as the state's new representative on the Task Force. He thanked Dr. Len Bahr for his service on the Task Force as the state's representative. Ms. Gautreaux made a few remarks about her role as the governor's assistant for coastal activities. The other members of the Task force introduced themselves. Mr. David Frugé, also, commended Dr. Bahr for his service.

II. ATTENDEES

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

Ms. Karen Gautreaux, State of Louisiana

Mr. Miguel Flores, 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

Colonel Peter J. Rowan, U.S. Army Corps of Engineers

All of the Task Force members except Mr. Rollie Schmitten were in attendance. Dr. Eric Zobrist represented Mr. Schmitten.

III. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Colonel Rowan called for comments on the minutes from the previous Task Force meeting. There were none.

A motion was made by Mr. Don Gohmert to approve the minutes from the January 16, 2002, Task Force meeting.

Mr. ? Seconded the motion.

The motion passed unanimously.

IV. TASK FORCE DECISIONS

A. Request: Approval of the FY03 Planning Budget (Saia)

Mr. John Saia presented the recommendation of the Technical Committee to approve the FY03 planning budget for \$5,303,450. He pointed out that there were funds in the budget for Federal agency coordination with the Corps and state Louisiana Coastal Area Comprehensive Ecosystem Restoration Feasibility Study. He also stated that the budget did not include additional items to be requested by the outreach committee later in the meeting.

Mr. Frugé moved to approve the FY03 planning budget.

Mr. Gohmert seconded the motion.

The motion passed unanimously

B. Request: West Bay Sediment Diversion Construction Approval

Mr. Saia presented the recommendation of the Technical Committee to approve construction funding in the amount of \$22,306,712 for construction of the West Bay Sediment Diversion Project (MR-03) to create 8,932 acres of wetlands in Plaquemines Parish, Louisiana.

Mr. Gohmert moved to approve the Technical Committee recommendation.

Colonel Rowan cited a letter of concern that he had received from the shipping industry.

Mr. Frugé seconded the motion.

The motion passed unanimously.

C. Request: Outreach Funding Initiatives FY03 (Bodin)

Ms. Gabrielle Bodin presented two outreach proposals recommended by the outreach committee:

Request #1

The Task Force approved funding for two EPA special strategic initiatives in October 2001. One was to conduct field tour/briefings for \$55K. The use of \$15K was recently approved to support a White House tour. The other special initiative was for business/industry workshops on coastal Louisiana wetland loss for \$45K. *The Outreach Committee is seeking guidance from the Task Force concerning the remaining funds. Options include retaining the funds in the budget for related opportunities in FY03.*

Request #2

The Public Outreach Committee is submitting three new proposed strategic initiatives for the Task Force's consideration for funding above the current base level of Outreach funding. New strategic initiatives are delivered to the Task Force annually at the October meeting, as per previous Task Force guidance. The three initiatives, their sponsoring agencies, and level of funding are (see attached fact sheets for details):

1. "Protect the Purchase" – USGS – \$79,000
2. Media Initiative – NRCS – \$8,000
3. "Louisiana Wetlands Functions and Values" CD-ROM Update – USGS – \$23,000

Mr. ??? moved to approve the outreach committee proposals.

Mr. ????? seconded the motion.

The motion passed unanimously

V. INFORMATION

A. Remarks from the Chairman of the Governor's Advisory Commission on Coastal Restoration, Mr. King Milling.

Mr. King Milling asked the Task Force to re-evaluate their activities. He credited the Breaux Act with building the existing knowledge base. He urged the Task Force to use every dollar toward sustaining a coastal ecosystem, to pick projects that fit into a

comprehensive plan, and to let science and engineering dictate solutions. He asked the Task Force to reconsider its demonstration program with a view towards implementing large-scale strategies.

Mr. Frugé pointed out to Mr. Milling that the Task Force over the last couple of years has tried to link project selection to the 2050 comprehensive plan and has used Breaux Act funds for other Federal agencies to join the Corps' comprehensive feasibility study.

B. Status of Breaux Act Program Funds and Projects

Mr. Tom Podany presented the status of the Breaux Act funds. The status of construction funds taking into consideration approved current estimates, project expenditures through present, Federal and non-Federal cost sharing responsibilities, is an estimated amount of \$27,815,730 in Federal funds available, based on Task Force approvals to date. Mr. Podany pointed out to the Task Force that the ratio of Breaux Act project expenditures to total allocated funds is low compared to other Corps programs. A total of \$426M Federal to be matched by \$80M non-Federal has thus far been allocated and only \$154M has been spent. Mr. Podany stated that the Corps headquarters is questioning that level of Breaux Act performance as they are providing guidance on how to structure the Louisiana Coastal Area Comprehensive Ecosystem Restoration Feasibility Study to secure funding under a Water Resources Development Act. He reported on the amounts being reserved for future operations and maintenance and monitoring. Ms. Gautreaux asked if the Breaux Act committees should be charged with developing a means to bring the program in line with the larger study effort. Mr. Flores wanted to make sure there is money for monitoring, as did Mr. Zobrist. Colonel Rowan called for motions but none were forthcoming. Mr. Frugé suggested an off-site meeting. Some discussion about the need for and format of such a meeting followed. Mr. Hanchey interjected the idea of applying cash flow to PPL's 1-8. He also asked the Task Force if it was willing to change its annual list process and committee structures. Colonel Rowan brought up the idea of using an outside consultant. Mr. Frugé suggested using a facilitator. Mr. Gohmert wanted to fix any expenditure problems in open working sessions and take up Mr. Hanchey's ideas with a facilitator. Colonel Rowan charged the Breaux Act committees with developing the background information for the off-site discussions.

C. Report: CWPPRA Funding and Expenditure Overview (LeBlanc) and Guidance from Task Force on future Project Priority Lists

Ms. Julie LeBlanc reported on the funding status of all approved priority list projects. Construction of all of these projects, excluding Myrtle Grove and Bayou Lafourche, would require \$300M more than the total of all anticipated Breaux Act allocations through 2009. This brought up a discussion as to why Bayou Lafourche funding was left out of the total. There was some discussion as to what technically constituted an obligation of funds in the Corps financial system. The Task Force generally agreed to continue approving projects. Colonel Rowan stated that some projects would fall by the wayside. Mr. Flores advised being judicious in the selection of future projects.

D. Report: Outreach Committee

Ms. Gabrielle Bodin reported on the Breaux Act outreach program.

E. Report: Adaptive Management Review

Mr. Rick Rainie presented an overview of the findings of the adaptive management review. The review group had looked at several of each type of project and drew conclusions and made some recommendations. The results had been presented at a workshop on August 12-13, 2002, in Baton Rouge.

F. Announcement: Public Meetings to Present PPL12 Candidate Project Evaluation Results

Mr. Greg Miller announced that two public meetings would be held to present the results of candidate projects under review and consideration for the 12th Priority Project List. They are November 19 in Abbeville and November 20 in New Orleans. The Technical Committee will meet in December to recommend projects for selection to the 12th list. In January 2003, the Breaux Act Task Force will select the 12th Priority Project List.

G. Report: Initial Damage Assessment of Impacts from Tropical Storm Isidore and Hurricane Lili

Dr. Shea Penland reported on an aerial damage assessment of impacts from tropical storm Isidore and hurricane Lili. Photos of the pre and post storm barrier islands and headlands were shown. Damage to the islands was apparent. Island dunes did not appear to have washed over to the backside of the islands. Broader, flatter islands with marsh on the bayside seemed to fair better. This observation prompted Mr. Hanchey to suggest

that we should revisit the barrier island project designs that are currently in the works. Dr. Penland advised the Task Force that maintenance of the islands should be anticipated and planned. Mr. Garrett Broussard reported on a project damage assessment that had been undertaken by the Louisiana Department of Natural Resources (DNR). Marsh Island took a big hit but most of the interior projects came out all right. Mr. Zobrist apprised the group of the need for contingency funds to repair monitoring data stations. Mr. Bob Stewart showed aerial video footage of the post storm marshes and islands that had been taken by the U. S. Geological Survey (USGS).

H. Report: Update on Louisiana Coastal Area Comprehensive Study

Mr. Randy Hanchey reported on the status of the Louisiana Coastal Area Comprehensive Ecosystem Restoration Feasibility Study. He stated that the study had progressed about one third of the way and that mid course adjustments were being made. An ecological model would be commissioned. The study is pursuing Coast 2050 strategies. Outside consultants will be employed. Discussions of objectives are ongoing. He mentioned the states' interest in the Acadiana Bay initiative, reef restoration, a physical model of the Mississippi River, the 3rd delta, and convening a group to look at the lower Mississippi River. The draft report is needed by mid-2003 to make it into a 2004 WRDA. He stated that the framework development team had become a major player, that the National Review Conference ??? would evaluate the study, and a National technical review team was providing technical support. Mr. Zobrist asked about the barrier islands. Mr. Stewart advised the inclusion of infrastructure benefits. Mr. Flores stated the intention of the EPA to pursue a pipeline slurry demonstration.

VI. Additional Agenda Items

There were no additional agenda items offered.

VII. Request for Public Comments

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

A. Mr. Mark Davis stated that much more was expected of everybody involved. He advised taking stock of what has been learned and planning for storms, coordinating emergency money, seeking Federal Emergency Management Agency (FEMA) funds for

projects, and coordinating repairs. He also, advocated taking a holistic approach in regards to demonstration projects.

B. Mr. Woody Cruse spoke in favor of the Bayou Dupont Sediment Delivery Project.

VIII. Date and Location of the Next Task Force Meeting

The next meeting of the Task Force will be held on January 16, 2002, at the Corps of Engineers, New Orleans District, Assembly Room A, beginning at 9:30 a.m.

The meeting was adjourned at 1:05 p.m.

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All of the Task Force members except Mr. Rollie Schmitten were in attendance. Dr. Eric Zobrist represented Mr. Schmitten.

III. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Colonel Rowan called for comments on the minutes from the previous Task Force meeting. There were none.

A motion was made by Mr. Don Gohmert to approve the minutes from the January 16, 2002, Task Force meeting.

Mr. Flores seconded the motion.

The motion passed unanimously.

IV. TASK FORCE DECISIONS

A. Request: Approval of the FY03 Planning Budget

Mr. John Saia presented the recommendation of the Technical Committee to approve the FY03 planning budget for \$5,303,450. He pointed out that there were funds in the budget for Federal agency coordination with the Corps and state Louisiana Coastal Area Comprehensive Ecosystem Restoration Feasibility Study. He also stated that the budget did not include additional items to be requested by the outreach committee later in the meeting.

Mr. Frugé moved to approve the FY03 planning budget.

Mr. Gohmert seconded the motion.

The motion passed unanimously

B. Request: West Bay Sediment Diversion Construction Approval

Mr. Saia presented the recommendation of the Technical Committee to approve construction funding in the amount of \$22,306,712 for construction of the West Bay Sediment Diversion Project (MR-03) to create 8,932 acres of wetlands in Plaquemines Parish, Louisiana.

Mr. Gohmert moved to approve the Technical Committee recommendation.

Colonel Rowan cited a letter of concern that he had received from the shipping industry. Mr. Frugé seconded the motion. The motion passed unanimously.

C. Request: Outreach Funding Initiatives FY03 (Bodin)

Ms. Gabrielle Bodin presented two outreach proposals recommended by the outreach committee:

Request #1

The Task Force approved funding for two EPA special strategic initiatives in October 2001. One was to conduct field tour/briefings for \$55K. The use of \$15K was recently approved to support a White House tour. The other special initiative was for business/industry workshops on coastal Louisiana wetland loss for \$45K. *The Outreach Committee is seeking guidance from the Task Force concerning the remaining funds. Options include retaining the funds in the budget for related opportunities in FY03.*

Ms. Beverly Ethridge, EPA, made a case for retaining funds for future tours and briefings and reported on the status of the evolving business/industry workshops proposal. She recommended retaining those funds for a future proposal. Mr. Frugé asked if the Public Outreach Committee would come back to the Task Force with specific proposals? Ms. Bodin responded in the affirmative.

Mr. Frugé moved to retain the unexpended funds for future Public Outreach Committee proposals.

Mr. Gohnert seconded the motion.

The motion passed unanimously

Request #2

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1. "Protect the Purchase" – USGS – \$79,000
2. Media Initiative – NRCS – \$8,000
3. "Louisiana Wetlands Functions and Values" CD-ROM Update – USGS – \$23,000

Dr. Len Bahr (replacing Ms. Gautreaux for a short period) moved to approve the three previously unbudgeted outreach committee proposals.
Mr. Frugé seconded the motion.
The motion passed unanimously

V. INFORMATION

A. Remarks from the Chairman of the Governor's Advisory Commission on Coastal Restoration, Mr. R. King Milling.

Mr. R. King Milling asked the Task Force to re-evaluate their activities. He credited the Breaux Act with building the existing knowledge base. He urged the Task Force to use every dollar toward sustaining a coastal ecosystem, to pick projects that fit into a comprehensive plan, and to let science and engineering dictate solutions. He asked the Task Force to reconsider its demonstration program with a view towards implementing large-scale strategies. He asked that we consider new methodologies to ensure that CWPPRA meshes with the LCA Comprehensive Study.

Mr. Frugé pointed out to Mr. Milling that the Task Force over the last couple of years has tried to link project selection to the 2050 comprehensive plan and has used Breaux Act funds for other Federal agencies to join the Corps' comprehensive feasibility study.

B. Status of Breaux Act Program Funds and Projects

Mr. Tom Podany presented the status of the Breaux Act funds. The status of construction funds taking into consideration approved current estimates, project expenditures through present, Federal and non-Federal cost sharing responsibilities, is an estimated amount of \$27,815,730 in Federal funds available, based on Task Force approvals to date. Mr. Podany pointed out to the Task Force that the ratio of Breaux Act project expenditures to total allocated funds is low compared to other Corps programs. A total of \$426M Federal to be matched by \$80M non-Federal has thus far been allocated and only \$154M has been spent. Mr. Podany stated that the Corps headquarters is questioning that level of Breaux Act performance as they are providing guidance on how to structure the Louisiana Coastal Area Comprehensive Ecosystem Restoration Feasibility Study to secure funding under a Water Resources Development Act. He reported on the amounts being reserved for future operations and maintenance and monitoring. Ms. Gautreaux asked if the Breaux Act committees should be charged with developing a means to bring the program in line with the larger study effort. Mr. Flores wanted to make sure there is

money for monitoring. Mr. Zobrist agreed and further stated that we should ensure that actual O&M on projects matched projected expenditures. Colonel Rowan called for motions but none were forthcoming. Mr. Frugé suggested an off-site meeting. Some discussion about the need for and format of such a meeting followed. Mr. Hanchey interjected the idea of applying cash flow to PPL's 1-8. He also asked the Task Force if it was willing to change its annual list process and committee structures. Colonel Rowan brought up the idea of using an outside consultant. Mr. Frugé suggested that using a facilitator would help. Mr. Gohmert wanted to fix any expenditure problems in open working sessions and take up Mr. Hanchey's ideas with a facilitator. Colonel Rowan charged the Breaux Act committees with developing the background information and agenda for the off-site discussions.

C. Report: CWPPRA Funding and Expenditure Overview (LeBlanc) and Guidance from Task Force on future Project Priority Lists

Ms. Julie LeBlanc reported on the funding status of all approved priority list projects (PPL1-11, including complex projects). Construction of all of these projects, excluding Myrtle Grove and Bayou Lafourche, would require nearly \$300M more than the total of all anticipated Breaux Act allocations through 2009. This brought up a discussion as to why Bayou Lafourche funding was left out of the total. Ms. Gay Browning indicated that we could include Bayou Lafourche in future funding status reports if the Corps is provided an estimate for the amount to be paid for under Breaux Act. There was some discussion as to what technically constituted an obligation of funds in the Corps financial system. The Task Force generally agreed to continue approving projects. Colonel Rowan stated that some projects would fall by the wayside. Mr. Flores advised being judicious in the selection of future projects.

D. Report: Outreach Committee

Ms. Gabrielle Bodin reported on the annual activities (October 2001 – September 2002) of the Breaux Act outreach program.

E. Report: Adaptive Management Review

Mr. Rick Rainie presented an overview of the findings of the adaptive management review. The review group had looked at several of each type of project and drew conclusions and made some recommendations. The results had been presented at a workshop on August 12-13, 2002, in Baton Rouge.

F. Announcement: Public Meetings to Present PPL12 Candidate Project Evaluation Results

Mr. Greg Miller announced that two public meetings would be held to present the results of candidate projects under review and consideration for the 12th Priority Project List. They are November 19 in Abbeville (7 pm, at the Vermilion Parish Police Jury Courthouse Building, Courtroom 1, 2nd floor) and November 20 in New Orleans (7 pm, at the Corps of Engineers, District Assembly Room). The Technical Committee will meet on December 10, 2002 to recommend projects for selection to the 12th list. On January 16, 2003, the Breaux Act Task Force will select the 12th Priority Project List.

G. Report: Initial Damage Assessment of Impacts from Tropical Storm Isidore and Hurricane Lili

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of the way and that mid course adjustments were being made. An ecological model would be commissioned. The study is pursuing Coast 2050 strategies. Outside consultants will be employed. Discussions of objectives are ongoing. He mentioned the states' interest in the Acadiana Bay initiative, reef restoration, a physical model of the Mississippi River, the 3rd delta, and convening a group to look at the lower Mississippi River. The draft report is needed by mid-2003 to make it into a 2004 WRDA. He stated that the framework development team had become a major player, that the National Review Conference ??? would evaluate the study, and a National technical review team was providing technical support. Mr. Zobrist asked if the barrier island study is still ongoing. Mr. Hanchey indicated that it will be pulled into the comprehensive study. Mr. Zobrist stated that it is important to note that there are quite a few CWPPRA barrier island projects that will come up for Task Force approval before 2004. He indicated the need to be able to mesh the barrier island approach under WRDA and CWPPRA. Mr. Stewart advised the inclusion of infrastructure benefits. Mr. Flores stated the intention of the EPA to pursue a pipeline slurry demonstration, as a means to move Mississippi River sediment into the marsh.

VI. Additional Agenda Items

There were no additional agenda items offered.

VII. Request for Public Comments

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

A. Mr. Mark Davis, Executive Director of the Coalition to Restore Coastal Louisiana, stated that he agreed with Mr. Milling's earlier comments about the need to look at our process, and that much more was expected of everybody involved. He advised taking stock of what has been learned and planning for storms, coordinating emergency money, seeking Federal Emergency Management Agency (FEMA) funds for projects, and coordinating repairs. He also, advocated taking a holistic approach in regards to disaster assistance and looking at demonstration projects.

B. Mr. Woody Cruse, Jefferson Parish Marine Fisheries Advisory Board, spoke in favor of the Bayou Dupont Sediment Delivery Project.

VIII. Date and Location of the Next Task Force Meeting

The next meeting of the Task Force will be held on January 16, 2002, at the Corps of Engineers, New Orleans District, Assembly Room A, beginning at 9:30 a.m.

The meeting was adjourned at 1:05 p.m.