

BREAUX ACT
Coastal Wetlands Planning, Protection and Restoration Act

TASK FORCE MEETING
August 18, 2004

FINAL Minutes

I. INTRODUCTION

Colonel Peter J. Rowan convened the 55th meeting of the Louisiana Coastal Wetlands Conservation and Restoration Act Task Force. The meeting began at 9:40 a.m. on August 18, 2004 at the U.S. Army Corps of Engineers, New Orleans District, Division Assembly Room – A, 7400 Leake Avenue, New Orleans, 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. Miguel Flores reported on a field trip he took August 17, 2004 to observe the Environmental Protection Agency (EPA)/Louisiana Department of Natural Resources (LDNR) project to restore Timbalier Island. Since June 29, 2004, dredge material has been used to restore the area. He was amazed to see the amount of island that has already been built in a short period of time. The project will be completed in the next 40 days. He recognized project team members Ms. Patty Taylor, Mr. Brad Crawford, Mr. Wes McQuiddy, Mr. John Ettinger, Ms. Pam Mintz, and Mr. Chris Knotts for the tremendous work they are doing. The barrier islands are important for coastal restoration and for protection of life and the coast. He recommended that all of the Task Force members visit Timbalier Island to see the restoration that is taking place.

II. ATTENDEES

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

Mr. Miguel Flores, Environmental Protection Agency
Mr. Sam Hamilton, U.S. Department of the Interior
Ms. Sidney Coffee, State of Louisiana
Mr. Donald Gohmert, U.S. Department of Agriculture
Dr. Erik Zobrist, U.S. Department of Commerce (substituting for Mr. Rollie Schmitt)
Colonel Peter Rowan, U.S. Army Corps of Engineers

III. ADOPTION OF MINUTES FROM APRIL 2004 TASK FORCE MEETING

Colonel Rowan called for a motion to adopt the minutes from the 14 April 2004 Task Force meeting.

Mr. Miguel Flores moved to accept the minutes. Mr. Donald Gohmert seconded, and the motion was passed by the Task Force.

IV. TASK FORCE DECISIONS

A. Request: Recommendation to Restrict Ongoing Budget Requests Approval of Phases I and II Projects to a Cap of 100% (including contingency)

Mr. John Saia presented the Technical Committee's recommendation for lowering the funding limit for all new Phase I and II projects from 125 percent to 100 percent in an effort to make funding available in the program. Many times these additional funds are not utilized and are tied up for a long period of time until the end of the project. All project estimates already include an amount for contingencies. These contingencies would not be affected by this action.

The floor was opened to the Task Force for discussion:

Mr. Miguel Flores asked if there was any discussion in terms of past projects not utilizing this 25 percent. Mr. John Saia said that the extra 25 percent is used in some cases. If a project requires more than 100 percent, the agencies would need to seek Task Force approval to exceed the 100%. There are more projects that are not utilizing the 25 percent than are and many times projects come in below the 100 percent budget. Mr. Flores asked if there was a dollar figure for the amount of funds that would be freed. Ms. Gay Browning replied that it would be 25 percent of the estimate for remaining projects. Mr. Saia that for a \$10 million project, \$2.5 million would be freed which could be fairly substantial for any new authorizations or approvals. Mr. Flores said that approving the 100 percent cap would allow funding of additional projects as a result.

Mr. Sam Hamilton asked that when project costs are estimated, aren't contingencies typically built in to the project cost. Mr. John Saia said that there are generally adequate contingencies (around 25 percent) already built into a project.

Dr. Erik Zobrist said that reducing the cap is a good idea. The program has matured to the point where all agencies involved have a good idea of what the cost estimates are these days. The contingencies and risk factors that were incorporated in the past are no longer needed.

Colonel Peter Rowan asked if there was a trend towards improving cost estimates where earlier projects required the greater contingency whereas later Priority Project List (PPL) projects do not. Mr. John Saia said that more projects are coming in under the 100 percent estimate.

Mr. Donald Gohmert made a motion to accept the Technical Committee's recommendation and reduce the cap to 100 percent for new Phases I and II approvals, and Dr. Erik Zobrist seconded. All Task Force members voted in favor and the motion passed.

B. Request: Request for One Year Extension for Phase II Funding Status for Two Projects Not Yet Under Construction Within Two-Years of Phase II Approval

Mr. John Saia said that the CWPPRA Standard Operating Procedure (SOP) requires that if projects, approved by the Task Force for Phase II, are not under construction within two years of approval, that the project be considered for revocation or that the Task Force extend the time schedule. The Technical Committee recommended that the Task Force approve a one-year extension for the following two projects: New Cut Dune/Marsh Creation and Delta Management at Fort St. Philip.

1. New Cut Dune/Marsh Creation

Mr. John Saia said that the EPA is the lead agency for this project. Phase II construction was approved by the Task Force in January 2001. Project cost is estimated at \$10.3 million. A construction contract was awarded but prior to notice to proceed, the contract was rescinded due to local concerns relative to the borrow area. The concerns required further investigations of alternate borrow sites. The current estimate for award is May 2005.

The floor was opened to the Task Force for discussion:

Mr. Gerry Duszynski said that after the contract was awarded, it was realized that the dredge source was a shoal area. The locals and parish representatives raised concerns that tidal amplitudes could be influenced. It took some time to step back and conduct another sand search. Some good sand was found in the area within budget, and the project is moving forward again.

Mr. Miguel Flores added that these types of projects are extremely important for the work of the Task Force, and he recommended approval of the one-year extension.

Mr. Donald Gohmert made a motion to approve the recommendation by the Technical Committee for a one-year extension for the New Cut Dune/Marsh Creation project. Mr. Sam Hamilton seconded. All members of the Task Force voted in favor and the motion passed.

2. Delta Management at Fort St. Philip

Mr. John Saia said that the U.S. Fish and Wildlife Service is the lead agency for this project, and the cost is \$3.2 million. The Task Force approved Phase II construction in August 2002. It appeared that all conditions to award a construction contract were met in April of 2003. Initially it was believed that no oyster leases would need to be acquired. After further consideration, it was determined that certain leases would need to be acquired. At this time, actions are being taken to acquire the oyster leases. A construction contract could be awarded by April 2005.

The floor was opened to the Task Force for discussion:

Mr. Sam Hamilton said that the outcome of the acquisition of oyster leases is not yet known. He is optimistic that the issues can be resolved in six to eight months. If it cannot be resolved, then the project may have to be de-authorized.

Mr. Miguel Flores made a motion to approve a one-year extension for the Delta Management at Fort St. Philip project. Mr. Don Gohmert seconded the motion. All members of the Task Force voted in favor and the motion passed.

V. INFORMATION

A. Report: Status of Breaux Act Program Funds and Projects

Ms. Gay Browning discussed the construction program and status of the CWPPRA accounts. In the Planning Program, there is \$700,000 of carry over funds entering FY 05. In the Construction Program, there are \$404 million in obligations and \$227 million in expenditures. Cumulative Federal funding into the program is \$531 million. Total funding, including local sponsor funding, is \$633 million. Currently, there is \$3.9 million available for obligation. In total, including project funds through FY09 and all projects that have been put on a priority list to-date, there is an estimated shortfall of more than \$500 million. There are 11 projects scheduled to request Phase II approval in October 2004 at an estimate of \$165 million. There will be a need for \$82 million if everything were approved. Four projects were completed in FY 04, and there are two more projects scheduled to begin construction this FY.

Colonel Peter Rowan noted that Ms. Gay Browning has provided invaluable assistance and expertise to the CWPPRA program. She has taken a promotion but will continue to work on the CWPPRA program.

B. Report: Presentation and Announcement of the Revised Schedule for PPL 15

Mr. John Saia said that the Task Force instructed the Technical Committee to modify the PPL 15 process to allow selection of projects in October 2005. The PPL 15 process will be initiated in October 2004 with distribution of a public announcement for the upcoming Regional Planning Team meetings, which will continue to be held in February 2005. The candidate project site visits will be held from April - May instead of during the May - June time frame. Candidate evaluations will take place May - August in lieu of June - September. Public meetings have moved from November to August. The already initiated PPL 14 process would not be impacted; project selection for PPL 14 remains scheduled for January 2005.

The floor was opened to the Task Force for discussion:

Ms. Sidney Coffee asked where the prioritization criteria of projects are factored in with the scarcity of funds. The scarcer the funds, the more the priorities will weigh in on what the Task Force is doing. When she goes to Washington, D.C., she is constantly asked if CWPPRA is meshing with LCA. What is the Task Force's process for prioritization and how does that fit with the bigger picture?

Dr. Erik Zobrist said that at some point in time, the new projects under consideration for PPL 15 are eventually thrown in the hopper with all the other projects, and there is a reevaluation so that the best of the crop rise to the top.

Mr. John Saia said that CWPPRA does go through a prioritization process and also currently looks at the Coast 2050 strategies. Through the CWPPRA process, environmental, engineering, and economics are looked at and there is a prioritization list that is prepared based on those evaluations.

Ms. Sidney Coffee thinks that the Task Force will be called upon to make sure that the same priority is being used for all projects in the big picture. She asked Colonel Rowan if a working group could be appointed to look at the prioritization process and how CWPPRA and LCA can mesh together. It would be better to start working on this now rather than wait to see if there is a Water Resources Development Act.

Mr. Donald Gohmert said that in addition to the priority criteria used while planning projects, there is a screening tool used when projects come to Phase II funding. The screening tool is used to help decide which projects best fit the intent of the program.

Ms. Sidney Coffee said that she was not questioning the intent of the program. Sooner or later, the CWPPRA screening process will have to mesh with the bigger picture and the LCA.

Mr. John Saia added that the prioritization criteria used by CWPPRA do include some criteria from LCA. As the process has moved forward, LCA has been incorporated into the process of prioritization.

Colonel Peter Rowan said that he is not prepared to launch a working group because the LCA report has not been finalized. The LCA report did include critical needs criteria that, once finalized, can be synchronized with the prioritization system now used by the CWPPRA process. The only caveat is that while CWPPRA and LCA need to be complementary, they do not necessarily need to follow the same prioritization criteria. There is a niche capability that the CWPPRA program has that the constraints of LCA cannot meet right now. CWPPRA has answered some of the needs on the coast that were not addressed in the initial LCA near-term plan. The public still sees CWPPRA as a vital program, particularly for areas of the coast that do not have a designated near-term project.

Ms. Sidney Coffee said that she is not suggesting that there is not a need for CWPPRA. Even if LCA were fully authorized and funded, there will always be a need for CWPPRA. She reminded the Task Force that even with the niche CWPPRA serves it has to fit in with the bigger picture. The Task Force needs to make sure that funds are spent wisely and on the most critical needs especially with the scarcity of funds.

Mr. Sam Hamilton said that the scarcity of resources is being felt all across the country. He understands the need to demonstrate that funds are being spent wisely to achieve the goals set. There is a fair amount of confusion about LCA and CWPPRA and how the two will interface with each other. The Task Force will have to demonstrate how one fills a void that the other cannot and put together material to show that these are complementary programs.

Mr. Miguel Flores said that a large part of the decision to go forward with the prioritization process was the fact that it was linked to LCA and the larger picture. He was concerned about projects being scattered all over the place without a common theme to hold them together. Findings from the LCA study are showing that projects such as river reintroductions and barrier island creation are high on the list; these projects are high on CWPPRA's list as well. The two programs are meshed together, and the Task Force has to be mindful that they remain that way.

The floor was opened up to the public. There were no public comments regarding the changing of the PPL 15 process.

C. Report: Fax Vote by the Task Force to Add Sabine Refuge Marsh Creation Cycles 2 and 3 to the Priority List

Mr. John Saia reported the results of the June 3, 2004 fax vote regarding Cycles 2 and 3 of the Sabine Refuge Marsh Creation project. In January 2001, the Task Force gave construction approval for Cycle 1. At the same time, the Task Force also passed a motion to delete the remaining cycles from the project to avoid a Cost Sharing Agreement with multiple contracts that extended beyond five years. In January 2004, the Task Force granted construction approval for Cycles 2 and 3. The Corps requested clarification indicating that Cycles 2 and 3 were part of the PPL. The fax vote was passed to clarify that Cycles 2 and 3 are included in the PPL. The four Federal agencies, excluding the Corps, voted to approve the following motion. The motion passed by a majority vote of the Task Force. Results of the fax vote were distributed to the agencies on June 3, 2004.

The CWPPRA Task Force adds the Sabine Refuge Marsh Creation Cycle 2 and Cycle 3 projects to the Priority Project List.

D. Report: Public Outreach Committee Quarterly Report

Ms. Gabrielle Bodin, CWPPRA Outreach Coordinator, presented the Public Outreach Committee Quarterly Report. Discussion included:

- A dedication ceremony was held at Fort Jackson on May 21st to dedicate six projects sponsored by National Marine Fisheries Service and the Corps of Engineers. Over 150 people attended the event, and Senator John Breaux was the Master of Ceremonies. The video news release of the dedication produced statewide media coverage. There will be another dedication ceremony in late fall.
- In September, CWPPRA will be exhibiting at the Restore America's Estuaries Conference in Seattle, WA, for which CWPPRA has provided partial sponsorship.
- The *Protect the Purchase* exhibit began display July 10th at Lake Claiborne State Park and will tour the Louisiana State Park system for one year.
- The Outreach Program is working with Mr. C.C. Lockwood on his *Marsh Mission* project. Mr. Lockwood spent a year documenting the beauty and loss of Louisiana's coastal wetlands. The *Marsh Mission* exhibit will start in October 2005 in Baton Rouge and will travel to Washington, D.C. in January 2006. The Outreach Program will provide maps and materials for the exhibit to help illustrate land loss and the importance of Louisiana's coastal wetlands.
- Ms. Bodin also announced that 20,000 copies of the *Turning the Tide* brochure have been printed with 5,000 of the copies going to Washington, D.C. for the America's Wetland campaign.
- Senator John Breaux and Congressman Chris John visited the National Wetlands Research Center on August 13, 2004. Senator Breaux spoke about the history of the Breaux Act and his hopes for CWPPRA reauthorization through 2019.

Ms. Sidney Coffee congratulated the Outreach Committee for doing a wonderful job.

Colonel Peter Rowan added that the Task Force has been spending a lot of time in Washington, D.C. informing Congress on what Louisiana is trying to do to fix the problem.

Mr. Miguel Flores asked if *WaterMarks* was distributed to all the members of Congress. The Task Force may want to consider the possibility of distributing *WaterMarks* and the *Turning the Tide* brochure to members of Congress as a way to bring national attention and awareness to coastal Louisiana. Ms. Gabrielle Bodin said that she would look into doing this.

E. Report: Presentation of the Coastwide Nutria Program

Mr. Jeff Marx, biologist with Louisiana Department of Wildlife and Fisheries, presented results from the second year of the coastwide nutria control program. The nutria control program is funded by CWPPRA through sponsorship by the Natural Resources Conservation Service and LDNR. The goal of the program is to significantly reduce marsh damage from nutria herbivory by removing 400,000 nutria from coastal Louisiana per year. Hunters and trappers must apply to the program and receive \$4 per nutria tail delivered to collection stations. The trapping season is from November 20 to March 31. Field data collection starts one week into the trapping season. Nutria harvest was tracked using participant leases with actual harvest areas indicated by participants. Results from the 2003-04 nutria harvest are as follows:

- A total of 332,596 nutria tails, worth \$1,330,384 in incentive payments, were collected from 346 participants this year.
- Approximately 86 percent of the harvest came from the southeast portion of Louisiana.
- Breakdown by participant: 114 participants turned in less than 200 tails, 68 participants turned in between 200 and 800 tails, and 121 participants turned in more than 800 tails.
- Breakdown of method of harvest: 48 percent by trapping, 50 percent by shooting with rifle, and 2 percent taken with a shotgun.
- Harvest by parish: Plaquemines (26.1%), Terrebonne (15.6%), Jefferson (7.5%), and St. Bernard (4.0%).

Mr. Marx also presented results from the 2003 Vegetative Damage Survey. In 2003, there were 84 damage sites (21,888 acres) including three that had converted to open water. Of the 81 damage sites, 51 containing 17,409 acres received some level of trapping or hunting while the other 30 containing 4,406 acres did not.

Mr. Edmond Mouton discussed results from the 2004 nutria Vegetative Damage Survey. There were 16,906 acres of damage done to 69 sites, which extrapolates to 63,397 acres of impacted marsh in the coastal area. This is a 22.8 percent decrease in damaged acres coast-wide, when compared to 2003. There were 24 recovered sites with a combined acreage of 6,049 acres. Only four sites (675 acres) had severe vegetative damage and one site (20 acres) converted to open water. Severe damage acreage has been reduced 80.5 percent since 2002. Over two years, the amount of conversion to open water has been reduced by 98 percent. Mr. Mouton added that some of the adaptive management techniques include speaking with landowners with damaged sites and encouraging them to enroll in the program and directing harvest to locations where

damage is most prevalent. More information about the nutria control program can be found on the Internet at nutria.com.

The floor was opened to the Task Force to ask questions:

Mr. Miguel Flores asked if the overall population of nutria is declining statewide or in the coastal area. Mr. Edmond Mouton replied that based on ground observations and aerial surveys, there is some decline but will really be able to see it through time by looking at harvest numbers. About 50 percent of nutria damage occurs in the fresh marsh. Mr. Flores asked Mr. Mouton's opinion about the amount of money being provided per pelt as an incentive payment. Would there be a dramatic movement in the amount of nutria harvested if the price were slightly increased? Mr. Mouton said that before the program, an average trapper received \$1.50 or less per nutria. The current incentive of \$4.00 per tail provides a good incentive for the trappers. If the harvest does decline, there are funds available in the budget to increase the incentive payment.

Dr. Erik Zobrist asked about the turnover rate of hunters in the program and if the shift in the numbers of nutria harvested per parish was from a shift in the nutria population or from a shift in trappers. Mr. Edmond Mouton replied that it was from a shift in the nutria population. Mr. Jeff Marx added that there were 342 trappers last year and 346 this year. The majority of the trappers are the same, so the turnover rate for trappers is probably low. Mr. Zobrist asked if it would be helpful to extend the trapping season for nutria. Mr. Marx replied that it would not help. Trappers look for a trail set and put traps on the trail. It is difficult to see the trail when the vegetation is growing.

Mr. Gerry Duszynski said that the nutria control program was never envisioned as an eradication program. It is more to stabilize nutria numbers and keep the population manageable to take some pressure off the marsh.

Mr. Miguel Flores suggested showing the number of wetland acres that are preserved as result of these efforts. How does killing 300,000 nutria translate with respect to the protection of coastal and freshwater marsh?

Mr. Sam Hamilton said that it was a good presentation and seems to be a cost-effective program. He asked if there was a minimum acreage size required to enroll in the program. He is concerned about a significant nutria population on adjacent land not enrolled in the program. Mr. Jeff Marx said that there is no minimum acreage requirement. There is a limited number of nutria that can be harvested from certain size acres. There are damage sites that are five and 15 acres. Allowing smaller sites into the program enables effective management in at least that small area.

Mr. Donald Gohmert appreciates the Department of Wildlife and Fisheries and LDNR for working so effectively in putting together this program that has taken over 600,000 nutria out of the marsh. If the marsh is converted to open water and natural native vegetation is lost, it will be a long time, if ever, that the marsh can be restored.

F. Report: Status of Louisiana Coastal Area (LCA) Public Meetings

Mr. Kevin Wagner provided an update on the status of the LCA report. Nine public meetings were held throughout the coastal area as well as locations outside the coastal area such as Alexandria, LA; Texas; Mississippi; and Tennessee. Many comments were made regarding the Mississippi River – Gulf Outlet closure and the need to look at a more comprehensive plan. The public is recognizing that this is an initial step to addressing the ecosystem degradation. There was a lot of support for the Third Delta Conveyance Channel. The LCA team expects to have the final report completed in October 2004, and a signed Chief of Engineer's Report in December 2004. There are seven components recommended in the plan, including five features that are seeking programmatic authorization. There are ten additional features seeking standard authorization. The plan also includes a science and technology program, a beneficial-use of dredged materials program, modifications to existing structures, and a demonstration program. The LCA plan also includes a component to look into large-scale, long-term restoration studies to develop a more comprehensive plan.

Mr. Miguel Flores recognized the hard and collaborative efforts of the LCA team in putting together the report. Colonel Peter Rowan added that the public comment period is open through August 23rd.

VI. ADDITIONAL AGENDA ITEMS

Colonel Rowan presented certificates to former members and support elements of the Task Force:

- Dr. Bill Good received a Certificate of Commendation for exemplary service from 1992 to 2003 in the CWPPRA program as a member of the Technical Committee representing Coastal Restoration Division of the LDNR.
- Mr. Gerry Bodin received a Certificate of Commendation for exemplary service from the Spring of 1995 to Spring of 2003 in the CWPPRA program as a member of the Technical Committee representing U.S. Fish and Wildlife Service.
- Secretary Jack Caldwell received a Certificate of Commendation for exemplary service from February 1996 to December 2003 in the CWPPRA program as Secretary of the LDNR. Dr. Caldwell's counsel, leadership and involvement in the program contributed significantly to the noble endeavor of restoring Louisiana's coastal wetlands.

Ms. Virginia Tippie, Director of the Coastal America Partnership, announced that she would be presenting an award to the Task Force in a 2 p.m. ceremony. Mr. James Connaughton, Chairman of the Council on Environmental Quality, was unable to attend. President George W. Bush announced last Earth Day a new goal to "increase the wetlands" as opposed to a "no net loss" goal. Louisiana has 40 percent of the nation's coastal wetlands and 80 percent of the wetland loss nationwide. The Breaux Act Task Force has made a significant contribution to restore, enhance, and increase America's wetlands. She acknowledged Mr. Bryon Griffith, Director of EPA Gulf of Mexico Program (GOMP) and Chair of GOMP Regional Implementation Team, and Mr. Bob Bosenberg, Corps of Engineers. The Regional Team has undertaken the Corporate Wetland Restoration Partnership initiative to facilitate involvement of the private sector in efforts to restore and protect the coastal environment. She hopes the Task

Force will support the Corporate Wetland Restoration Partnership in Louisiana. On behalf of the Administration and Mr. Connaughton, she thanked the Task Force for the significant contribution they have made to save America's wetlands.

VII. REQUEST FOR PUBLIC COMMENTS

There were no public comments made.

VIII. CLOSING

A. Date and Location of the Next Task Force Meeting

Colonel Rowan announced that the next meeting of the Task Force is scheduled for 9:30 a.m., October 13, 2004 in Baton Rouge, LA. Mr. John Saia announced that the next Technical Committee meeting would be held at 9:30 a.m., September 9, 2004 in Baton Rouge, LA. Ms. LeBlanc reminded the agencies that the annual funding meeting of the Technical Committee is rapidly approaching. She reminded everyone that the deadline for submission of material for the binder is August 31st; but that the Corps would provide hardcopies of any material received through close of business September 7th.

B. Adjournment

Colonel Rowan adjourned the meeting at approximately 11:05 a.m.



ATTENDANCE RECORD



DATE	SPONSORING ORGANIZATION	LOCATION	
18 August 2004	COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT	USACE New Orleans District	
PURPOSE			
BREAUX ACT TASK FORCE MEETING			
PLEASE USE BLACK INK			
PARTICIPANT REGISTER*			
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Gerry Bodin	-		337 394-3796
Laura Bodin	-		"



ATTENDANCE RECORD



DATE 18 August 2004	SPONSORING ORGANIZATION COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT	LOCATION USACE New Orleans District
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PURPOSE
BREAUX ACT TASK FORCE MEETING

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PARTICIPANT REGISTER*

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ATTENDANCE RECORD



DATE 18 August 2004	SPONSORING ORGANIZATION COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT	LOCATION USACE New Orleans District
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PURPOSE
BREAUX ACT TASK FORCE MEETING

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