

Archived Binder

# Breaux Act

## Coastal Wetlands Planning, Protection and Restoration Act



### Technical Committee Meeting

June 14, 2006

Baton Rouge, Louisiana

# BREAUX ACT

## COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT Technical Committee Meeting

### AGENDA

June 14, 2006, 9:30 a.m.

#### Location:

LA Department of Wildlife and Fisheries  
Louisiana Room  
2000 Quail Dr.  
Baton Rouge, La.

Documentation of Task Force and Technical Committee meetings may be found at:

[http://www.mvn.usace.army.mil/pd/cwppra\\_mission.htm](http://www.mvn.usace.army.mil/pd/cwppra_mission.htm)

or

<http://www.lacoast.gov/reports/program/index.asp>

### Agenda Item

- 1 Decision: FY07 Planning Budget Development (Podany) 9:30 a.m. to 9:45 a.m.** The FY07 Planning Budget process shall be initiated to allow final Task Force approval of the FY07 Planning Budget at the October 18, 2006 Task Force meeting. The Technical Committee will discuss and decide on a process to develop the FY07 budget, to include PPL17.
- 2 Decision: PPL 5 Mississippi River Reintroduction into Bayou Lafourche - BA-25b (Parrish) 9:45 a.m. to 10:00 a.m.** The EPA and LDNR are seeking Task Force approval to proceed beyond 30% design to 95% design on the Bayou Lafourche project. The sponsors will also be seeking an increase in the Phase I authorization amount to complete the design. In accordance with the 25 Oct 01 motion passed by the Task Force, approval is required to proceed beyond 30% design. The Technical Committee is asked to recommend approval to continue beyond 30% design and a Phase I funding increase to the Task Force.
- 3 Decision: Transfer of PPL 10 Delta Building Diversion at Myrtle Grove Project - BA-33 (Podany) 10:00 a.m. to 10:15 a.m.** The Technical Committee is asked to recommend transferring the Delta Building Diversion at Myrtle Grove Project (BA-33) to LCA to the Task Force. Approval by the Task Force in July 2006 will initiate transfer procedures.

- 4 Discussion/Decision: Establishment of a Coastal Wetland Re-vegetation Contingency Fund (Clark, Paul) 10:15 a.m. to 10:35 a.m.** The FWS and NRCS would like to discuss, for possible action, a recommendation to establish a coastal re-vegetation contingency fund of \$1 to 2 M, similar to the current Monitoring Contingency Fund. The fund would be used on a project by project basis, upon approval of the Planning and Evaluation Subcommittee; to revegetate very shallow coastal areas that have experienced recent vegetation die offs caused by hurricanes, brown marsh, or other causes.
- 5 Discussion: CWPPRA Programmatic Assessment (Podany) 10:35 a.m. to 10:45 a.m.** At the April 12, 2006 Task Force meeting the Technical Committee was tasked with laying out a plan and schedule to develop a Programmatic Assessment. The Technical Committee will discuss the road ahead for the CWPPRA program (where we were, where we are, where we are going), and layout a plan and schedule to complete a Programmatic Assessment. The results will be presented at the July 2006 Task Force meeting.
- 6 Discussion: Transitioning Projects from CWPPRA to Other Authorities (Podany) 10:45 a.m. to 11:15 a.m.** As directed by the Task Force at the April 12, 2006 meeting the Technical Committee will discuss whether CWPPRA should develop a “process” for transitioning projects from CWPPRA to other authorities, rather than using the existing project de-authorization procedure. The Technical Committee will report back to the Task Force at the July 2006 Task Force meeting.
- 7 Discussion: Interactions Between the Coastal Impact Assistance Program (CIAP) and the CWPPRA Program (Podany) 11:15 a.m. to 11:25 a.m.** As directed by the Task Force at their April 12, 2006 meeting the Technical Committee will begin the discussion on how the CIAP may interact with the CWPPRA program. This discussion will include the implications of using CIAP funds to build CWPPRA projects already designed, and to identify issues if CWPPRA were asked to assume O&M on projects that CIAP builds. The Technical Committee will provide an informational briefing on this discussion to the Task Force at the July 2006 Task Force meeting.
- 8 Discussion: Status of FEMA Claims for CWPPRA Projects (Podany) 11:25 a.m. to 11:35 a.m.** As a follow-up to the report from LDNR on the status of FEMA claims for CWPPRA projects at the April 12, 2006 Task Force meeting, the Technical Committee will discuss the potential for continued CWPPRA investment in O&M in the event FEMA funds to repair hurricane damaged projects are not approved. The Technical Committee will report back to the Task Force and LDNR will provide a more thorough review of the status of the outstanding FEMA claims at the July 2006 Task Force meeting.
- 9 Additional Agenda Items (Podany) 11:35 a.m. to 11:45 a.m.**
- 10 Date of Upcoming Task Force Meeting (LeBlanc) 11:45 a.m. to 11:55 a.m.** The summer Task Force meeting will be held July 12, 2006 in Baton Rouge, Louisiana.
- 11 Dates of Future Program Meetings (LeBlanc) 11:55 a.m. to 12:00 p.m.**

**2006**

July 12, 2006	9:30 a.m.	Task Force	Baton Rouge
August 30, 2006	7:00 p.m.	PPL 16 Public Meeting	Abbeville
August 31, 2006	7:00 p.m.	PPL 16 Public Meeting	New Orleans
September 13, 2006	9:30 a.m.	Technical Committee	New Orleans
October 18, 2006	9:30 a.m.	Task Force	New Orleans
December 6, 2006	9:30 a.m.	Technical Committee	Baton Rouge

**2007**

January 31, 2007	9:30 a.m.	Task Force	Baton Rouge
March 14, 2007	9:30 a.m.	Technical Committee	New Orleans
April 11, 2007	9:30 a.m.	Task Force	Lafayette
June 13, 2007	9:30 a.m.	Technical Committee	Baton Rouge
July 11, 2007	9:30 a.m.	Task Force	New Orleans
August 29, 2007	7:00 p.m.	PPL17 Public Meeting	Abbeville
August 30, 2007	7:00 p.m.	PPL17 Public Meeting	New Orleans
September 12, 2007	9:30 a.m.	Technical Committee	New Orleans
October 17, 2007	9:30 a.m.	Task Force	New Orleans
December 5, 2007	9:30 a.m.	Technical Committee	Baton Rouge

**2008**

January 30, 2008	9:30 a.m.	Task Force	Baton Rouge
------------------	-----------	------------	-------------

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT  
TECHNICAL COMMITTEE MEETING

June 14, 2006

**DISCUSSION/DECISION: FY07 PLANNING BUDGET DEVELOPMENT**

**For Discussion/Decision:**

The FY07 Planning Budget process shall be initiated to allow final Task Force approval of the FY07 Planning Budget at the October 18, 2006 Task Force meeting. The Technical Committee will discuss and decide on a process to develop the FY07 budget, to include PPL17.

**Coastal Wetlands Planning, Protection, and Restoration Act**  
**Fiscal Year 2007 Planning Schedule and Budget**  
**P&E Committee Recommendation,**  
**Tech Committee Recommendation,**  
**Approved by Task Force,**

NOTE: Number shown in parentheses in line item tasks represents the number of meetings for that task.					CWPPRA COSTS											
Task Category	Task No.	Task	Start Date	End Date	Dept. of Interior				State of Louisiana							Total
					USACE	USFWS	NWRC	USGS BR	DNR	DWF	Gov. Ofc.	EPA	USDA	USDC	Other	
<b>PPL 16 TASKS</b>																
PL	16600	TF Selection and Funding of the 15th PPL (1)	10/26/06	10/26/06												0
PL	16700	PPL 15 Report Development	10/26/06	5/31/07												0
PL	16800	Corps Upward Submittal of the PPL 15 Report	6/1/07	6/1/07												0
PL	16900	Corps Congressional Submission of the PPL 15 Report	8/1/07	8/1/07												0
<b>FY07 Subtotal PL 16 Tasks</b>					0	0	0	0	0	0	0	0	0	0	0	0

**Coastal Wetlands Planning, Protection, and Restoration Act**  
**Fiscal Year 2007 Planning Schedule and Budget**  
**P&E Committee Recommendation,**  
**Tech Committee Recommendation,**  
**Approved by Task Force,**

NOTE: Number shown in parentheses in line item tasks represents the number of meetings for that task.					CWPPRA COSTS											
Task Category	Task No.	Task	Start Date	End Date	Dept. of Interior				State of Louisiana							Total
					USACE	USFWS	NWRC	USGS BR	DNR	DWF	Gov. Ofc.	EPA	USDA	USDC	Other	
<b>PPL 17 TASKS</b>																
<b>PL</b>	<b>17200</b>	<b>Development and Nomination of Projects</b>														
PL	17210	DNR/USGS prepares base maps of project areas, location of completed projects and projected loss by 2050. Develop a comprehensive coastal LA map showing all water resource and restoration projects (CWPPRA, state, WRDA projects, etc.) NWRC costs captured under SPE 16400.	10/13/06	1/19/07												0
PL	17220	Sponsoring agencies prepare fact sheets (for projects and demos) and maps prior to and following RPT nomination meetings.	10/13/06	1/9/07												0
PL	17230	RPT's meet to formulate and combine projects. Each basin nominates no more than 2 project, with exception of 3 in Barataria and Terrebonne [20 nominees] and up to 6 demos (3 meetings)	1/10/07	1/12/07												0
PL	17240	RPT Voting meeting (20 nominees and up to 6 demos)	2/1/07	2/1/07												0
<b>PL</b>	<b>17300</b>	<b>Ranking of Nominated Projects</b>														
PL	17320	Engr Work Group prepares preliminary fully funded cost ranges for nominees.	3/1/07	3/2/07												0
PL	17330	Environ/Engr Work Groups review nominees	3/1/07	3/2/07												0
PL	17340	WGS develop and P&E distributes project matrix	3/3/07	3/3/07												0
PL	17350	TC selection of PPL16 candidates (6) and demo candidates (up to 3)	3/15/07	3/15/07												0

**Coastal Wetlands Planning, Protection, and Restoration Act**  
**Fiscal Year 2007 Planning Schedule and Budget**  
**P&E Committee Recommendation,**  
**Tech Committee Recommendation,**  
**Approved by Task Force,**

NOTE: Number shown in parentheses in line item tasks represents the number of meetings for that task.					CWPPRA COSTS												
Task Category	Task No.	Task	Start Date	End Date	Dept. of Interior				State of Louisiana							Total	
					USACE	USFWS	NWRC	USGS BR	DNR	DWF	Gov. Ofc.	EPA	USDA	USDC	Other		
<b>PL</b>	<b>17400</b>	<b>Analysis of Candidates</b>															
PL	17410	Sponsoring agencies coordinate site visits for all projects	3/16/07	5/31/07													0
PL	17420	Engr/Environ Work Group refine project features and determine boundaries	5/1/07	8/30/07													0
PL	17430	Sponsoring agencies develop project information for WVA; develop designs and cost estimates (projects and demos)	5/1/07	8/30/07													0
PL	17440	Environ/Engr Work Groups project wetland benefits (with WVA)	5/1/07	8/30/07													0
PL	17450	Engr Work Group reviews/approves Ph 1 and Ph 2 cost estimates from sponsoring agencies, incl cost estimates for demos	5/1/07	8/30/07													0
PL	17460	Economic Work Group reviews cost estimates, adds monitoring, O&M, etc., and develops annualized costs	5/1/07	8/30/07													0
PL	17475	Envr and Eng WG's prioritization of PPL 16 projects and demos	5/1/07	8/30/07													0
PL	17480	Prepare project information packages for P&E.	5/1/07	8/30/07													0
PL	17485	P&E holds 2 Public Meetings	8/30/07	8/31/07													0
PL	17490	TC Recommendation for Project Selection and Funding	9/13/07	9/13/07													0
<b>FY07 Subtotal PPL 17 Tasks</b>					0	0	0	0	0	0	0	0	0	0	0	0	0

**Coastal Wetlands Planning, Protection, and Restoration Act**  
**Fiscal Year 2007 Planning Schedule and Budget**  
**P&E Committee Recommendation,**  
**Tech Committee Recommendation,**  
**Approved by Task Force,**

NOTE: Number shown in parentheses in line item tasks represents the number of meetings for that task.					CWPPRA COSTS											
Task Category	Task No.	Task	Start Date	End Date	Dept. of Interior				State of Louisiana							Total
					USACE	USFWS	NWRC	USGS BR	DNR	DWF	Gov. Ofc.	EPA	USDA	USDC	Other	
<b>Project and Program Management Tasks</b>																
PM	17100	Program Management--Coordination	10/1/06	9/30/07												0
PM	17110	Program Management--Correspondence	10/1/06	9/30/07												0
PM	17120	Prog Mgmt--Budget Development and Oversight	10/1/06	9/30/07												0
PM	17130	Program and Project Management--Financial Management of Non-Cash Flow Projects	10/1/06	9/30/07												0
PM	17200	P&E Meetings (3 meetings preparation and attendance)	10/1/06	9/30/07												0
PM	17210	Tech Com Mtngs (5 mtngs; prep and attend)	10/1/06	9/30/07												0
PM	17220	Task Force mtngs (4 mtngs; prep and attend)	10/1/06	9/30/07												0
PM	17300	Prepare Evaluation Report (Report to Congress) NOTE: next update in FY08 budget	10/1/06	9/30/07												0
PM	17400	Agency Participation, Review 30% and 95% Design for Phase 1 Projects	10/1/06	9/30/07												0
PM	17410	Engineering & Environmental Work Groups review Phase II funding of approved Phase I projects (Needed for adequate review of Phase I.) [Assume 8 projects requesting Ph II funding in FY06 (present schedule indicates more projects). Assume 3 will require Eng or Env WG review; 2 labor days for each.]	10/1/06	9/30/07												0
PM	17500	Helicopter Support: Helicopter usage for the PPL process.	10/1/06	9/30/07												0
PM	17600	Miscellaneous Technical Support	10/1/06	9/30/07												0
<b>FY07 Subtotal Project Management Tasks</b>					<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FY07 Total for PPL Tasks</b>					<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Coastal Wetlands Planning, Protection, and Restoration Act**  
**Fiscal Year 2007 Planning Schedule and Budget**  
**P&E Committee Recommendation,**  
**Tech Committee Recommendation,**  
**Approved by Task Force,**

NOTE: Number shown in parentheses in line item tasks represents the number of meetings for that task.					CWPPRA COSTS											
Task Category	Task No.	Task	Start Date	End Date	Dept. of Interior				State of Louisiana							Total
					USACE	USFWS	NWRC	USGS BR	DNR	DWF	Gov. Ofc.	EPA	USDA	USDC	Other	
<b>SUPPLEMENTAL PLANNING AND EVALUATION TASKS</b>																
SPE	17100	Academic Advisory Group [NOTE: MOA between sponsoring agency and LUMCON available through FY19.] [Prospectus, page 7-8]	10/1/06	9/30/07											0	
SPE	17200	Maintenance of web-based project reports and website project fact sheets. [NWRC Prospectus, pg 9] [Corps Prospectus pg 10] [LDNR Prospectus, pg 11]	10/1/06	9/30/07										0	0	
SPE	17400	Core GIS Support for CWPPRA Task Force Planning Activities. [NWRC Prospectus, pg 12] [LDNR Prospectus, page 13]	10/1/06	9/30/07										0	0	
SPE	17500	Phase 0 analyze of impacts to oyster leases for PPL project development [NWRC prospectus, pg 14] [DNR Prospectus, pg 15]	10/1/06	9/30/07										0	0	
SPE	17900	Update Land Loss Maps (\$62,500 in FY04, \$63,250 in FY05, \$63,250 FY06) [Del Britsch] [Prospectus, page 16]	10/1/06	9/30/07										0	0	
SPE	17950	Storm Recovery Procedures (2 events) [Prospectus, page 17-19]	10/1/06	9/30/07										0	0	
<b>FY07 Total Supplemental Planning &amp; Evaluation Tasks</b>					<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>FY07 Agency Tasks Grand Total</b>					<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

**Coastal Wetlands Planning, Protection, and Restoration Act**  
**Fiscal Year 2007 Planning Schedule and Budget**  
**P&E Committee Recommendation,**  
**Tech Committee Recommendation,**  
**Approved by Task Force,**

NOTE: Number shown in parentheses in line item tasks represents the number of meetings for that task.					CWPPRA COSTS												
Task Category	Task No.	Task	Start Date	End Date	Dept. of Interior				State of Louisiana								Total
					USACE	USFWS	NWRC	USGS BR	DNR	DWF	Gov. Ofc.	EPA	USDA	USDC	Other		
Otrch	17100	Outreach - Committee Funding	10/1/06	9/30/07													0
Otrch	17200	Outreach - Agency	10/1/06	9/30/07													0
																	0
<b>FY07 Total Outreach</b>					<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Grand Total FY07</b>					<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT  
TECHNICAL COMMITTEE MEETING

June 14, 2006

**DISCUSSION/DECISION: PPL 5 MISSISSIPPI RIVER REINTRODUCTION  
INTO BAYOU LAFOURCHE - BA-25B**

**For Discussion/Decision:**

The EPA and LDNR are seeking Task Force approval to proceed beyond 30% design to 95% design on the Bayou Lafourche project. The sponsors will also be seeking an increase in the Phase I authorization amount to complete the design. In accordance with the 25 Oct 01 motion passed by the Task Force, approval is required to proceed beyond 30% design. The Technical Committee is asked to recommend approval to continue beyond 30% design and a Phase I funding increase to the Task Force.

# Mississippi River Reintroduction into Bayou Lafourche (BA-25b)

Tech Committee  
June 14, 2006





# Decision Points

- Approval to proceed to 95%
- Phase 1 Increase

# CWPPRA Task Force Motion on Bayou Lafourche

- 1) State of Louisiana Pays 50% of Phase I E&D
- 2) No Commitment for Phase II Funding
- 3) Task Force/State Decision to Proceed Beyond 30% E&D
- 4) Report to Task Force
  - Updated Cost and Benefits
  - Assess Other water control and diversion projects
  - Preliminary Cost Allocation Among Beneficiaries
  - Preliminary Assessment Potential Cost-sharing partners
- 5) Project Costs to be in Proportion to Benefits Received

# 2001 Phase I Cost Estimates

Low Cost      \$9,685,608

Mid-Cost      \$12,181,098

Base-Cost     \$12,697,848

## Bayou Lafourche Freshwater Introduction Low-Estimate Cost

ITEM	COST	% Contingency	Cost	Total Cost
<b>Phase 1 Engineering &amp; Design</b>				
Soil Borings & Survey Data	\$2,012,500	0%	\$0	\$2,012,500
Real Estate	\$620,600	0%	\$0	\$620,600
Detailed Design Report - P&S	\$6,015,008	0%	\$0	\$6,015,008
(Note: Cost determined using 10% of construction cost with contingencies which is greater than ASC Fee Curve)				
Real Estate Appraisal	\$337,500	0%	\$0	\$337,500
NEPA Compliance	\$700,000	0%	\$0	\$700,000
Subtotal	\$9,685,608		\$0	
Total Contingency	\$0			

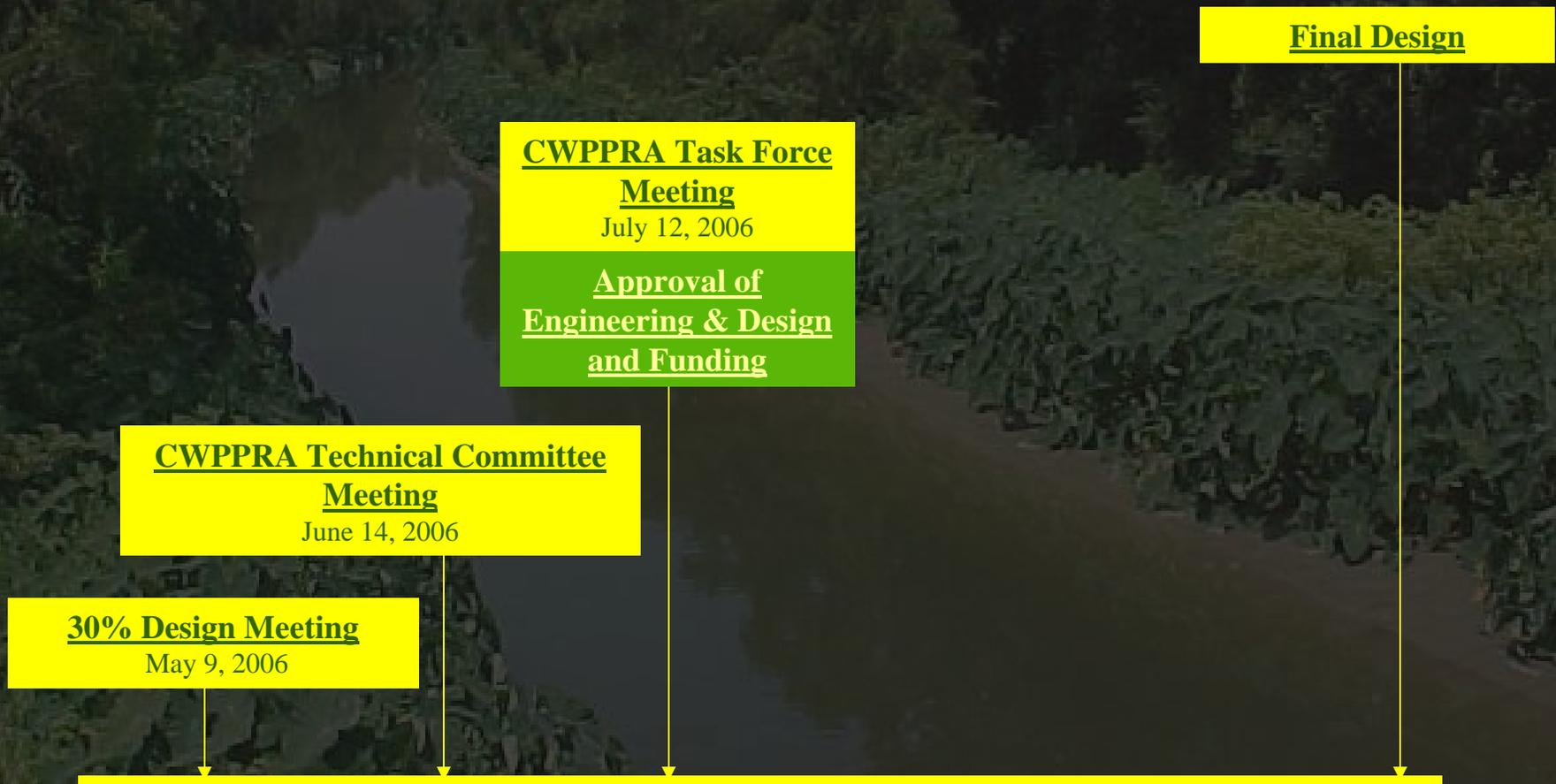
# Revised Cost Estimate

- Existing Budgets Sufficient less E&D
- Additional \$5M in E&D
- CWPPRA Share @ 50% = \$2.5M
- \$183M Construction Estimate

# CWPPRA vs. LCA

- Met with USACE – May 17, 2006
- Gap Analysis
- Complete E&D Under CWPPRA
- Immediate Transfer to LCA
  - Lost E&D
  - Additional Costs
  - Additional Delays

# Where are we going?



State of Louisiana



RECEIVED  
EPA REGION 6

MAY 31 AM 8:13

ECOSYSTEMS PROTECTION BR.

SCOTT A. ANGELLE  
SECRETARY

KATHLEEN BABINEAUX BLANCO  
GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF COASTAL RESTORATION AND MANAGEMENT

May 23, 2006

Ms. Sharon Fancy Parish, Chief  
Marine and Wetlands Section (6WQ-EM)  
Environmental Protection Agency  
1445 Ross Avenue  
Dallas, Texas 75202

Via Facsimile  
(214) 665-6689

Re: Mississippi River Reintroduction into Bayou Lafourche (BA-25b)  
30% Engineering and Design Review - Statement of Local Sponsor Concurrence

Dear Ms. Parish:

We are in receipt of your May 15, 2006 letter regarding the captioned project. In that letter you indicated EPA has concluded the project is still viable and is recommending the advancement of the project to the 95% level. Based on our review of the technical information compiled to date, the Ecological Review, the preliminary land ownership investigation, and the preliminary designs, we, as local sponsor, are in concurrence with proceeding to 95% design.

In accordance with the CWPPRA Project Standard Operating Procedures manual, we request that you forward this letter of concurrence along with the revised project cost estimate to the Technical Committee and the Planning and Evaluation Subcommittee.

Please do not hesitate to call if I may be of any assistance.

Sincerely,

Christopher P. Knotts, P.E.  
Director

CPK:RAR:rar

cc: Luke Le Bas, P.E., Engineer Manager  
Chris Williams, P.E., Engineer Manager  
Bob Roberts, P.E., Engineer Supervisor  
Brad Crawford, P.E., EPA Project Manager

DATE: June 5, 2006

OFFERED BY: Don Grissom

SECOND BY: \_ Paul Yakupzack

WHEREAS, the Terrebonne Parish Coastal Zone Management and restoration Advisory Committee is committed to providing aggressive leadership, direction and consonance in the development and implementation of comprehensive policies, plans and programs which encourage multiple uses of the coastal zone and achieve a proper balance between the multiple needs of coastal resources in Terrebonne Parish; and

WHEREAS, various modifications to accommodate human activities within the Terrebonne Basin and surrounding areas have disrupted our estuary's natural hydrology; and

WHEREAS, the damming of Bayou Lafourche at Donaldsonville in 1904, and the subsequent damming of Bayou Terrebonne has disrupted the natural fresh water flows into the wetlands of the Terrebonne Basin, contributing to the deterioration of its fragile coastal marshes; and

WHEREAS the Reintroduction of freshwater into Bayou Lafourche from the Mississippi River will restore the Bayou's historic role as a source of nourishment for coastal wetlands; and

WHEREAS the "Mississippi River Reintroduction into Bayou Lafourche, CWPPRA Project BA-25b, is consistent with action plan EM-3 of the federally approved Comprehensive Conservation Management Plan of the Barataria-Terrebonne National Estuary Program and is also consistent with Coast 2050 strategies; and

WHEREAS, the State of Louisiana, working in partnership with the Environmental Protection Agency (EPA) and the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) Task Force has completed approximately 30% of the engineering and design of the "Mississippi River Reintroduction into Bayou Lafourche Project"; on a 50/50 cost-share basis.

NOW THEREFORE BE IT RESOLVED, that the Terrebonne Parish Coastal Zone Management and Restoration Advisory Committee does urge and request that the CWPPRA Technical Committee recommend to the CWPPRA Task Force that a favorable decision is made to continue past the 30% design review, and that the CWPPRA Task Force does provide continued funding for the project through completion of the Engineering and Design Phase; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to representatives of all CWPPRA Technical Committee Members as well as CWPPRA Task Force Members, the Terrebonne Parish Council and our State and Federal Legislative Delegations.

YEAS: 5

NAYS: 0

ABSENT: 4

ABSTAIN: 0

I hereby certify that this is a true and correct copy of the resolution as passed at the June 5, 2006 regular meeting of the Coastal Zone Management and Restoration Advisory Committee at which a quorum present.

Signed:

---

Leslie R. Suazo, Director  
Coastal Restoration and Preservation

CHAPTER 4: COST AND COST-EFFECTIVENESS

2001 Estimate

Three cost alternatives were identified, a Base-Estimate Cost, a Mid-Estimate Cost, and a Low-Estimate Cost. The Low-Estimate cost is fairly heroic and would provide some risk of encountering additional costs or delays later in the project. For this estimate, the Phase 1 costs are \$9,685,608. Table 4-1 portrays the Low-Estimate Cost, including the contingency cost to fully fund this proposed project. The Low-Estimate Cost to fully fund the proposed project approaches \$75,194,433 + \$2,784,718 operation and maintenance cost (Total: \$77,979,151).

Table 4-1: Low-Estimate Cost to fully fund the Bayou Lafourche Project

**Bayou Lafourche Freshwater Introduction Low-Estimate Cost**

ITEM	COST	% Contingency	Cost	Total Cost	Sponsor Costs
Phase 1 Engineering & Design					
Soil Borings & Survey Data	\$2,012,500	0%	\$0	\$2,012,500	
Real Estate	\$620,600	0%	\$0	\$620,600	\$2,583,750
Detailed Design Report - P&S (Note: Cost determined using 10% of construction cost with contingencies which is greater than ASC Fee Curve)	\$6,015,008	0%	\$0	\$6,015,008	
Real Estate Appraisal	\$337,500	0%	\$0	\$337,500	
NEPA Compliance	\$700,000	0%	\$0	\$700,000	
Subtotal	\$9,685,608		\$0		
Total Contingency	\$0				
Total Phase 1	\$9,685,608				
New 660 cfs Pump Station	\$9,877,000	20%	\$1,975,400	\$11,852,400	
Upgrade Existing 340 cfs Pumps	\$720,000	20%	\$144,000	\$864,000	
Highway & Railroad Crossings	\$0	20%	\$0	\$0	
Sand Trap	\$236,125	20%	\$47,225	\$283,350	
Dredging of Channel	\$30,734,000	15%	\$4,610,100	\$35,344,100	
Utility Relocations	\$1,498,000	20%	\$299,600	\$1,797,600	\$9,627,500
Weir Structures	\$1,770,194	20%	\$354,039	\$2,124,233	
Bank Protection				\$0	

Bulkheads (Timber & Sheetpile)	\$3,990,432	15%	\$598,565	\$4,588,997	
Scour Protection (9 Bridges)	\$373,040	15%	\$55,956	\$428,996	
Real Estate & Land Rights				\$0	
Land	\$2,816,000	0%	\$0	\$2,816,000	
Monitoring System	\$42,000	20%	\$8,400	\$50,400	
Subtotal	\$52,056,791		\$8,093,285		
Total Contingency	\$8,093,285				
Total Construction Costs	\$60,150,076				
Phase 2 Management Activities			\$0	\$0	
Real Estate Acquisition	\$1,803,000	25%	\$450,750	\$2,253,750	
Facility Owner Relocation Coordination		0%	\$0	\$0	\$2,070,000
E7D during Construction	\$1,300,000	15%	\$195,000	\$1,495,000	
S&I	\$1,200,000	15%	\$180,000	\$1,380,000	
Project Management	\$200,000	15%	\$30,000	\$230,000	
Subtotal	\$4,503,000		\$855,750		
Total Contingency	\$855,750				
Subtotal Phase 2 cost	\$5,358,750				
Total Phase 2	\$65,508,826				
<b>TOTAL PROJECT COST</b>	<b>\$75,194,433</b>			<b>\$69,835,683</b>	<b>\$12,211,250</b>
O&M Labor & Overhead	\$370,300				
Energy / Repairs 660 cfs station	\$1,830,000				
Incremental O&M	\$500,000				
Channel Maintenance	\$55,000				
CWPPRA Monitoring	\$29,418				
Other O&M	\$0				
<b>Total O&amp;M Costs</b>	<b>\$2,784,718</b>				
<b>Total</b>	<b>\$77,979,151</b>				

Notes:

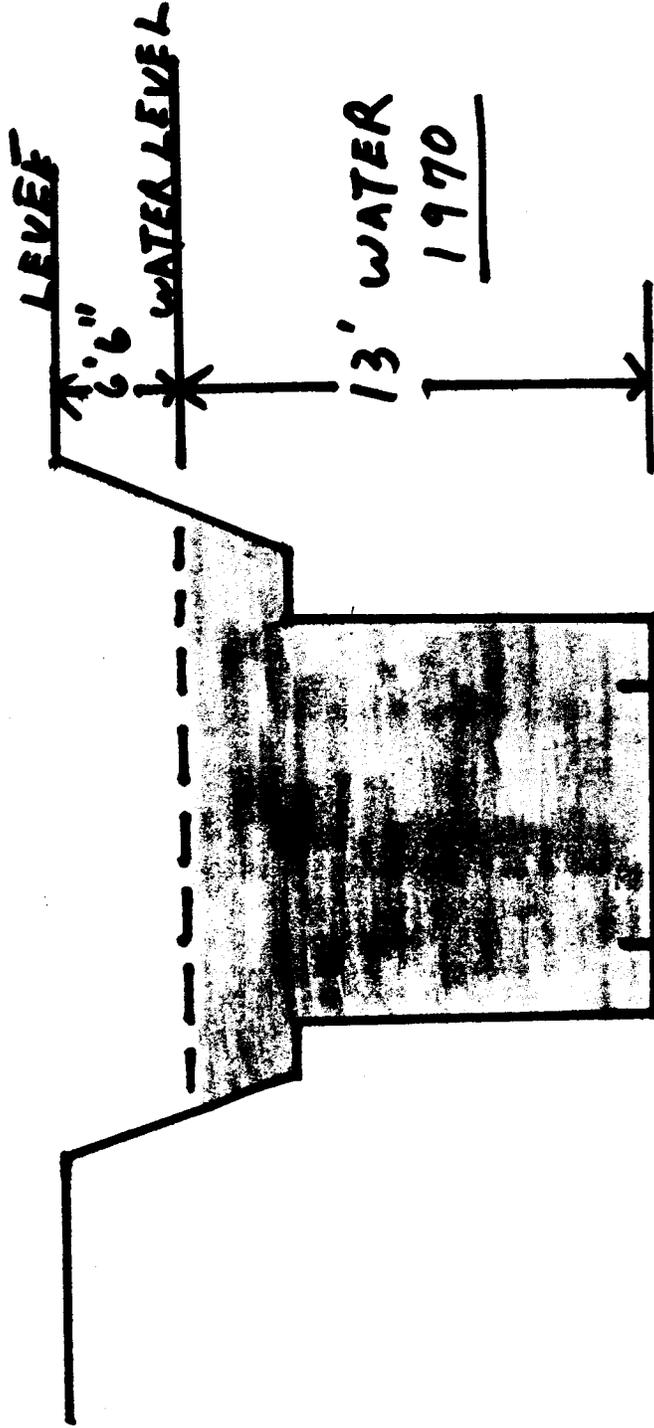
1. The changes in cost in this estimate do not reflect project cost reduction. Costs have merely been shifted to some other sponsor or private entity and should still be reflected as part of the total cost of the project.

Category	Task Name/Number	Original Phase I Budget			Revised Ph I Budget			Phase I Increase
		Subtotal	Spent/Oblig	Balance	Subtotal	Subtotal	Subtotal	
<b>Phase 1</b>								
DNR Activity	Engineering & Design	\$6,097,725	\$5,758,663	\$339,062	\$11,097,725	\$5,000,000		
DNR Activity	Land Rights Coordination	\$421,875	\$55,465	\$366,410	\$421,875	\$0		
DNR Activity	DNR Admin	\$800,000	\$366,989	\$433,011	\$800,000	\$0		
Total DNR Activity		\$7,319,600	\$6,181,117	\$1,138,483	\$12,319,600	\$5,000,000		
EPA Activity	EPA Admin	\$770,000	\$339,188	\$430,812	\$770,000	\$0		
EPA Activity	Preliminary Activities	\$525,000	\$519,901	\$5,099	\$525,000	\$0		
EPA Activity	Outreach	\$100,000	\$25,026	\$74,974	\$100,000	\$0		
EPA Activity	NEPA/Cultural Resources	\$875,000	\$877,011	(\$2,011)	\$875,000	\$0		
EPA Activity	COE PM/Admin	\$30,000	\$30,000	\$0	\$30,000	\$0		
Total EPA Activity		\$2,300,000	\$1,791,126	\$508,874	\$2,300,000	\$0		
<b>Phase I Total</b>		<b>\$9,619,600</b>	<b>\$7,972,243</b>	<b>\$1,647,357</b>	<b>\$14,619,600</b>	<b>\$5,000,000</b>		
MOA	Monitoring during Ph.I	\$80,400	\$0	\$80,400	\$80,400	\$0		
MOA	Long Term Monitoring	\$0		\$0	\$0	\$0		
MOA	O & M	\$0		\$0	\$0	\$0		
<b>MOA Total</b>		<b>\$80,400</b>		<b>\$80,400</b>	<b>\$80,400</b>	<b>\$0</b>		
* MOA Federal \$ still remain with the COE								
<b>Phase I &amp; MOA Total</b>		<b>\$9,700,000</b>	<b>\$7,972,243</b>	<b>\$1,727,757</b>	<b>\$14,700,000</b>	<b>\$5,000,000</b>		

I

BAYOU LAFOURCHE

TRIBODUX, LA. ↓

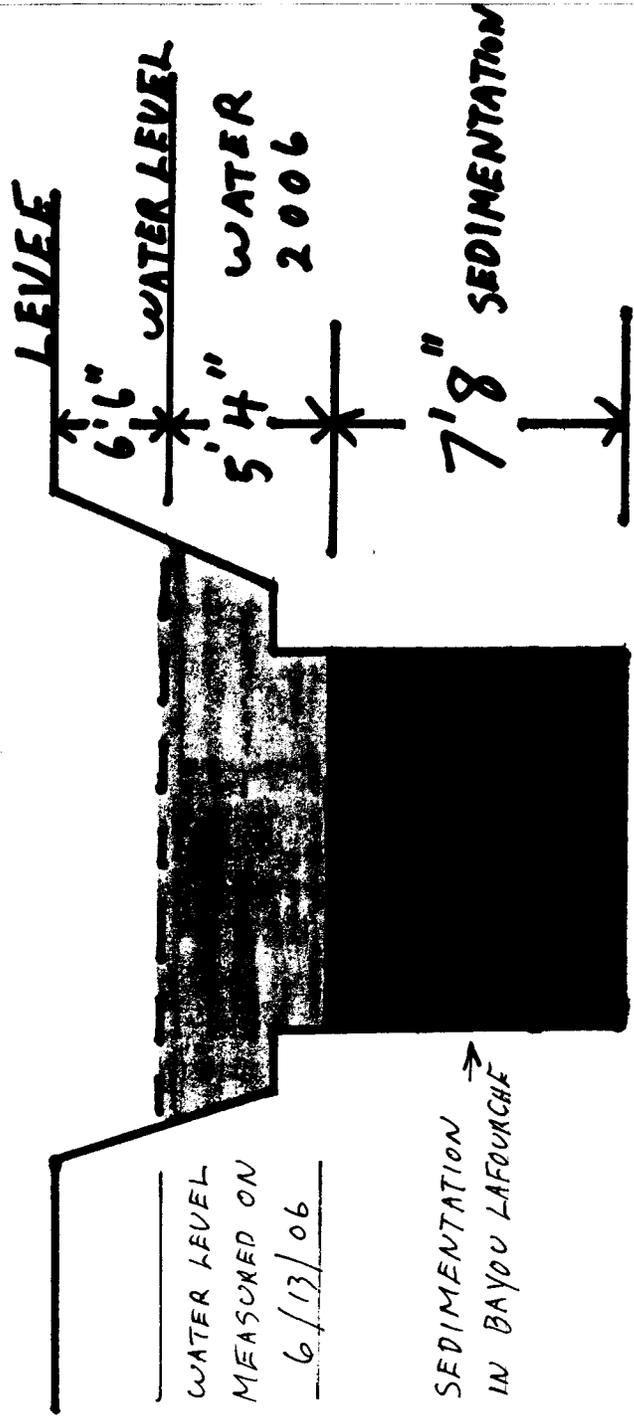


1970

II

# BAYOU LAFOURCHE

THIBODAUX, LA. ↓



WATER LEVEL  
MEASURED ON  
6/13/06

SEDIMENTATION  
IN BAYOU LAFOURCHE →

2006

## **Motion on Bayou Lafourche Project**

That the Task Force agrees to proceed with Phase I Engineering and Design (E&D) costs for the Bayou Lafourche Diversion Project, subject to the following stipulations:

1. The State of Louisiana will pay for 50% of the Phase I E&D costs, estimated to total \$9.7 million, as agreed to by the State Wetlands Authority.
2. The allocation of CWPPRA funds for Phase I E&D does not commit the Task Force to a specific funding level for project construction.
3. A decision to proceed beyond the 30% design review will be made by the Task Force and the State. The Task Force's Engineering and Environmental Work Groups shall participate in that review. Task Force agreement to proceed beyond the 30% design review will depend, in part, on reasonable assurances from the non-Federal funding partners to contribute the necessary cost share for project construction, including the non-wetland project components. The 30% design review will address the costs and benefits of alternative means of achieving the wetland conservation goal of the Bayou Lafourche project via additional Mississippi River flows.
4. A report, which documents the work done up to the 30% design review, will be provided to the Task Force for review prior to the decision on continuing the E&D. That report will include: a) updated estimates of costs and benefits of the project and of alternative designs and approaches (including the Company Canal alternatives and others addressed in the value engineering study) for accomplishing the project's wetland conservation goals; b) an assessment of the effects of existing and planned water control and freshwater diversion projects in the basin on the benefits of the Bayou Lafourche project; c) a preliminary allocation of costs among project beneficiaries; and d) a preliminary assessment of potential project cost-sharing sources.
5. That if the project proceeds to construction the project costs will be shared by project beneficiaries in an appropriate proportion of benefits received. Final costs to be shared will include both the Phase I Engineering and Design and the Construction Costs.

## **BREAUX ACT**

### **Coastal Wetlands Planning, Protection and Restoration Act**

#### **TASK FORCE MEETING MINUTES**

**October 25, 2001**

#### **I. INTRODUCTION**

Colonel Thomas Julich convened the forty-fourth meeting of the Louisiana Coastal Wetlands Conservation and Restoration Act Task Force. The meeting began at 9:45 a.m. on October 25, 2001, at the US Army Corps of Engineers, New Orleans District Headquarters, in 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.

#### **II. ATTENDEES**

The attendance record (79) 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

Dr. Eric Zobrist, U.S. Department of Commerce

COL Thomas Julich, U.S. Army Corps of Engineers

All of the Task Force members were in attendance, except Mr. Don Gohmert who was represented by Mr. Bruce Lehto.

#### **III. APPROVAL OF MINUTES FROM PREVIOUS MEETING**

Dr. Eric Zobrist requested that the minutes be revised to state that the Louisiana Department of Natural Resources did not intend to seek CWPPRA funding for the breakwater portion of the Holley Beach project.

Mr. Tom Podany requested that the minutes be revised to add the specific area of concern, the Port Sulphur/Venice area, voiced by Mr. Ken Ragas at the August 7 meeting.

Motion by Mr. Dave Frugé: To approve the minutes from the August 7, 2001 Task Force meeting with the following revisions:

Of the August 7 minutes, IV.A. second paragraph, third sentence: removed the word "probably" between the words "would" and "be."

Of the August 7 minutes, VII. A. First sentence: removed the word "lower" and insert the words "the Port Sulphur/Venice area of" before the words "Plaquemines Parish."  
The motion was seconded and passed unanimously.

#### **IV. TASK FORCE DECISIONS**

##### **A. Approval of the FY 2002 planning budget**

Mr. John Saia briefed the task force on the status of funds in the Breaux Act planning program for FY 2002. The budget includes 14 new initiatives.

Mr. Lehto motioned to approve the requested \$5,293,197 for FY 2002.

Motion was unanimously approved.

##### **B. Bayou Lafourche**

Mr. Troy Hill explained the seven items suggested at the April 12, 2001, meeting to be reviewed that have been considered in their report presented at the last Task Force meeting. Mr. Sam Becker reported that DNR has secured some funding. He requested approval of a 50 percent cost share for Phase 1. Representative Roy Quezairé of District number 58 said 13 state legislators (five senators and eight representatives) have formed a committee to support the Bayou Lafourche project and educate the people in the bayou corridor. Mr. Dave Fruge' stated that he wants to make the best use of restoration funding. He questioned how much Breaux Act funding was appropriate. He wants alternatives for achieving wetland benefits to be studied and urged everyone to remember Breaux act objectives. He also stated that he wants other funding commitments identified by the time of the 30 percent review.

Mr. Fruge then suggested the motion contain:

- a. State pays 50 percent of \$9.7 million for Phase 1.
- b. Allocation does not commit the Task Force to a particular percent cost share for construction.
- c. Task Force will make a decision whether to move past the 30 percent design after review by the Environmental and Engineering Workgroups.
- d. A report will be provided at the 30% design stage. It will include an assessment of benefits and costs, an allocation of costs, and an identification of cost share partners.

Mr. Lehto wanted the Phase 1 cost share allocations done at the 30 percent review. Mr. Becker recommended leaving the 50 percent cost share for Phase 1. Mr. Fruge' wanted to make sure that the Breaux Act gets credit for the appropriate proportion of Phase 1. Mr. Hanchey suggested amending the motion to include paragraph d. of the October 11,

2001 resolution of the State Wetlands Authority that states, “that if the project proceeds to construction the project costs will be shared by project beneficiaries in an appropriate proportion of benefits received. Final costs to be shared will include both the Phase 1 Engineering and Design and the Construction Costs.” The motion was so amended.

Dr. Eric Zobrist suggested the need for a game plan to pay for construction. Dr. Bahr took the responsibility to make it happen. Mr. Fruge’ would like to see the equivalent of a letter of intent. Mr. Lehto wanted to define it and have reasonable assurance of commitments. Mr. Hanchey clarified the intention of the Task Force but expressed his uncertainty about the letter of intent. Mr. Tom Bingham (Valentine Paper) spoke to support the project and cited the leadership of the state legislators. He told the Task Force about the water quality problems of last year due to the drought. Representative Luling Petri informed the Task Force that Bayou Lafourche had been cut off from the Mississippi River since 1904. He told the Task Force that their vote had great political significance and cautioned them that a no vote would be perceived by his constituents as a failure of the Breaux Act and the Coast 2050 initiative. Mr. Robert Thibodeaux supported the project and said that Bayou Lafourche also needs to be “cleaned out”. Mr. Thibodeaux also asked about the status of dredging in the bayou. Mr. Mark Davis spoke strongly in favor of the project that had both environmental and community impacts. Mark suggested that multifaceted projects such as this should be expected. Ms. Natalie Babin (Chamber of Lafourche) spoke to support the project. Mr. Kerry St. Pe stated that the communities along Bayou Lafourche were used as examples of local culture. He reminded the Task Force of how the EPA had addressed the concern of the people in Donaldsonville about future high water levels with the project and stated the concern of those people along the lower end of the bayou about water quality. Mr. Cullen Curole said that many more people had come to support the project over the last five years since some initial concerns had been addressed. Ms. Lori Szczecina (Restore or Retreat) spoke in favor of the project. Dr. Zobrist asked about the status of a letter to the State lands Office. Dr. Bahr stated that he is working on it. Dr. Zobrist stated that all of these issues need to be a part of the 30 percent design review.

The following motion was drafted per TF’s direction as originally motioned by Mr. David Fruge and seconded by Dr. Len Bahr.

### **Motion on Bayou Lafourche Project**

That the Task Force agrees to proceed with Phase 1 Engineering and Design (E&D) costs for the Bayou Lafourche Diversion Project, subject to the following stipulations:

1. The State of Louisiana will pay for 50% of the Phase I E&D costs, estimated to total \$9.7 million, as agreed to by the State Wetlands Authority.
2. The allocation of CWPPRA funds for Phase I E&D does not commit the Task Force to a specific funding level for project construction.
3. A decision to proceed beyond the 30% design review will be made by the Task Force and the State. The Task Force's Engineering and Environmental Work Groups shall participate in that review. Task Force agreement to proceed beyond the 30% design review will depend, in part, on reasonable assurances from the non-Federal funding partners to contribute the necessary cost share for project construction, including the non-wetland project components. The 30% design review will address the costs and benefits of alternative means of achieving the wetland conservation goal of the Bayou Lafourche project via additional Mississippi River flows.
4. A report, which documents the work done up to the 30% design review, will be provided to the Task Force for review prior to the decision on continuing the E&D. That report will include: a) updated estimates of costs and benefits of the project and of alternative designs and approaches (including the Company Canal alternatives and others addressed in the value engineering study) for accomplishing the project's wetland conservation goals; b) an assessment of the effects of existing and planned water control and freshwater diversion projects in the basin on the benefits of the Bayou Lafourche project; c) a preliminary allocation of costs among project beneficiaries; and d) a preliminary assessment of potential project cost-sharing sources.

That if the project proceeds to construction the project costs will be shared by project beneficiaries in an appropriate proportion of benefits received. Final costs to be shared will include both the Phase I Engineering and Design and the Construction Costs.

The motion passed unanimously.

Dr. Bahr stated that he would like to see the project completed by 2004.

C. Increase in funding for Maurepas Swamp Diversion

Mr. Saia presented the recommendation of the Technical Committee regarding Phase 1 funding approvals for the Maurepas Swamp Diversion.

Motion: To approve funds in the amount of \$5,199,000 plus \$235,288 in contingencies for Phase 1 Engineering and Design of the Maurepas Swamp Diversion project . A total of \$5,434,288 was approved for Phase 1.

Motion passed unanimously.

D. Construction Approval of Mandalay Bank Protection Demo Project

Mr. Saia presented a recommendation to approve construction.

Mr. Fruge motioned for approval.

Motion approved unanimously.

E. Change to Dustpan/Cutterhead Demonstration Project

Mr. Saia presented the recommendation of the Technical Committee to approve the use of funds previously approved for the construction of the Dustpan/Cutterhead Marsh Creation demonstration project for a "Flexible Dustpan" demonstration project designed by the Waterways Experiment Station.

Mr. Fruge' motioned to approve & Mr. Becker Seconded.

Motion passed unanimously.

Therefore, the minutes of this discussion shall reflect the following:

By Resolution of the Task Force dated April 24, 1997, the Task Force authorized the use of specified funds for use on a PPL 6 Dustpan/Cutterhead Marsh Creation Demonstration project. Mr. Podany has requested a change to the above authorized use of funds, in that it is requested that the previously approved funds instead, now be used for a "Flexible Dustpan" demonstration project as described in the attached documents of the briefing book for the Task Force Meeting of October 25, 2001. As the project no longer involves the use of a cutterhead dredge, the PPL 6 project name will be changed to "Flexible Dustpan Demo at Head of Passes".

F. Authorization for 2002 Outreach Program elements

Ms. Gabrielle Bodin reviewed the new proposed outreach initiatives for 2002. Six new initiatives were described for a total of \$241,975. The task force considered the six items separately. \$127,000 was approved.

- 1) Executive Awareness was unanimously approved for \$22,000.
- 2) National Awareness program was unanimously approved for \$55,000
- 3) Industry Awareness Program was approved for \$45,000, but should be integrated with governor's committee.
- 4) Authorized \$5,000 for two videos related to Davis Pond
- 5) A mock-up is requested before approval for a new wetland loss poster.
- 6) Airport Kiosk proposal is tabled for now due to 911 attack

G. Additional funding request for Marsh Island

Mr. Bill Hicks requested \$250,000 for additional funding for the Marsh Island Project. The project is under construction, but additional costs are being incurred due to outdated surveys.

Dr. Zobrist motioned to approved.  
Motion approved unanimously.

## V. INFORMATION

### A. Status of Construction Program

Mr. Tom Podany briefed the Task Force on the status of funds in the Breaux Act construction program. The following tables were presented:

1. Status of Cash Flow Management Project Funding Approval Schedule (pg 1-6). Estimated dates that agencies will request Phase 2 funding approval; estimated dates that complex projects will request Phase 1 and Phase 2 funding.
2. Status of Construction Funds (pg 7). Taking into consideration approved current estimates, project expenditures through present, Federal and non-Federal cost sharing responsibilities, we estimate **\$24,868,348** Federal funds to be available, based on Task Force approvals to date.
3. Construction Program Potential Cost Changes (pg 9). This table depicts potential future construction program cost increases and decreases affecting available Federal funds. If these increase and decreases are taken into consideration, **\$45,168,000** in Federal funds would be available for FY02.
4. Projects Returning Excess Funds (pg 11). A total of **\$4,564,857** may be returned from projects that have completed or almost completed construction.
5. CWPPRA Project Summary Report by Priority List (pg 13). A priority list summary of funding, baseline and current estimates, and obligations and expenditures, for the construction program as furnished by the lead agencies for the CWPPRA database.

6. Analysis of Construction Funds (pg 15). This table analyzes Federal and non-Federal cost sharing responsibilities as determined by the current approved project estimates.

7. Analysis of Construction funds (pg 15). This table analyzes Federal and non-Federal cost sharing responsibilities as determined by the current approved estimates.

8. Construction Schedule (pg 20-25).

9. CWPPRA Project status Summary Report ( pg 26).

B. Web access to Coastal Monitoring Data

Mr. Brad Miller presented an interactive presentation of the state's new web accessible, GIS-Integrated Coastal Monitoring Database. The site is accessed at [www.save.LAwetlands.org](http://www.save.LAwetlands.org).

## **VI. Additional Agenda Items**

Mr. Doug Daigle of the Mississippi River Basin Alliance requested to present a report titled "Confronting Climatic Change in the Gulf Coast" at the next Task Force meeting.

## **VII. Request for Public Comments**

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

A. Ken Ragas thanked Col. Julich and Mr. Tom Podany for providing information regarding CWPPRA projects in Plaquemines Parish.

B. Mr. Steve Mathies suggested that the Coastal Water Resources conference to be held in May in New Orleans might be a forum for Louisiana's coastal problems. Dr. Bill Good said they have had discussions with the conference organizers and will pursue.

C. Dr. Bill Good reported the Oyster ad hoc committee would meet November 7.

## **VIII. Task Force meeting Schedule**

Next Task Force Meeting scheduled January 16, 2002 in Baton Rouge in the Louisiana Room of Wildlife and Fisheries Building.

Adjourned 12: 25 p.m.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TECHNICAL COMMITTEE MEETING

June 14, 2006

**DECISION: TRANSFER OF PPL 10 DELTA BUILDING DIVERSION AT  
MYRTLE GROVE PROJECT - BA-33**

**For Decision:**

The Technical Committee is asked to recommend transferring the Delta Building Diversion at Myrtle Grove Project (BA-33) to LCA to the Task Force. Approval by the Task Force in July 2006 will initiate transfer procedures.



REPLY TO  
ATTENTION OF:

## DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P. O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

CEMVN-PM-C

13 June 2006

Mr. Gregory Breerwood  
CWPPRA Technical Committee  
Deputy District Engineer  
U.S. Army Corps of Engineers, New Orleans District  
P.O. Box 60267  
New Orleans, Louisiana 70160-0267

RE: Request for Project Transfer  
Delta Building Diversion at Myrtle Grove (BA-33)

Dear Mr. Breerwood:

The U.S. Army Corps of Engineers, New Orleans District (USACE MVN), has conferred with the Louisiana Department of Natural Resources (LDNR) regarding the future of the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) project, Delta Building Diversion at Myrtle Grove (BA-33). Our agencies have agreed to initiate transfer of the project to the Louisiana Coastal Area (LCA) authority. It is understood that a formal request for de-authorization as per the CWPPRA Standard Operating Procedures, Revision 11.0, dated November 2, 2005 (SOP), Section 6(p), is required. However, this letter serves as a formal request to deviate from the SOP and alternatively request "project transfer" from CWPPRA to LCA.

This request is being made due to the fact that a Medium Diversion at Myrtle Grove with Dedicated Dredging project was identified in the LCA Study and Chief of Engineers Report as a Near-term Critical Restoration Feature. Additionally, BA-33 was identified for action under LCA because it had undergone relatively advanced investigations, and could be implemented expeditiously.

Presently, the status of BA-33 project is as follows:

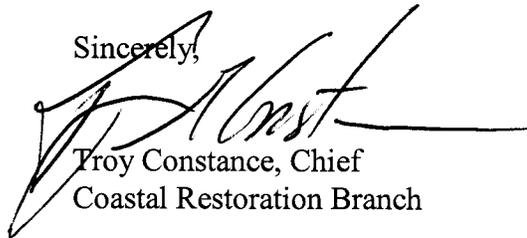
- The PDT completed initial scoping and screening of alternatives to produce an intermediate list of alternatives for evaluation. A NEPA scoping report and a screening document have been produced. This intermediate list of alternatives was submitted to the LCA study team for inclusion in the LCA plan formulation. The LCA effort resulted in a

confirmation of the alternatives developed under the CWPPRA effort as appropriate in scale and range.

- The intermediate list of alternatives have gone through preliminary engineering design for sizing of structures, channels, and levees, as well as, estimating of material quantities for dedicated dredge material placement. Engineering investigations have also identified a diversion site location, channel alignment, and right of ways common to all diversion alternatives. Initial geologic borings and survey information have been collected for the channel alignment and outfall areas. A hydrodynamic model was developed for the project area. Subsequently the model was expanded to account for basin wide systemic effects related to the influence of the Mississippi River, Gulf of Mexico, and potential multiple diversions, as envisioned in the LCA study. The modeling of alternative diversion scales has not been initiated. The documentation of existing and future without action conditions and ecologic evaluation has also been initiated in coordination with the LCA study findings.
- Coordination with landowners within the designated channel alignment has also been initiated. This project is also a component of the LCA Plan recommended for conditional authorization. Because of this recommendation and the identification of the outfall channel right of way, portions of the designated channel right of way have been acquired as borrow sites for post-Katrina levee restoration work. This effort has been coordinated with the CWPPRA project team and the land owners.
- Phase I expenditures to date total approximately \$2,154,756. However, after closeout, the amount of \$847,358 could be returned to CWPPRA because of the original Phase I estimate of \$3,002,114. Phase II is estimated to cost \$144,303,701 (Dec. 2000) for construction.

The MVN and LDNR suggest that the project scope and costs are potentially beyond traditional CWPPRA efforts; and respectfully request that the CWPPRA Task Force (TF) take appropriate action, in consultation with the LCA Ecosystem Restoration Study Program Management Team (PMT), to determine if the BA-33 can be transferred to the PMT for subsequent project development. If you have any questions, please contact Dr. Ken Duffy, LDNR Project Manager (225-342-4106) or Mr. Tim Axtman, USACE MVN Project Manager (504-862-1921).

Sincerely,



Troy Constance, Chief  
Coastal Restoration Branch

CF (w/encl):

Mr. Darryl Clark, U.S. Fish and Wildlife Service  
Mr. Gerry Duszynski, LA Department of Natural Resources  
Mr. Rick Hartman, National Marine Fisheries Service  
Ms. Sharon Parrish, Environmental Protection Agency  
Mr. Britt Paul, Natural Resources Conservation Service

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TECHNICAL COMMITTEE MEETING

June 14, 2006

**DISCUSSION/DECISION: ESTABLISHMENT OF A COASTAL WETLAND RE-VEGETATION CONTINGENCY FUND**

**For Discussion/Decision:**

The FWS and NRCS would like to discuss, for possible action, a recommendation to establish a coastal re-vegetation contingency fund of \$1 to 2 M, similar to the current Monitoring Contingency Fund. The fund would be used on a project by project basis, upon approval of the Planning and Evaluation Subcommittee; to revegetate very shallow coastal areas that have experienced recent vegetation die offs caused by hurricanes, brown marsh, or other causes.

# COASTAL WETLAND REVEGETATION CONTINGENCY FUND

June 2, 2006

**Purpose:** To prevent thousands of acres of marsh negatively affected by a regional event (i.e., hurricane, brown marsh, etc.) from either converting to shallow open water or from shallow to deep open water by rapid-response revegetation of those areas.

**Need:** Recent hurricanes converted thousands of acres of marsh to shallow open water areas. In 2000, marshes across south Louisiana underwent a "brown marsh" event. This event was responsible for many acres of smooth cordgrass dying and those areas reverting to shallow open water.

**Solution:** To quickly assess and implement a vegetative planting program in areas that have been damaged by a regional marsh "die off" event (i.e., drought, brown marsh, hurricanes, etc.) before those areas deepen to greater than 1.5 foot in depth.

## **Sample Project:**

Planting 200 acres of shallow open water with bare root plugs of Smooth Cordgrass (*Spartina alterniflora*)

## Sample Project Budget:

1 acre = 43,560 sq ft

Plants on 5-foot centers (1 plant/ 25 sq ft) = 43,560 sq ft/25 sq ft/plant = 1,742 plants/acre

200 ac X (1,742 plants) = 348,480 plants/ 200 acres

The cost = 348,480 plants X (\$3.00/bare root sprig) = **\$1,045,440 per 200 acres**

Engineering and Design

Landrights

## **Contingency Fund Operations:**

- 1) The Task Force establishes a \$1-2 million "Coastal Wetland Revegetation Contingency Fund" from the CWPPRA construction budget.
- 2) Following an event determined by the TF/TC to qualify for emergency contingency, CWPPRA agencies would submit project funding requests to the Environmental Work Group, P & E, and other parties as deemed necessary, for preliminary evaluations/ranking of those vegetation projects.
- 3) The evaluated/ranked projects would then be submitted to the P&E or be forwarded to the Tech Committee for final approval.
- 4) Use the established CWPPRA SOP vegetative project construction process.
- 5) Monitoring could be project specific as determined by the CWPPRA vegetative planting monitoring protocol for a 5 year period.

**PROPOSED  
COASTAL WETLAND  
REVEGETATION  
CONTINGENCY FUND**



- **Purpose:**

To prevent thousands of acres of marsh that have been negatively affected by a regional event (i.e., hurricane, brown marsh, etc.) from either converting to shallow open water or from shallow to deep open water by revegetating those areas.

- **Need:**

Recent hurricanes have converted thousands of acres of marsh into shallow open water areas. In 2000, marshes across south Louisiana underwent a “brown marsh” event. Events such as these are responsible for many acres of smooth cordgrass dying and those areas reverting to shallow open water.

- **Solution:**

To quickly assess areas that have been damaged by a catastrophic regional event (i.e., drought, brown marsh, hurricanes, etc.) and implement a planting program before those areas deepen to greater than 1.5 foot in depth.

# Cost of Creating 1 Acre of Marsh by Dredge vs. Cost of Planting 1 Acre

- Small Dredge Project (~60 ac)

Total Project Cost = \$1,431,000 mil / 60 ac or \$23,850 per acre

- Large Dredge Project (Little Lake - 1,000 ac)

Total Project Cost = \$14 mil (16-20 mil / 1000) ac or \$14k (16-20k) per acre

- Agency Mitigation

1 acre = 2' water depth = 4.5 fill depth @ \$2.5 cyd = \$18K + E&D Totaling ~20K

- Planting (PMC-Env/Eng W/kg)

\$3,500 per acre plus E&D

- 1) The Task Force establishes a \$1-2 million contingency fund from the CWPPRA construction budget.
- 2) Following an event determined by the TF/TC to qualify for emergency contingency, CWPPRA agencies would submit project funding requests to the Environmental Work Group and other parties as deemed necessary for preliminary evaluations/ranking of those projects.
- 3) These evaluated/ranked projects would then be submitted to the P&E Subcommittee for final approval or be forwarded to the Tech Committee for final approval.
- 4) Go through an expedited construction process pre-approved and adopted into the CWPPRA SOP.
- 5) Monitoring could be project specific as determined by the CWPPRA monitoring protocol for a 5 year period.

















COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TECHNICAL COMMITTEE MEETING

June 14, 2006

**DISCUSSION: CWPPRA PROGRAMMATIC ASSESSMENT**

**For Discussion:**

At the April 12, 2006 Task Force meeting the Technical Committee was tasked with laying out a plan and schedule to develop a Programmatic Assessment. The Technical Committee will discuss the road ahead for the CWPPRA program (where we were, where we are, where we are going), and layout a plan and schedule to complete a Programmatic Assessment. The results will be presented at the July 2006 Task Force meeting.

**CWPPRA Technical Committee**  
**OFFSITE MEETING**  
**6 Jun 06 - 9:30 am**  
**Griffon Room, LDNR LaSalle Bldg**

Discussion Topic: Programmatic Assessment

Background:

1. February 17, 2005 Task Force Meeting: Colonel Rowan introduced “idea” of Programmatic Assessment and Vision. CWPPRA is halfway through its authorized life. An assessment is necessary to look at what the program has delivered and to examine the strategic role that CWPPRA will play into the future, in light of the 10-year program extension and potential authorization of LCA. Decision was made to have an outline for the assessment within 2 weeks.

2. May 4, 2005 Task Force Meeting: The Task Force approved the Programmatic Assessment and Vision outline and cost estimate (dated 25 Apr 06). The purpose of the Programmatic Assessment and Vision document was to evaluate what CWPPRA has accomplished, determine necessary program adjustments in light of the 10-year extension of the Breaux Act program and the potential authorization of the LCA, and to provide a basis for future Task Force decisions. Agreement to hold a meeting between the CWPPRA and LCA management groups to discuss the “strategic vision”.

3. *Intermediate steps leading to Development of CWPPRA Educational Document skipped.*

4. April 12, 2006 Task Force Meeting:

*Task Force Directive (April 12, 2006): At the April 12, 2006 Task Force meeting, the Technical Committee was tasked with preparing a proposal (plan and schedule) for the development of a Programmatic Assessment. The Technical Committee will report back to the Task Force at the July 12, 2006 Task Force meeting.*

Task Force Discussion (April 12, 2006):

- *Colonel Wagenaar believes the PA is still required. It will provide a check on past success, past failure, what we learned from projects, and how we are applying that to the future of the program. Where we were, where we are now and where we want to go, what is the direction of the CWPPRA program?*
- *Colonel Wagenaar stated that there are moving parts (LCA, LaCPR, CIAP, LRA, etc.), he wanted to ask the Tech Committee to come back with a draft road ahead plan and timeline for a Programmatic Assessment.*
- *Sam Hamilton thought it would be good for the technical staff to kick around the “what” and “how” and the timeline of putting something like this together. He stated that because of the moving parts we don’t know how it will all fit together*
- *Gerry Duszynski stated that there is a lot going on and it is wise to see where it all settles.*
- *Don Gohmert liked the idea of laying out a plan for a formal document (Programmatic Assessment) so that the information on the assessment will be in one place.*
- *Rick Hartman confirmed that the Task Force was asking the Tech Committee to develop a plan for the Programmatic Assessment, but not actually begin work on it. We’d look at what things would be incorporated into the plan and how much it would cost and get input from the AAG.*

## Creel, Travis J MVN-Contractor

---

**From:** LeBlanc, Julie Z MVN  
**Sent:** Monday, July 25, 2005 8:25 AM  
**To:** 'Sidney Coffee (GOV)'; 'Cynthia Duet'; 'Flores.Miguel@epamail.epa.gov'; 'Britt Paul (E-mail)'; 'Darryl Clark (E-mail)'; 'don.gohmert@la.usda.gov'; 'Enger Kinchen'; 'Gerry Duszynski'; 'parrish.sharon@epamail.epa.gov'; 'Reneeca Fruge'; 'Rick Hartman (E-mail)'; 'rolland.schmitten@noaa.gov'; 'sam\_hamilton@fws.gov'; Podany, Thomas J MVN; 'erik.zobrist@noaa.gov'; Miller, Kitty E MVN; Habbaz, Sandra P MVN; 'mcquiddy.david@epa.gov'; 'Randy Hanchey'; Hitchings, Daniel H MVD; 'quin.kinler@la.usda.gov'; Constance, Troy G MVN; Wagner, Kevin G MVN; Hicks, Billy J MVN; Breerwood, Gregory E MVN; Keen, Steve E MVN; Jenkins, David G MVD; Wilbanks, Rayford E MVD; 'betty.jones@la.usda.gov'; 'britt.paul@la.usda.gov'; 'cheryl.walters@la.usda.gov'; 'chrisk@dnr.state.la.us'; 'cynthia.duet@gov.state.la.us'; 'daniel.llewellyn@la.gov'; 'diane.smith@la.gov'; 'don.gohmert@la.usda.gov'; 'edh@dnr.state.la.us'; 'erik.zobrist@noaa.gov'; 'flores.miguel@epa.gov'; 'gautreack@gov.state.la.us'; 'gerryd@dnr.state.la.us'; 'gsteyer@usgs.gov'; 'john\_hefner@fws.gov'; 'jonathan.porthouse@la.gov'; 'kirk.rhinehart@la.gov'; 'mcquiddy.david@epa.gov'; 'parrish.sharon@epa.gov'; 'pat.forbes@GOV.STATE.LA.US'; 'randyh@dnr.state.la.us'; Wagenaar, Richard P Col MVN; 'richard.hartman@noaa.gov'; 'rolland.schmitten@noaa.gov'; 'russell\_watson@fws.gov'; 'sam\_hamilton@fws.gov'; 'sidney.coffee@gov.state.la.us'; Constance, Troy G MVN; 'Amelia\_vincent@ursCorp.com'; Hicks, Billy J MVN; 'comvss@lsu.edu'; 'darryl\_clark@fws.gov'; 'gabrielle\_bodin@usgs.gov'; Breerwood, Gregory E MVN; 'jimmy\_johnston@usgs.gov'; 'john.jurgensen@la.usda.gov'; 'kevin\_roy@fws.gov'; 'kirkr@dnr.state.la.us'; Park, Michael F MVN; 'philp@dnr.state.la.us'; 'rachel.sweeney@noaa.gov'; 'rickr@dnr.state.la.us'; 'sbergeron@usgs.gov'; 'scott\_wilson@usgs.gov'; Hawes, Suzanne R MVN; Podany, Thomas J MVN; 'tom\_denes@URSCorp.com'; Monnerjahn, Christopher J MVN; Rauber, Gary W MVN; Browning, Gay B MVN; Miller, Gregory B MVN; Goodman, Melanie L MVN; Radding, Rose MVN; Keen, Steve E MVN; Martinez, Wanda R MVN  
**Subject:** RE: Task Force offsite to discuss Programmatic Assessment and LCA  
**Attachments:** Final-agenda-TF-LCA-mtg-26jul05.doc; Outline-for-discussion-TF-LCA-mtg-26jul05.doc



Final-agenda-TF-LC Outline-for-discussi  
A-mtg-26jul0... on-TF-LCA...

Task Force members:

Attached is a slightly revised version of the agenda for the subject meeting. As discussed during the Task Force conference call on Friday, 22 Jul 05, we have added Ms. Coffee's name on the agenda to allow for State comments on the direction of LCA.

We will meet in the Corps District Assembly Room (DARM-A) at 1:00 pm on Tuesday, 26 Jul 05 for the subject meeting. We have also reserved Room 341 for this same timeframe if the Task Force decides it wants to meet privately in an "executive session" at any time during the Tuesday afternoon meeting.

In support of the discussion under Agenda Item #3, the Corps has compiled a writeup that the Task Force can use in its discussions on the "Strategic Vision" (see second attachment). The writeup includes the Task Force-approved outline plus ideas developed by NMFS (in boxed italics) as discussion points. As stated in the meeting purpose, it is anticipated the outcome of the meeting is guidance/direction from the Task Force on the "strategic vision" portion of the CWPPRA Programmatic Assessment and Vision document.

Julie Z. LeBlanc  
U. S. Army Corps of Engineers  
(504) 862-1597

-----Original Message-----

From: LeBlanc, Julie Z MVN

Sent: Tuesday, July 19, 2005 5:53 PM

To: 'Sidney Coffee (GOV)'; 'Cynthia Duet'; 'Flores.Miguel@epamail.epa.gov'; 'Britt Paul (E-mail)'; 'Darryl Clark (E-mail)'; 'don.gohmert@la.usda.gov'; 'Enger Kinchen'; 'Gerry Duszynski'; 'parrish.sharon@epamail.epa.gov'; 'Reneeca Fruge'; 'Rick Hartman (E-mail)'; 'rolland.schmitt@noaa.gov'; 'sam\_hamilton@fws.gov'; Podany, Thomas J MVN; 'erik.zobrist@noaa.gov'; Miller, Kitty E MVN; Habbaz, Sandra P MVN; 'mcquiddy.david@epa.gov'; 'Randy Hanchey'; Hitchings, Daniel H MVD; 'quin.kinler@la.usda.gov'; Constance, Troy G MVN; Wagner, Kevin G MVN; Hicks, Billy J MVN; Breerwood, Gregory E MVN; Keen, Steve E MVN; Jenkins, David G MVD; Wilbanks, Rayford E MVD; betty.jones@la.usda.gov; britt.paul@la.usda.gov; cheryl.walters@la.usda.gov; chris@dnr.state.la.us; cynthia.duet@gov.state.la.us; daniel.llewellyn@la.gov; diane.smith@la.gov; don.gohmert@la.usda.gov; edh@dnr.state.la.us; erik.zobrist@noaa.gov; flores.miguel@epa.gov; gautreak@gov.state.la.us; gerryd@dnr.state.la.us; gsteyer@usgs.gov; john\_hefner@fws.gov; jonathan.porthouse@la.gov; kirk.rhinehart@la.gov; mcquiddy.david@epa.gov; parrish.sharon@epa.gov; pat.forbes@GOV.STATE.LA.US; randyh@dnr.state.la.us; Richard Wagenaar; richard.hartman@noaa.gov; rolland.schmitt@noaa.gov; russell\_watson@fws.gov; sam\_hamilton@fws.gov; sidney.coffee@gov.state.la.us; Troy Constance; Amelia\_vincent@ursCorp.com; Billy Hicks; comvss@lsu.edu; darryl\_clark@fws.gov; gabrielle\_bodin@usgs.gov; Gregory Breerwood; jimmy\_johnston@usgs.gov; john.jurgensen@la.usda.gov; kevin\_roy@fws.gov; kirk@dnr.state.la.us; Michael Park; philp@dnr.state.la.us; rachel.sweeney@noaa.gov; rickr@dnr.state.la.us; sbergeron@usgs.gov; scott\_wilson@usgs.gov; Suzanne Hawes; Thomas Podany; tom\_denes@URSCorp.com; Christopher Monnerjahn; Gary Rauber; Gay Browning; Gregory Miller; Melanie Goodman; Rose Radding; Steve Keen; Wanda Martinez  
Subject: Task Force offsite to discuss Programmatic Assessment and LCA

CWPPRA Task Force and Technical Committee Members/LCA PMT Members:

The subject joint CWPPRA Task Force/LCA PMT offsite meeting will take place from 1-5 pm on Tuesday, 26 Jul 05 in Room 386 at the Corps' New Orleans District office. In preparation for the meeting, the Corps has drafted the meeting agenda for Task Force comment and approval (FIRST attachment) considering the Task Force's discussion on 8 May 05. Comments on the draft agenda are requested by COB, Friday, 22 Jul 05.

The CWPPRA Technical Committee working group has put together a draft of the Programmatic Assessment and Vision document (all sections drafted except the "Strategic Vision" section) for Task Force review in preparation for the meeting on the 26th (SECOND attachment). This draft provides more detail than the original outline (approved by the Task Force on 8 May 05), however, changes to the draft will likely be warranted as a result of the discussion on the 26th. It is anticipated that Task Force comments on the content/direction of the draft assessment will be provided to the Technical Committee working group during the meeting on the 26th.

As the THIRD attachment, the Corps is providing the original 8 May 05 Task Force-approved outline of the assessment. The intention is to use the bulleted list of items on pages 7-9 (Strategic Vision section) as a guide to the discussions on Tuesday afternoon. As you can see from the draft agenda (item #3), it is anticipated that this discussion will constitute a large amount of time during the meeting.

Regarding the draft assessment document...thanks to all agency representatives for your initial writeups, revised writeups, and for providing comments to the draft document. Special thanks go to Bill Hicks, Sue Hawes, and Rosa Radding with the Corps for pulling together everyone's comments into the attached draft.

Julie Z. LeBlanc  
Senior Project Manager for CWPPRA  
U. S. Army Corps of Engineers  
New Orleans District  
(504) 862-1597

-----Original Message-----

From: LeBlanc, Julie Z MVN

Sent: Wednesday, June 22, 2005 7:54 AM

To: 'Sidney Coffee (GOV)'; Cynthia Duet; Flores.Miguel@epamail.epa.gov;

Britt Paul (E-mail); Darryl Clark (E-mail); don.gohmert@la.usda.gov;  
Enger Kinchen; Gerry Duszynski; parrish.sharon@epamail.epa.gov; Reneeca  
Fruge; Rick Hartman (E-mail); rolland.schmitt@noaa.gov;  
sam\_hamilton@fws.gov; Podany, Thomas J MVN; erik.zobrist@noaa.gov;  
Jeselink, Stephen E LTC MVN; Miller, Kitty E MVN; Habbaz, Sandra P MVN;  
mcquiddy.david@epa.gov; Randy Hanchey; Hitchings, Daniel H MVD;  
Constance, Troy G MVN; Wagner, Kevin G MVN; Breerwood, Gregory E MVN  
Cc: Keen, Steve E MVN; Hicks, Billy J MVN  
Subject: Task Force offsite to discuss programmatic assessment and LCA

Task Force/Technical Committee:

All CWPBRA Task Force members have confirmed their availability to meet at 1pm on Tuesday, 26 Jul 05. Please mark your calendars for this date. Since the Task Force meeting will be held in New Orleans on the 27th of July, the Corps has volunteered to arrange for an appropriately-sized room at our District office. Depending upon the number of attendees and the forum, we will either meet in Room 341 or the District Assembly Room (DARM).

I will make sure that the LCA side of the house is apprised of this date and time so the appropriate representatives from the LCA PMT will add this meeting on their calendars.

Julie Z. LeBlanc  
U. S. Army Corps of Engineers  
(504) 862-1597

# Joint Offsite Meeting

## BREAUX ACT

### COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT TASK FORCE

## LOUISIANA COASTAL AREA (LCA) PROGRAM MANAGEMENT TEAM (PMT)

### DRAFT AGENDA

July 26, 2005 1:00 p.m.

**Meeting Purpose:** In support of writing the *CWPPRA Programmatic Assessment and Vision* document, currently being drafted by the CWPPRA Technical Committee working group, the CWPPRA Task Force has asked to convene a meeting between CWPPRA and the LCA PMT. The meeting is expected to provide a forum for discussion between the CWPPRA Task Force and the LCA PMT, which will allow the establishment of a CWPPRA “strategic vision” which is in concert with the LCA Near-Term Plan. The outcome of the meeting is expected to be guidance/direction from the CWPPRA Task Force on the “strategic vision” portion of the *CWPPRA Programmatic Assessment and Vision* document.

1. **Introductions/Meeting Purpose/Opening Statements by CWPPRA Task Force Members and LCA PMT (Wagenaar): 1:00 – 1:15 p.m.**
2. **Direction of LCA Efforts (Hitchings/Coffee): 1:15 – 1:45 p.m.** As requested by the CWPPRA Task Force, the LCA PMT will provide an overview of what is evolving in LCA in terms of priorities and activities in the first 10 years.
3. **CWPPRA Task Force/LCA PMT Discussion Related to the Strategic Vision Section of the CWPPRA Programmatic Assessment and Vision Document (Wagenaar): 1:45 – 4:15 p.m.** Discussion by the CWPPRA Task Force and the LCA PMT will provide guidance/direction to the Technical Committee working group to aid in writing the “Strategic Vision” section of the document. The bulleted list included in the draft outline of the Assessment will be used to guide the discussion.
  - CWPPRA Program Adjustments: program focus, future priorities, transfer of projects to other authorities, additional program funding
  - CWPPRA Interaction with LCA: integration with other restoration efforts, coordination of CWPPRA and LCA missions, official CWPPRA and LCA interactions, CWPPRA and LCA “redundancies”
4. **General Task Force Comments on Draft Programmatic Assessment and Vision Document (Wagenaar): 4:15 – 5:00 p.m.** The Task Force will provide comments on the draft sections of the document provided by the Technical Committee working group. The working group would like input regarding the direction/content of the draft document.

**Adjourn**

## Outline for Task Force Discussions

### “Strategic Vision” Section of the CWPPRA Programmatic Assessment and Vision document

26 Feb 05

(NOTE: Outline taken from the Task Force-approved outline for the assessment; suggested text shown in boxed italics, primarily taken from NMFS write up/suggestions for this section)

#### VIII. STRATEGIC VISION

- A. Future Role of CWPPRA. Role of CWPPRA in a holistic, coastwide framework (considering LCA, Caernarvon, Davis Pond, other WRDA, etc.) (*short paragraph*). Include brief summary of points already made concerning the strengths of CWPPRA and the assets of what CWPPRA can bring to the effort:
1. CWPPRA program structure already in place
  2. Strengths of CWPPRA [proven protocols for project development/implementation, flexibility, stable funding stream, interagency cooperation already established (a program permitting all at the table)]; emphasize grassroots of CWPPRA

*Suggested introductory text...*

*CWPPRA will operate in tandem with other existing and proposed restoration programs. If the LCA plan is authorized and funds for implementation are appropriated, it would fund large restoration projects that are generally beyond the current scope of CWPPRA. While the large and complex projects planned to be implemented under LCA are vital to the long term sustainability of the coastal landscape, there is still a vital unmet need to address smaller hot-spots of land loss and habitat degradation which require more timely responses than are possible through traditional Federal water resources planning. Without this ability to stabilize rapidly degrading areas through the CWPPRA program, long-term and large-scale restoration will become incrementally more difficult and costly.*

*Deterioration of America’s Wetland is a complex problem requiring complex solutions. Effectively offsetting on-going wetlands loss will require “all hands on deck.” Continued implementation of state only projects, WRDA projects such as large-scale diversions, CWPPRA, and complete LCA implementation will be required to address the loss of Louisiana’s coastal wetlands. Additionally, other state and federal programs are providing assistance by protecting and restoring wetlands in south Louisiana. Some examples include NRCS’s Small Watershed Program, NOAA’s Community Based Restoration program, and the Corps’ Continuing Authorities Program (CAP); these programs complement ongoing restoration activities by providing mechanisms to “fill in the blanks” in the restoration landscape. Addressing gaps between need and delivery, reducing program redundancies, and optimizing synergies between existing programs is critical to most effectively address loss of America’s Wetland.*

*CWPPRA has a critical role in a holistic, coastwide framework to address coastal land loss. The CWPPRA program structure is already in place, results in productive interagency coordination and collaboration. The CWPPRA program is extremely flexible, has demonstrated project delivery capabilities, and has amassed a large body of technical expertise in planning, designing, and constructing coastal restoration projects.*

B. CWPPRA Task Force’s Strategic Plan for Future Implementation of CWPPRA.

1. CWPPRA Program Adjustments.

- a. Program Focus. What strategies lend themselves to one program over the other (large-scale, diversions from the River, impact to navigation, impact Mainline levee or other infrastructure, impacting life and property)? Should Breaux Act focus on particular geographical areas, strategies, project types, or project scale/cost?
- b. Future Priorities. How should CWPPRA re-focus evaluation and prioritization of project nominees/candidates/ projects to best fit this niche given the re-authorization of the program through 2019?
- c. Transfer Projects to Other Authorities. Due to funding constraints, should CWPPRA evaluate the list of active projects to determine if any existing projects no longer “fit” under CWPPRA (and should be considered for LCA construction funding)?
- d. Additional Program Funding. Could additional CWPPRA funding allow CWPPRA to meet spatial and temporal gap currently existing between CWPPRA and LCA?

- *The PPL process should be revised to allow for two project nominations from each basin in the Chenier Plain to address spatial gap in LCA Near Term Plan – increase to 8 the number of projects carried forward for further evaluation*
- *CWPPRA should identify geographic gaps by assessing the 2050 land loss map with overlays of LCA projects and results of loss projections with LCA in place. CWPPRA should focus on areas where loss is medium to high that is not being adequately compensated for by LCA. CWPPRA should focus on projects in the lower end of the cost range. The primary emphasis should be on projects with fully funded costs of less than \$20 M.*
- *CWPPRA projects that overlap with LCA projects should be assessed by a management team to identify which CWPPRA projects could be folded into the LCA program. Unless CWPPRA projects are intended to address extremely time-critical needs, evaluate overlap between LCA and CWPPRA projects and select single authority to pursue. Discontinue CWPPRA engineering and design efforts at logical breakpoints (i.e., preliminary design or final design) and request LCA authority to continue project delivery efforts. CWPPRA projects that may benefit regions affected by LCA Near Term plan components projects include:*

- *MRGO/Lake Borgne shoreline protection projects*
- *Myrtle Grove diversion*
- *Lake Maurepas diversion*
- *Bayou Lafourche reintroduction*
- *NRCS Penchant Basin plan*
- *FWS Terrebonne Complex project*
- *Barataria Barrier Islands*

<ul style="list-style-type: none"> <li>• <i>Some areas that may have been addressed by CWPPRA are included in LCA components (i.e., Terrebonne Barrier Islands – several restoration projects already implemented by CWPPRA). In such cases, the CWPPRA Task Force recommends:</i></li> </ul>	
	<ul style="list-style-type: none"> <li>- <i>Consideration be given to using LCA efforts to maintain restored Terrebonne Barrier Islands</i></li> <li>- <i>Consider evaluating other areas of need rather than investing two set of program resources in a single area</i></li> </ul>
<ul style="list-style-type: none"> <li>• <i>CWPPRA should focus on projects in the lower end of the cost range. The primary emphasis should be on projects with total costs of less than \$30 M.</i></li> <li>• <i>Projects with estimated costs over about \$30M should only be considered under the CWPPRA program if the project addresses a critical spatial or temporal gap not covered by LCA</i></li> <li>• <i>CWPPRA should not consider anything exceeding \$50 million in cost. Thus, project types that CWPPRA should not address include major river diversion projects, projects that would impact navigation or the Mississippi River levee or barrier island projects.</i></li> <li>• <i>Identify probable construction order of projects on the LCA near term list, and see if any geographic area being addressed in the LCA plan has time critical elements that could not be met under LCA that could be addressed under CWPPRA.</i></li> <li>• <i>Rapidly deteriorating coastal areas such as barrier shorelines should be carefully examined to identify short term needs which should be further prioritized by LCA</i></li> <li>• <i>CWPPRA should not consider large-scale river diversions or other projects that have significant interaction with the MR&amp;T project or other major navigation or flood control projects. Such projects are best suited to implementation by the Corps or consideration under the LCA Modification of Existing Structures component.</i></li> <li>• <i>Ensure that “Buy in” and grass roots support for LCA restoration projects is garnered by involving the public early and often</i></li> <li>• <i>Continue to implement project which address publicly identified restoration needs</i></li> <li>• <i>Continue CWPPRA Regional Planning Team process of project nomination</i></li> <li>• <i>Involve the public and local, state and federal interests in LCA project prioritization, evaluation, and implementation</i></li> </ul>	

2. CWPPRA Interaction with LCA. CWPPRA mission remains unchanged; focus on near term project implementation to benefit wetlands within funding limits.

a. CWPPRA Integration with Other Restoration Efforts in Louisiana. Discuss potential integration of CWPPRA to complement civil works projects, such as LCA, Caernarvon, Davis Pond, etc.

i. CWPPRA projects enhance benefits of WRDA projects (Caernarvon outfall diversion)

- ii. CWPPRA offers 15 years of focused coastal wetlands restoration and has positioned the CWPPRA program to lead and/or compliment coastal restoration carried out through WRDA, including LCA.
- iii. No other entity exists with the conglomerate of landscape restoration technical and management expertise currently housed in CWPPRA agencies, participating academic institutions and participating NGOs.
- iv. CWPPRA project development process starts with an overview of all existing restoration efforts (i.e., analyzes/identifies “gaps”).

***Additionally, the Task Force recommends consideration of the following measures to optimize synergies between the LCA and CWPPRA programs:***

*LCA Adjustments*

- *Assess need for additional studies in identified spatial gaps*
- *Consider prioritizing some elements of “Investigations of Other Large-Scale concepts” such as Chenier Plain Freshwater Management and Allocation Study*
- *Incorporate CWPPRA projects that are ready for construction into LCA authorization request (e.g., Rockefeller Shoreline Protection, East and West Grand Terre Islands restoration; Pass Chaland to Grand Bayou Pass shoreline restoration)*

b. Coordination of CWPPRA and LCA Missions.

- i. How is it envisioned that CWPPRA and LCA missions will interact/intertwine?
- ii. How can CWPPRA, as a multi-agency entity, feed into the LCA process?
- iii. Discuss need for additional funding under CWPPRA to restore the coast while awaiting implementation of LCA.
- iv. Should public decisions regarding CWPPRA projects be integrated into LCA actions? Should public participation (highly valued under CWPPRA) be similarly incorporated into LCA?

- v. Coast 2050, the basis for LCA, is used by CWPPRA in identifying restoration strategies for implementation under the program (both programs should continue to use in future).

c. Official CWPPRA and LCA Interactions.

- i. How will CWPPRA and LCA compliment each other in an “official” capacity?
- ii. How should CWPPRA Task Force interaction with LCA PMT be formalized (in addition to individual agency comments that are already being provided)? This may involve the development of a consensus-based multi-agency position (CWPPRA program position) on LCA proposed actions (have all Task Force members sign).
- iii. Should there be a “CWPPRA liaison” as part of the LCA RWG/PMT, so that there is a CWPPRA voice in LCA activities?

***Finally, the Task Force recommends the CWPPRA AND LCA develop methods and programmatic adjustments to ensure optimal program results. Some possible measures could include:***

- *Formalizing the interaction between the CWPPRA Task Force and the LCA PMT*
- *Developing a “CWPPRA liaison” as part of the LCA RWG/PMT, so that there is a CWPPRA voice in LCA activities*

d. CWPPRA and LCA Redundancies.

- i. How does the Task Force envision handling redundancies between CWPPRA and LCA (Outreach, S&T program, etc.)?
- ii. How could LCA construction funding be considered for large-scale CWPPRA projects?

## Creel, Travis J MVN-Contractor

---

**From:** LeBlanc, Julie Z MVN  
**Sent:** Thursday, April 28, 2005 11:11 AM  
**To:** 'britt.paul@la.usda.gov'; 'chrisk@dnr.state.la.us'; 'cynthia.duet@gov.state.la.us'; 'daniel.llewellyn@la.gov'; 'darryl\_clark@fws.gov'; 'diane.smith@la.gov'; 'erik.zobrist@noaa.gov'; 'gabrielle\_bodin@usgs.gov'; 'gerryd@dnr.state.la.us'; 'gsteyer@usgs.gov'; 'john.jurgensen@la.usda.gov'; 'john\_hefner@fws.gov'; 'jonathan.porthouse@la.gov'; 'kevin\_roy@fws.gov'; 'kirk.rhinehart@la.gov'; 'kirkr@dnr.state.la.us'; 'mcquiddy.david@epa.gov'; 'parrish.sharon@epa.gov'; 'pat.forbes@GOV.STATE.LA.US'; 'philp@dnr.state.la.us'; 'rachel.sweeney@noaa.gov'; 'randyh@dnr.state.la.us'; 'richard.hartman@noaa.gov'; 'russell\_watson@fws.gov'; 'scott\_wilson@usgs.gov'; Hawes, Suzanne R MVN; Podany, Thomas J MVN; Monnerjahn, Christopher J MVN; 'comvss@lsu.edu'; 'daniell@dnr.state.la.us'; 'finley\_h@wlf.state.la.us'; Rauber, Gary W MVN; Browning, Gay B MVN; Miller, Gregory B MVN; Lopez, John A MVN; 'jonathanp@dnr.state.la.us'; Goodman, Melanie L MVN; 'ruiz\_mj@wlf.state.la.us'; Browning, Gay B MVN; Lopez, John A MVN; Goodman, Melanie L MVN; Constance, Troy G MVN; Martinez, Wanda R MVN; 'betty.jones@la.usda.gov'; 'bpaul@la.usda.gov'; 'cheryl.walters@la.usda.gov'; 'chrisk@dnr.state.la.us'; 'cynthia.duet@gov.state.la.us'; 'daniel.llewellyn@la.gov'; 'deetra.washington@gov.state.la.us'; 'diane.smith@la.gov'; 'don.gohmert@la.usda.gov'; 'erik.zobrist@noaa.gov'; 'flores.miguel@epa.gov'; 'gautreak@gov.state.la.us'; 'gerryd@dnr.state.la.us'; 'gsteyer@usgs.gov'; 'john\_hefner@fws.gov'; 'jonathan.porthouse@la.gov'; 'kirk.rhinehart@la.gov'; 'mcquiddy.david@epa.gov'; 'parrish.sharon@epa.gov'; 'pat.forbes@GOV.STATE.LA.US'; Peter Rowan; 'randyh@dnr.state.la.us'; 'richard.hartman@noaa.gov'; 'rolland.schmitten@noaa.gov'; 'russell\_watson@fws.gov'; 'sam\_hamilton@fws.gov'; 'sidney.coffee@gov.state.la.us'; Constance, Troy G MVN  
**Subject:** CWPPRA Programmatic Assessment and Vision SLIGHT REVISIONS following TF Conference Call

**Follow Up Flag:** Follow up  
**Flag Status:** Red

**Attachments:** CWPPRA-programmatic-assessment-FINAL-25apr05.doc; PA schedule-25apr05.xls

### [Task Force/Technical Committee/P&E Subcommittee Members:](#)

Thanks to the Technical Committee for the quick review and concurrence on the minor changes to the Programmatic Assessment and Vision outline and timeline (following the discussion during the conference call). Attached are the updated **FINAL** versions for use during the Task Force meeting next week. The Corps will bring updated versions of these documents to update the binders.



CWPPRA-programmatic-assessment...



PA lule-25apr05.xls (23

Julie Z. LeBlanc  
U. S. Army Corps of Engineers  
(504) 862-1597

-----Original Message-----

**From:** LeBlanc, Julie Z MVN  
**Sent:** Saturday, April 23, 2005 12:23 PM  
**To:** britt.paul@la.usda.gov; chrisk@dnr.state.la.us; cynthia.duet@gov.state.la.us; daniel.llewellyn@la.gov; darryl\_clark@fws.gov; diane.smith@la.gov; erik.zobrist@noaa.gov; gabrielle\_bodin@usgs.gov; gerryd@dnr.state.la.us; gsteyer@usgs.gov; john.jurgensen@la.usda.gov; john\_hefner@fws.gov; jonathan.porthouse@la.gov; kevin\_roy@fws.gov; kirk.rhinehart@la.gov; kirkr@dnr.state.la.us; mcquiddy.david@epa.gov; parrish.sharon@epa.gov; pat.forbes@GOV.STATE.LA.US; philp@dnr.state.la.us; rachel.sweeney@noaa.gov; randyh@dnr.state.la.us; richard.hartman@noaa.gov; russell\_watson@fws.gov; scott\_wilson@usgs.gov; Suzanne Hawes; Thomas Podany; Christopher Monnerjahn;

comvss@lsu.edu; daniell@dnr.state.la.us; finley\_h@wlf.state.la.us; Gary Rauber; Gay Browning; Gregory Miller; John Lopez; jonathanp@dnr.state.la.us; Melanie Goodman; ruiz\_mj@wlf.state.la.us; Gay Browning; John Lopez; Melanie Goodman; Troy Constance; Wanda Martinez

**Subject:** CWPPRA Programmatic Assessment and Vision SLIGHT REVISIONS following TF Conference Call

Technical Committee/P&E Subcommittee:

Following the discussion during the conference call on April 20th, the Corps has made some minor changes to the subject OUTLINE and TIMELINE for Technical Committee review and concurrence. Changes are shown in REDLINE/STRIKEOUT in the attached document. **Please provide any feedback by Wednesday, 27 Apr 05.**

Some of the changes address:

- Colonel asked that the words "slick-and-glossy" be removed when describing the Executive Summary (this was noted in a Corps-only conversation before the call).
- The Corps revised the "target timeframes to complete" in the outline to better define when Preliminary Draft, Final Draft and Final Document will be completed (as well as review protocol for each).
- Added notation under "CWPPRA Programmatic Effectiveness" to ensure that successes as well as lessons learned are addressed. The Corps believes this falls in line with the discussion that took place on this subject during the call...we heard general consensus that a separate section on "Lesson's Learned" did NOT need to be incorporated...as long as the topic is addressed in the document.
- Added demonstration projects to the Project Benefits section to ensure that this component of the program is incorporated into the document.
- Added an area where a potential "gap" regarding restoration science or technology or understanding would be addressed, as stated by Col Rowan.

In the timeline, the only change to the previous timeline is a clarification on public/Pace review (shown in RED).

<< File: CWPPRA-programmatic-assessment-FINAL-25apr05.doc >> << File: PA schedule-25apr05.xls >>

Julie Z. LeBlanc

U. S. Army Corps of Engineers

(504) 862-1597

**Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA)  
Programmatic Assessment and Vision  
FINAL  
April 25, 2005**

Purpose: Perform a programmatic assessment of the CWPPRA program to:

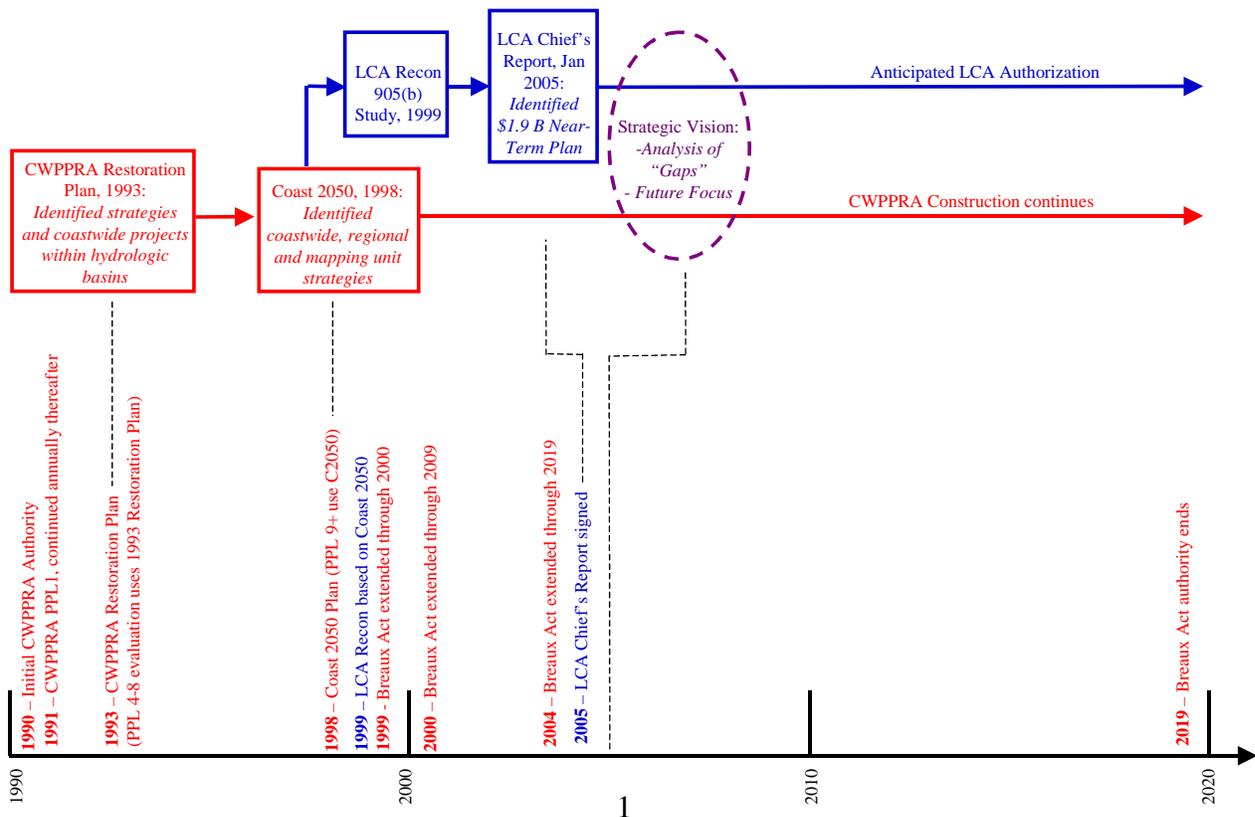
- (1) Evaluate what the program has accomplished since initial authorization,
- (2) Determine necessary CWPPRA program adjustments and a means to optimize synergies between CWPPRA and the Louisiana Coastal Area (LCA) in consideration of the extension of CWPPRA through 2019 and the potential for construction authorization under the LCA program, and
- (3) Provide a basis for future CWPPRA Task Force decisions.

The assessment will aid in determining the role of the CWPPRA program in future Louisiana coastal wetland restoration activities. It will also identify a means to convey results of the assessment to interested parties (Congressional interests, agency chains-of-command, local and national environmental groups, business community, local and national stakeholders).

Target Timeframes to Complete:

- Preliminary Draft completed by early September 2005 (initiate concurrent Task Force and public/PACE review)
- Final Draft completed by October 2005 Task Force meeting (continue concurrent review)
- Final Document completed by January 2006 Task Force meeting

Final Product: Report (20-50 pages, color photos and maps, main text, sidebars, inset “vignettes”) and a standalone Executive Summary (4-5 pages).



# **Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA)**

*Providing effective coastal restoration solutions for Louisiana since 1990*

## **I. COASTAL LOUISIANA WETLANDS LOSS AND RESTORATION BACKGROUND**

A. Historical Perspective/Timeline. Historic perspective/timeline of coastal restoration in Louisiana, evolution of coastal restoration in Louisiana (goals and visions of coastal restoration plans and how their focus has evolved over time)

1. Historic land loss, projected land loss “facts”
2. Pre-CWPPRA restoration efforts (1 paragraph, e.g. early LDWF efforts on refuges, private landowner investments, establishment of constitutionally-protected State funding, passage of Act 6 creating the State Wetlands Authority, creation of a Coastal Restoration Division at LDNR)
3. Pre-authorization legislation activities
4. 4 CWPPRA authorizations
5. 1993 CWPPRA Restoration Plan
6. 1998 CWPPRA Coast 2050 Report
7. Louisiana Coastal Area (LCA) reconnaissance study (adopted from Coast 2050 report)
8. Chief’s Report outlining LCA Near-Term Plan (clarify feasibility study only: five specific projects, S&T, beneficial use – no construction authorization; other study efforts?)

B. Coastal Restoration Needs. Update pie chart (ensure that units compared are the same, for example acres created, restored, and protected over the next 50 years) showing existing programs to address coastal wetland loss (differentiate between authorized/not yet authorized). Use pie chart to show remaining “need” (important to show the unpreserved “need” remaining after updating for CWPPRA extension to 2019 and LCA Near-Term Plan). Pie chart components are:

1. CWPPRA completed projects (1990-2005)
2. CWPPRA projected projects (2006-2019) – document assumptions used to predict potential benefits of the not-yet-known projects
3. LCA Near-Term Plan
4. Other WRDA Freshwater Diversions
5. Corps’ Continuing Authorities Program (CAP)
6. Navigation Maintenance Beneficial Use
7. Other Programs (State Act 6, etc.)
8. Remaining Need

## **II. CWPPRA PROGRAM STRUCTURE (T&I presentation slides 4-6, 9-10, 12-13)**

A. Task Force Funding. Funding (appropriation approximately \$60 million per year, \$2.0 billion Federal and non-Federal over program life)

- B. Task Force Organizational Structure. Task Force management (5 Federal agencies and the State)
- C. CWPPRA Program Management. Program Management (The Task Force and Technical Committee holds quarterly public meetings to develop and implement coastal restoration projects.)
- D. Priority Project List Project Development. (by law, must submit a PPL each year)

III. CWPPRA PROGRAM EFFECTIVENESS (objective view: identify successes and lessons learned, as appropriate)

A. Project Benefits. (T&I presentation slide 19-20)

1. Benefits of Completed CWPPRA Projects. Projects on the ground (CWPPRA preserves critical landscape ecosystem structures upon which future projects will be built.).

*Map with location of CWPPRA Projects. Each project location could be proportionate to the net acres benefited. If project areas are used instead, include a narrative statement that project areas represent the area “enhanced” and do not mean that the project will protect the entire project area from future loss. See Colonel’s presentation for how “protected areas” look. Maybe map could show net acres (with a minimum 100 acre dot for those smaller than 100 acres).*

*Pictures of CWPPRA projects*

*Program statistics (# of active projects, projects constructed by project type, demonstration projects, number of projects constructed per year, acres benefited (CEQ categories, explain categories), etc. (distinguish between net acres and project area). Present the CWPPRA benefited acres in CEQ categories (re-established, protected, and enhanced). Consider contrasting the metrics and methodologies used in other major restoration efforts in the nation (explain in a table). Describe restoration metrics and methodologies of CWPPRA and LCA and outline why each use what they use. LCA 50 yrs/CWPPRA 20 years, explain that benefits are projected. Define metrics that CWPPRA and LCA are both using to measure success (i.e. acres protected and created over a 20-year future). There is a need to include someone firmly entrenched in both programs as a “common link”.*

*Show different project types in a box/sidebar*

*Depict number of projects constructed each year since the CWPPRA program began*

2. Benefits of Projected CWPPRA Projects. Describe potential benefits from remainder of program authority (include projects currently in Phase I). Information will be same to what is included in pie chart for projected CWPPRA projects.
3. Benefits of Landscape Level Planning. Landscape level planning and projects/adaptive management [CWPPRA led the effort to landscape level planning through the development of the Coast 2050 plan, which is the basis for LCA. (mention of LCA projects developed under CWPPRA) CWPPRA is still focused on addressing areas of critical need and hotspots of loss, but through the vision of responsible agencies, has been able to address the needs of certain coastal regions (landbridge, barrier islands) by implementing a suite of projects that work synergistically.] Maps or Figures
  - a. Barataria Landbridge projects
  - b. Terrebonne Basin Barrier Island projects (cover Isles Dernieres and Timbalier islands)
  - c. Barataria Basin Barrier Island projects
  - d. Mermentau Freshwater Introduction projects
  - e. Birdsfoot Delta projects (mention of these)

B. Economic Impact. Economic impact of loss and restoration related to acres/program effectiveness/program economic benefits (including documentation/citations)

1. Infrastructure – transportation/navigation/etc.
2. Oil and Gas
3. Flood/Hurricane Protection
4. Fisheries
5. Wildlife
6. Water quality
7. Social/Cultural/Recreational

C. Programmatic Benefits.

*Layout could use images of public meetings, cover of Adaptive Management Report, photos of demo project (i.e. Lk Salvador different shoreline protection structures, flexible dustpan before and after, etc.), as needed for visual impact. A sidebar with simple “coloring book” images could be used to highlight a specific issue (development of WVA, demos, monitoring) to break up pages/written text*

1. CWPPRA Task Force Program Management. Brings the collective expertise of various agencies to the table. It has fostered a collaborative effort that encourages open discussion

in order to minimize conflicts and maximize progress, benefit to NEPA and permitting process.

2. Coalitions and Partnerships. Federal, State, and local government officials as well as private citizens (land owners, business owners, environmentalists, sportsmen, and other stakeholders); private funds contributed to project cost share; have built coalitions valuable to the current, as well as future, efforts.
3. “Grassroots” Project Development. Project concepts are developed at the local level with local officials, citizens, and landowners working with program staff. Projects compete at the regional, and then coastwide level, for funding. The public is involved in every step of the project’s life cycle. Public comment is requested, received and used concerning project selection, programmatic matters, and other issues at quarterly Task Force and Technical Committee meetings.
4. Program Flexibility/Adaptive Management. Flexibility of program/Adaptive management/Addresses immediate needs (Annual project selection cycle based on a prioritization system using the latest science and technology allows for the chance to address the immediate needs of La’s changing coast. Wetland Value Assessment (WVA) evolution, including involvement from Academic Advisory Group. Projects can be designed and built within two to four years, in many cases. Project designs and objectives are adapted as data about constructed projects become available.
5. Monitoring/CRMS. CWPPRA’s monitoring program verifies results, as well as feeds back into the design of other projects, including WRDA
6. Coastal Science Effort. Advanced overall coastal science effort; use of contemporary science and technology (ongoing use of modeling); field tests innovative restoration techniques; demo projects; interagency database linkages.
7. Public outreach. (LaCoast Web site, educational workshops and presentations, conference and event exhibits, dedication ceremonies, project and program fact sheets, AAG presentations at national/international conferences, *WaterMarks*, educational CD-ROMs, brochures, flyers, etc. The various formats and mediums allow access to a variety of groups.)

#### IV. COMPARE/CONTRAST LCA & CWPPRA – IDENTIFICATION OF GAPS (WRDA, LCA, CWPPRA, STATE, etc.) (*T&I Presentation slides 15-17, 22*)

*Include graphic showing program comparisons*

*Map with footprint of CWPPRA project boundaries of benefited areas, LCA Near-Term Plan boundaries, other WRDA project boundaries (Davis Pond, Caernarvon, CAP, etc.), state project boundaries, etc. Consider using different colors/fill types on map to show program and project types. Identify*

*gaps by: geographics, project type, implementation timeframe, bottom-up vs. top down, needed restoration science or technology, etc. Possible graphics includes CWPPRA and WRDA project/program comparisons (sidebar with program statistics); pictures of restoration projects; map showing benefited areas versus potential future loss*

- A. Synergistic/Complimentary Nature (CWPPRA/LCA). Discuss synergistic/complimentary nature of CWPPRA, LCA, other WRDA, state, etc.
- B. CWPPRA “Grass Roots” Planning. Discuss CWPPRA’s bottom-up planning (grass roots) versus LCA’s top-down planning and the need to preserve grass roots planning.
- C. Restoration Project Benefited Areas. Discuss LCA Near-Term Plan possible areas of influence, CWPPRA project boundaries, other WRDA project areas of influence, State project areas of influence, etc. and identify overlap areas and areas of continued “need” (“Gap” Analysis).
- D. Comparison of CWPPRA to WRDA civil works projects (LCA). synergies of projects and programs. Nature of the programs, speed, cost, flexibility, cost share, schedule, project development, construction timetables, funding, number of studies, types of studies, OM&M requirements, types of authorization, program authority, etc.
- E. CWPPRA’s Quick Response Time. Discuss Breaux Act ability to respond quickly to areas of need versus typical WRDA process

## V. NEED FOR CONTINUED ACTION

- A. Infrastructure Protection. Infrastructure in the coastal zone of Louisiana is estimated at \$100 billion (see if this figure is correct, use the citation Waldemar Nelson, LCA). Current estimates are that CWPPRA, at current funding level, can only address \_\_\_% of the need, LCA can only address \_\_\_% of the need, etc. (from pie chart)
- B. Ongoing Complex Coastal Restoration. Restoration work ongoing in Louisiana is undoubtedly the most comprehensive and complex in the world. The program is building projects rapidly, however a backlog of projects is beginning to accumulate due to funding limitations. (Include data on number of projects backlogged with projected benefited acreage and need for additional funding). This needs to be coordinated with folks developing pie chart information to ensure consistency.
- C. CWPPRA Technical Expertise. CWPPRA has amassed the technical expertise and strategic vision for landscape restoration planning and construction. Funding for critical long-term wetlands restoration is the primary limiting factor.

D. *Map: Acres protected vs. potential future loss. Pie charts by region/basin showing acres protected (CWPPRA and LCA). Figure/chart: Potential # CWPPRA projects go to construction in future years assuming no funding constraints (i.e. maximum program capacity – show number of projects and net acres annually from present through 2019).* This needs to be coordinated with folks developing pie chart information to ensure consistency.

## VI. STRATEGIC VISION

**Given the above evaluation and continued “need” in coastal Louisiana, where should Breaux Act focus efforts for remaining authorization through 2019?**

- A. Future Role of CWPPRA. Role of CWPPRA in a holistic, coastwide framework (considering LCA, Caernarvon, Davis Pond, other WRDA, etc.) (*short paragraph*). Include brief summary of points already made concerning the strengths of CWPPRA and the assets of what CWPPRA can bring to the effort:
1. CWPPRA program structure already in place
  2. Strengths of CWPPRA [proven protocols for project development/implementation, flexibility, stable funding stream, interagency cooperation already established (a program permitting all at the table)]; emphasize grassroots of CWPPRA
- B. CWPPRA Task Force’s Strategic Plan for Future Implementation of CWPPRA.
1. CWPPRA Program Adjustments.
    - a. Program Focus. What strategies lend themselves to one program over the other (large-scale, diversions from the River, impact to navigation, impact Mainline levee or other infrastructure, impacting life and property)? Should Breaux Act focus on particular geographical areas, strategies, project types, or project scale/cost?
    - b. Future Priorities. How should CWPPRA re-focus evaluation and prioritization of project nominees/candidates/ projects to best fit this niche given the re-authorization of the program through 2019?
    - c. Transfer Projects to Other Authorities. Due to funding constraints, should CWPPRA evaluate the list of active projects to determine if any existing projects no longer “fit” under CWPPRA (and should be considered for LCA construction funding)?

- d. Additional Program Funding. Could additional CWPPRA funding allow CWPPRA to meet spatial and temporal gap currently existing between CWPPRA and LCA?
2. CWPPRA Interaction with LCA. CWPPRA mission remains unchanged; focus on near term project implementation to benefit wetlands within funding limits.
- a. CWPPRA Integration with Other Restoration Efforts in Louisiana. Discuss potential integration of CWPPRA to complement civil works projects, such as LCA, Caernarvon, Davis Pond, etc.
    - i. CWPPRA projects enhance benefits of WRDA projects (Caernarvon outfall diversion)
    - ii. CWPPRA offers 15 years of focused coastal wetlands restoration and has positioned the CWPPRA program to lead and/or compliment coastal restoration carried out through WRDA, including LCA.
    - iii. No other entity exists with the conglomerate of landscape restoration technical and management expertise currently housed in CWPPRA agencies, participating academic institutions and participating NGOs.
    - iv. CWPPRA project development process starts with an overview of all existing restoration efforts (i.e., analyzes/identifies “gaps”).
  - b. Coordination of CWPPRA and LCA Missions.
    - i. How is it envisioned that CWPPRA and LCA missions will interact/intertwine?
    - ii. How can CWPPRA, as a multi-agency entity, feed into the LCA process?
    - iii. Discuss need for additional funding under CWPPRA to restore the coast while awaiting implementation of LCA.
    - iv. Should public decisions regarding CWPPRA projects be integrated into LCA actions? Should public participation (highly valued under CWPPRA) be similarly incorporated into LCA?
    - v. Coast 2050, the basis for LCA, is used by CWPPRA in identifying restoration strategies for implementation under the program (both programs should continue to use in future).
  - c. Official CWPPRA and LCA Interactions.
    - i. How will CWPPRA and LCA compliment each other in an “official” capacity?

- ii. How should CWPPRA Task Force interaction with LCA PMT be formalized (in addition to individual agency comments that are already being provided)? This may involve the development of a consensus-based multi-agency position (CWPPRA program position) on LCA proposed actions (have all Task Force members sign).
  - iii. Should there be a “CWPPRA liaison” as part of the LCA RWG/PMT, so that there is a CWPPRA voice in LCA activities?
- d. CWPPRA and LCA Redundancies.
- i. How does the Task Force envision handling redundancies between CWPPRA and LCA (Outreach, S&T program, etc.)?
  - ii. How could LCA construction funding be considered for large-scale CWPPRA projects?

**Fixed Dates**

Task Force Meeting - review of outline and time/cost estimate	<b>4-May-05</b>
Technical Committee Meeting	<b>8-Jun-05</b>
Task Force Meeting	<b>13-Jul-05</b>
Technical Committee Meeting	<b>14-Sep-05</b>
Task Force Meeting - initiate TF and PACE review of Draft report	<b>19-Oct-05</b>
Technical Committee Meeting	<b>7-Dec-05</b>
Task Force Meeting - presentation of Final Report	<b>26-Jan-06</b>

**Report Timeline**

	start	finish	duration
<b>Task Force Meeting (May 4, 2005) - approval of outline and cost for assessment</b>	<b>4-May-05</b>	4-May-05	
Lead agencies draft individual sections and coordinate with USGS regarding graphics - after TF approval of outline at May 4, 2005 meeting - INCLUDING agency input to "vision statement"	5-May-05	19-Jun-05	45
Lead agencies provide draft of individual sections for Technical Committee Working Group review and comment - including "mock-up" of graphics	20-Jun-05	20-Jun-05	
Technical Committee Working Group reviews individual sections	21-Jun-05	5-Jul-05	14
Lead agencies revise individual sections	6-Jul-05	20-Jul-05	14
COE/USGS compiles individual sections, graphics, etc., into a complete <u>Preliminary</u> Draft for Technical Committee Working Group review	21-Jul-05	4-Aug-05	14
Technical Committee Working Group review of <u>Preliminary</u> Draft - meeting to discuss	5-Aug-05	19-Aug-05	14
Revision based on Group Review; production of <u>Preliminary</u> Draft for informal Task Force <u>and public/PACE</u> review	20-Aug-05	3-Sep-05	14
Task Force <u>and public/PACE</u> conduct an informal review of Preliminary Report to ensure general acceptability of product and opportunity for revision prior to public release of <u>Final</u> Draft Report	4-Sep-05	4-Oct-05	30
<b>Task Force Meeting (October 19, 2005) - initiate concurrent Task Force/public/PACE review of Final Draft</b>	<b>19-Oct-05</b>	9-Nov-05	21
Technical Committee Working Group revision of Final Draft based on Task Force and public/PACE comments - meeting	10-Nov-05	24-Nov-05	14
Review of "draft camera ready" Final Draft by Technical Committee Working Group	25-Nov-05	2-Dec-05	7
Development of "final camera ready" report	3-Dec-05	10-Dec-05	7
Printing and reproduction	11-Dec-05	10-Jan-06	30
<b>Final report complete</b>	<b>11-Jan-06</b>		
<b>Task Force Meeting (January 26, 2006) - FINAL report</b>	<b>26-Jan-06</b>		

COLONEL WAGENAAR:

Is there a second?

BILL HONKER:

I second.

COLONEL WAGENAAR:

All those in favor? (Unanimous aye) All those opposed? So the motion carries to approve the document and distribute it for public use and agency use in providing information on the CWPPRA program.

The second part of the item number four is a discussion and decision on the Programmatic Assessment, which has also been a topic kind of revolving around a document. The Task Force clearly is very busy right now. We have finalized the Educational Document. We also have the report to Congress and, as Sam says, we have our day jobs. And the Programmatic Assessment, I think, clearly is still required as kind of a check on past success, past failure, what projects didn't succeed, what did we learn from those, how are we applying that to the future of the program, and based on all of that, where we were, where we are now and where we want to go, what is the direction of the CWPPRA program?

It's very challenging right now from a coastal restoration perspective because we have so many different moving parts, major moving parts to include LCA, which no final decision has been made on LCA and the Water Resources Development Act. I don't know what the final status of that is going to be. We also have the Louisiana Coastal Protection and Restoration Project. The Corps is doing -- it's looking comprehensively at south Louisiana for hurricane protection, flood control and coastal restoration. And the State has the Coastal Protection and Restoration Authority, as well as LRA issues ongoing. So, right now, I mean, from my view, I would probably ask for the Technical Committee to kind of look at a draft road ahead for a

**EXCERPTS from 12 Apr 06 Task Force Meeting Transcripts**

**Technical Committee Offsite Meeting  
Discussion Topic #1 – Programmatic Assessment**

**pages 15-18**

Programmatic Assessment and come back with kind of a draft road ahead plan and timeline for a Programmatic Assessment. But that's as far as I think we can go from my view. Other Task Force Members? Sam?

SAM HAMILTON:

Yeah. I like that approach. I think it would be a mistake to jump off that plank right now with all that's going on in Louisiana. I do think the Programmatic Assessment is important because there are things that we've learned, things that have worked well and things that have not and that's understandable in any kind of program like this. But we do have a lot on our plate. We do have the Report to Congress yet have to write this year. We finally got approved with the environmental document, the Educational Document. So I think it would be a good idea to give it to the technical staff, have them kick around what and how and the timeline of putting something like that together and then we take it one step at a time. But there are so many moving parts and how all of these are going to fit together, what's Congress going to do, you know, it's fairly confusing and moving very quickly. So I don't want to exhaust our efforts in the wrong direction.

COLONEL WAGENAAR:

Other comments from members of the Task Force? Gerry?

GERRY DUSZYNSKI:

All the moving parts you mentioned you forgot the Energy Bill which is out there and any supplemental bills that are coming down the pipe. I mean, there is a lot going on and I think that's a wise choice to -- let's see where all of this is going to settle first.

DON GOHMERT:

Colonel, I like the idea of a program assessment and lay out a plan as you talk about doing that, but I don't think we want to communicate to the public that we're not looking at that every day.

We've got a monitoring plan. We're looking at things that's working and not working. We've talked about adaptive management as an underlying principle of the way we do things. I think a Programmatic Assessment is a formal document that will put in one place for others to see exactly how we're trying to evaluate the program and evaluate the projects as we complete them and look at them in an operational sense on the ground.

RICK HARTMAN:

Let me get this just so we understand the marching orders as a Tech Committee. You would like us to develop a plan essentially for the development of a Programmatic Assessment. Not to actually begin on it, but to look at what things we might incorporate into the plan and how much it would cost and, you know, the various issues we would have to look at, we'd probably have to get with the Academic Committee as part of that development of the plan, get their input also.

COLONEL WAGENAAR:

Correct, and a schedule. And then hopefully between now and the next Task Force meeting we'll have some resolution on some of the bigger issues that are sitting in front of Congress right now.

Are there any questions or discussion points from members of the public regarding a Programmatic Assessment? Okay. Is there a motion to send this to the Tech Committee based on the requirement that was laid out?

SAM HAMILTON:

I'd like -- I'll make that motion.

COLONEL WAGENAAR:

Is there a second?

BILL HONKER:

Second.

COLONEL WAGENAAR:

All those in favor? (Unanimous aye)

RICK HARTMAN:

I'd like to say no, but...

COLONEL WAGENAAR:

All right. Let me call Rick. All those opposed? Okay. So we're going to -- the motion carries. We're going to move this to the Tech Committee just to prepare a proposal for a road-ahead or a Programmatic Assessment that we will get at the next Task Force meeting.

Okay. Item number five, Discussion -- it's a discussion and decision item. It's a PPL 16 process that Tom Podany will brief. We will cover the two points. (A) Discuss the number of final PPL 16 projects selected for Phase I approval and (2) discuss the need to allocate a set amount of funds each year for demonstration projects and the overall demonstration project issue. So I'd like to break number five into two parts also. I know there will be discussion regarding demonstration projects. So, Tom, go ahead.

TOM. PODANY:

Sir, on the first item, the Task Force at the last Task Force meeting directed that the Tech Committee address these two items. And on the first one we looked at the number of projects that are selected for Phase I in Priority List 16 which is currently underway. The reason we're looking at that is that there is a concern that maybe we should be approving more than just up to four projects for inclusion on the Phase I list. As the Task Force -- the Tech Committee discussed this we realized that from a funding standpoint that really is the biggest driver in how

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT  
TECHNICAL COMMITTEE MEETING

June 14, 2006

**DISCUSSION: TRANSITIONING PROJECTS FROM CWPPRA TO OTHER  
AUTHORITIES**

**For Discussion:**

As directed by the Task Force at the April 12, 2006 meeting the Technical Committee will discuss whether CWPPRA should develop a “process” for transitioning projects from CWPPRA to other authorities, rather than using the existing project de-authorization procedure. The Technical Committee will report back to the Task Force at the July 2006 Task Force meeting.

- p. **PROJECT DEAUTHORIZATION or TRANSFERS TO OTHER PROGRAMS:** (amended by Task Force on June 21, 1995)
- (1) When the Federal Sponsor and the Local Sponsor agree that it is necessary to deauthorize **or transfer** a project prior to construction, they shall submit a letter to the Technical Committee explaining the reasons for requesting the deauthorization **or transfer** and requesting approval by the Task Force.
  - (2) If agreement between the Federal Sponsor and the Local Sponsor is not reached, either party may then appeal directly to the Technical Committee. The Technical Committee will forward to the Task Force a recommendation concerning deauthorization **or transfer** of the project. Nothing herein shall preclude the Federal Sponsor or the Local Sponsor from bringing a request for deauthorization **or transfer** to the Task Force irrespective of the recommendation of the Technical Committee.
  - (3) Upon submittal of a request for deauthorization **or transfer** to the Technical Committee, all parties shall suspend all future obligations and expenditures as soon as practicable, until the issue is resolved.
  - (4) Upon receiving preliminary approval from the Task Force to deauthorize **or transfer** a project, the Chairman of the Technical Committee shall send notice to Louisiana Congressional delegation, the State House and Senate Natural Resources Committee chairs, the State Senator (s) and State Representative (s) in whose district the project falls, senior parish officials in the parish (es) where the project is located, any landowners whose property would be directly affected by the project, and any interested parties, requesting their comments and advising them that, at the next Task Force meeting, a final decision on deauthorization **or transfer** will be made.
  - (5) When the Task Force determines that a project should be abandoned, no longer pursued because of economic or other reasons **or transferred to another authorization**, all expenditures shall cease immediately or as soon as practicable.
  - (6) Once a project is deauthorized **or transfer** by the Task Force, it shall be categorized as "deauthorized" **or "transferred"** and closed-out as required by paragraph 6.o.

*CWPPRA to LCA  
Transfer Process*

U.S. Army Corps of Engineers  
New Orleans District  
Coastal Restoration Branch

# *CWPPRA Project Path*

## ■ **Pre-Phase 0**

- Proponent's Actions

## ■ **Phase 0**

- Wetland Value Assessment (WVA)
- Phase I engineering & design & Phase II cost estimates
- Economic Analysis
- Prioritization Criteria
- Problems Identified - Impacts to oyster beds, land rights, pipeline and utilities, O&M

## ■ **Phase 1**

- Complex study or feasibility analysis completed if needed
- Project Goals and Strategies
- Cost sharing agreement
- Finalized Land rights
- Preliminary (30%) Design Review
- Final Project Design Review (95%)
- Draft Environmental Assessment/Environmental Impact Statement/NEPA
- Ecological Review
- Public Notices
- HTRW assessment
- Section 303(e)
- Overgrazing Determination
- Revised Phase II cost estimates
- Revised Wetland Value Assessment (WVA)

## ■ **Phase 2**

- Construction/OMRR&R

# *LCA Project Path*

## *Step 1: Identify Problems and Opportunities*

- Federal interest and study plan
- NEPA
- Objectives and constraints

## *Step 2: Inventorying and forecasting conditions*

- Future w/o project (full documentation, critical for alternatives)
- Future w project (forecasts over period of analysis)

## *Step 3: Formulating alternative plans*

- Site-specific management measures (structural & non-structural)
- Combine measures to derive alternatives to address study objectives
- Fish and Wildlife Coordination Act

## *Step 4: Evaluating alternative plans*

- Formulate criteria to forecast and compare effects of w and w/o project alternatives
- Env quality, social effects, regional and national economic activity

## *Step 5: Comparing alternative plans*

- Screen alternatives (completeness, efficiency, effectiveness, acceptability)
- Alternatives consequences compared, trade-offs identified, plans ranked

## *Step 6: Selecting a plan*

- Take no action
- Select a plan (reasonably maximizes ecosystem benefits, meets Federal interest, cost effective)

# Comparison

## CWPPRA Project Path

## LCA "Project" Path

### Phase 0 of Project

Problems Identified  
Impacts to oyster beds, land rights, pipeline and utilities, O&M  
Prioritization Criteria  
Wetland Value Assessment (WVA)  
Phase I engineering & design  
Phase II cost estimates  
Economic Analysis

- Step 1:** Identify Problems and Opportunities  
**Step 2:** Inventorying and forecasting conditions  
**Step 3:** Formulating alternative plans  
**Step 4:** Evaluating alternative plans  
**Step 5:** Comparing alternative plans  
**Step 6:** Plan/project selection

### Phase 1 of Project

Complex study or feasibility analysis completed if needed  
Project Goals and Strategies  
Project Cost sharing agreement  
Finalized Land rights  
Preliminary (30%) Design Review  
Final Project Design Review (95%)  
NEPA  
Ecological Review  
Public Notices  
HTRW assessment  
Section 303(e)  
Overgrazing Determination  
Revised Phase II cost estimates  
Revised Wetland Value Assessment (WVA)

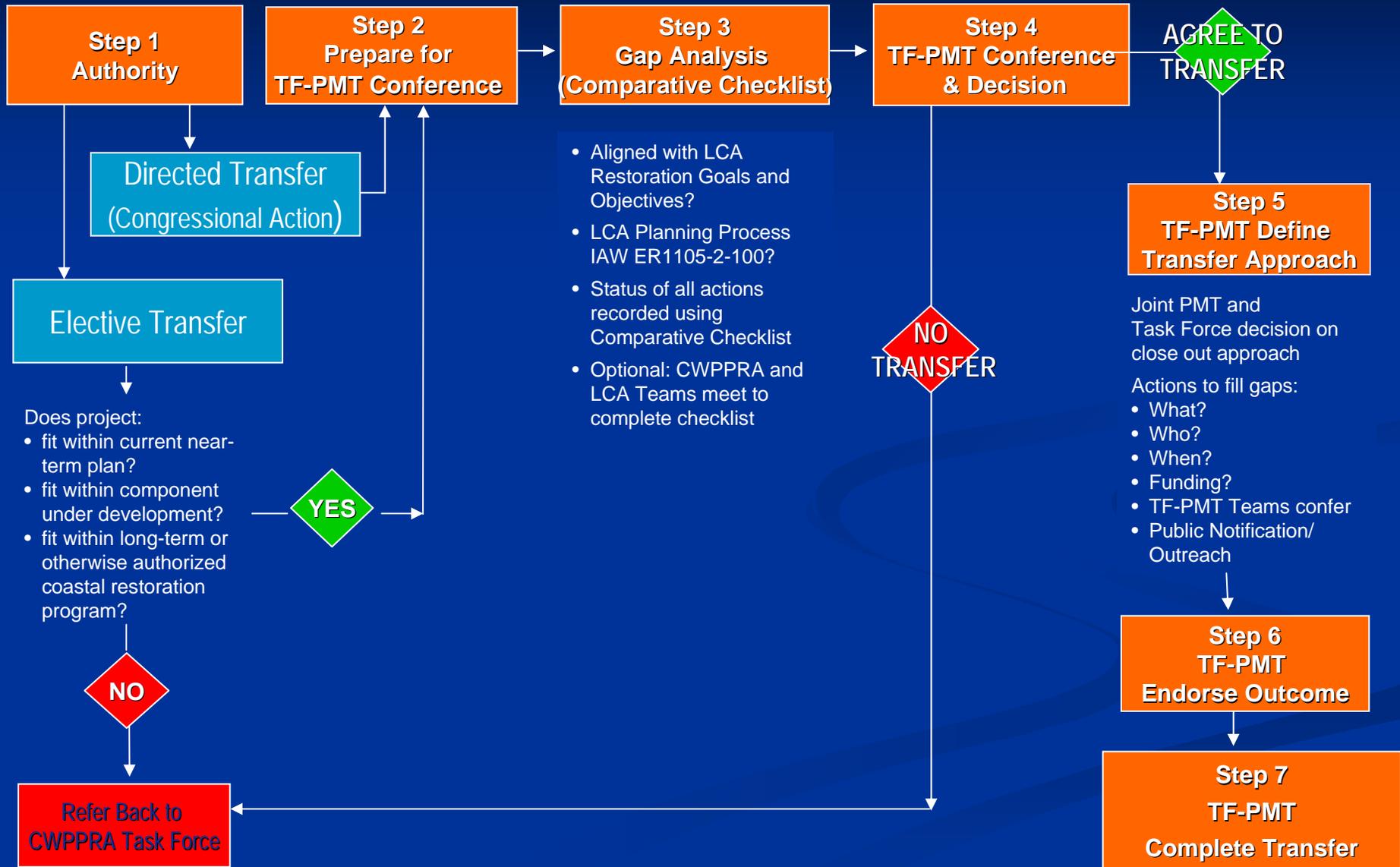
### Inputs to LCA Study and Initiation

- National significance of the resources at risk.
- Coastal restoration goals and objectives.
- Project features necessary to achieve restoration goals.
- Relative value and cost of the described project.
- Alternatives analyzed to address restoration goals and objectives...rationale for project.
- Future work needed to fully evaluate the effects of the plan
- Definition of specific restoration features and their relative efficiency and effectiveness in achieving the defined goals and objectives.
- Promote and capitalize on the collaborative effort of Federal and state resource agencies
- Strive for Regional and National consensus of restoration strategies

### Phase 2 of Project

Construction

# CWPPRA to LCA Transfer Process



# CWPPRA to LCA Transfer Process

Project Transfer Plan		Yes	No
<b>Step 1</b>	<b>Authority</b>		
	Question 1: Does this project fit within the near-term plan as expressed by the Chief of Engineers?		
	Question 2: Does this project fit into another component of the near-term plan currently being developed?		
	Question 3: Does this project fit into the long-range plan or otherwise authorized for coastal restoration?		
	<i>If yes, continue.</i>		
	<i>If no, refer back to the CWPPRA Task Force with this finding.</i>		
	<b>Authorization and Congressional Mandate</b>		
	Is this a congressionally mandated project and fully authorized under LCA?		
	<i>If yes, forward recommendation to Program Manager for review and acceptance into LCA.</i>		
	Has full comparative checklist been completed?		
	identified?		
	Is funding plan and responsible party identified to fill gaps?		
	<i>If no, refer back to the CWPPRA Task Force with this finding.</i>		
<b>Step 2</b>	<b>Prepare for TF-PMT conference</b>		
<b>Step 3</b>	<b>Gap Analysis/Comparative Checklist</b>		
	<b>CWPPRA - (project nomination)</b>		
	<b>Phase 0 Candidate Projects</b>		
	Wetland Value Assessment (WVA)		
	Phase I engineering & design & Phase II cost estimates		
	Economic Analysis		
	Prioritization Criteria		
	PPL Annual Process Considerations - Impacts to oyster beds, land rights, pipeline and utilities, O&M		
	Implementation likely > \$50M?		
	Phase 0 evaluation completed IAW Final annual PPL process?		
	Task Force Approval for Phase 1?		
	<i>If Yes, proceed to Phase I evaluation</i>		
	<i>If No, transition to LCA immediately</i>		
	<b>Phase 1 Projects</b>		
	CWPPRA-complex project?		
	If yes, was complex study or feasibility analysis completed IAW ER Appendix E?		
	Cost sharing agreement in place?		
	Favorable Preliminary (30%) Design Review?		
	Final (95%) Project Design Review?		
	Is draft Environmental Assessment/Environmental Impact Statement/NEPA initiated?		
	Have Fish & Wildlife Coordination Act requirements been met?		
	Have Phase 2 checklist requirements been met? (Appendix C of the CWPPRA SOP)		
	Do Project Goals & Strategies align with LCA Objectives and Rationale?		
	Phase 2 Construction Approval by Task Force?		

# CWPPRA to LCA Transfer Process

<b>Step 3 cont.</b>	<b>LCA Planning Process</b>			
	COE-guided Feasibility Study initiated - iaw ER1105-2-100?			
	Step 1 - Identify Problems and Opportunities			
	Step 2 - Inventorying and forecasting conditions			
	Step 3 - Formulating alternative plans			
	Step 4 - Evaluating alternative plans			
	Step 5 - Comparing alternative plans			
	Step 6 - Selecting a plan			
	Does project align with LCA Restoration Goals and Objectives?			
	Define the national significance of the resources at risk.			
	Provide a defined set of coastal restoration goals and objectives.			
	Provide a framework of plan features necessary to achieve restoration goals.			
	Provide the relative value and cost of the described plan framework.			
	Develop alternative plans to address restoration goals and objectives.			
	Evaluate alternative plans and provide a rationale for a recommended plan.			
	Identify additional future work needed to fully evaluate the effects of the plan			
	Provide definition of specific restoration features and their relative efficiency and effectiveness in achieving the defined goals and objectives.			
	Promote and capitalize on the collaborative effort of Federal and state resource agencies			
	Strive for Regional and National consensus of restoration strategies			
	<b>Fish and Wildlife Coordination Act</b>			
	Question 1: No change to the proposed project scope and location within 1 year identified by CWPPRA through Phase 2 funding			
	<i>Requires letter report</i>			
	Question 2: Minor modifications to scope, time, location			
	<i>Requires abbreviated Coordination Act report</i>			
	Question 3: Change to scope or location or schedule or in earlier phases of CWPPRA			
	<i>Requires full Coordination Act report</i>			
<b>Step 4</b>	<b>TF-PMT Conference and Decision</b>			
	Request for de-authorization received from federal and local sponsor by Tech Committee			
	Recommendation for de-authorization made by Tech Committee to the Task Force			
	Parties suspend all expenditures and future expenditures on work in progress			
	Task Forces gives preliminary approval for de-authorization and notifies stakeholders of decision and requests comments			
	If not objections, final decision to deauthorize made at next Task Force meeting			
	If deauthorized, project proceeds to transition and is closed out under CWPPRA per agreed-upon schedule and funding path			
<b>Step 5</b>	<b>TF-PMT Define Transfer Approach</b>			
	Joint Program Management Team/Task Force Updated Closeout and Transition Procedures:			
	Project status report, gap analysis, and remedial action plan funded under LCA?			
	Project status report, gap analysis, and remedial action plan funded under CWPPRA?			
	Transfer schedule agreed upon			
<b>Step 6</b>	<b>TF-PMT Endorse Outcome</b>			
	Concurrence that information is available and adequate for efficient transfer?			
	Concurrence on schedule and funding of transfer?			
	Documentation of concurrence exchanged?			
<b>Step 7</b>	<b>TF-PMT Complete Transfer</b>			
	Execute transfer of all project related information, including MOUs and MOAs?			
	All fiscal accounting and cost-share balancing complete?			

June 12, 2006

## **Project Transfer Plan: A General Process to Transfer a Project from CWPPRA to Another Agency or Authority for Further Action**

### **I. PURPOSE AND GOALS**

Since the inception of the CWPPRA Act and the establishment of the CWPPRA Task Force, it has been the desire of all partners committed to coastal restoration in Louisiana to bring cost-effective projects to construction. With the impacts of Hurricanes Katrina and Rita, that desire is being fueled by both a heightened sense of urgency and an influx of funding. Partners within CWPPRA and other funding authorities, such as the Louisiana Coastal Area Ecosystem Restoration Study (LCA) and the Coastal Impact Assistance Program (CIAP), are continuing their cooperative approach to meet that objective.

Based on the intent of CWPPRA and the funding associated with other agencies or authorities, the transfer of CWPPRA projects to other authorities is potentially possible and in many cases highly desirable. Thus, there is a need to develop a generic process that will result in a straightforward transfer.

Currently, the CWPPRA Project Standard Operating Procedures Manual (SOP) [Revision 11, dated November 2, 2005 - @ Sect 6.p. PROJECT DEAUTHORIZATION] provides for deauthorization of projects from CWPPRA. Deauthorization results in a cessation of any further project development and a financial closeout. CWPPRA funds are expended to achieve a deauthorization. However, when the intent is to transfer a CWPPRA project for further development by another agency or authority, additional actions could be desirable to facilitate an effective transfer. Any such process should continue the commitment to keep the public informed and provide the public with opportunities to comment on a proposed project transfer to the CWPPRA Task Force.

The proposed generic plan is applicable for transferring CWPPRA projects at varying stages of completion to other authorities, including LCA. (NOTE: A transfer to LCA will be used as an example).

Components of the transfer plan include:

1. A recommended process that meets the intent of the existing CWPPRA de-authorization process and results in an informed, documented transfer of a project. The process is documented in this Draft Report and in an accompanying flow diagram (Attachment 1).
2. A comparative checklist (Attachment 2) that characterizes the relative status of the project in CWPPRA as well as actions to expedite the project once transfer to another authority occurs. The focus of the process is to allow both the transferring agency and the receiving agency to understand the level of effort – time and cost – required a) to determine whether to transfer a project or to maintain the status quo; and b) if a

transfer is desired, the status of project activities so that momentum can be maintained.

The checklist was applied to the Medium Diversion with Dedicated Dredging at Myrtle Grove Project (a project identified as a near-term critical project within LCA) and a candidate for transfer.

## **II. IDENTIFIED PROBLEMS, OPPORTUNITIES, AND CONDITIONS IMPACTING PROJECT SUCCESS**

There are several challenges resulting from the differences between deauthorization a project and transferring projects for additional actions governed by other agencies and authorities.

### **A. GENERAL CONDITIONS**

*There is considerable misunderstanding surrounding the term 'deauthorization'.*

Deauthorization as written in the CWPPRA SOP results in a cessation of expenditures for further project development as well as conducting a financial closeout. There is no apparent intent to pass a project from CWPPRA to another agency or authority for further action. However, when the intent is to continue a project under another agency or authority, the opportunity to maintain momentum must not be lost. A clear path forward can be achieved by characterizing CWPPRA actions and successes to date against the project development steps of the receiving agency. This characterization will facilitate an evaluation of immediate next steps and maintain project momentum.

*Consistency in the level of detailed analysis* by which studies are conducted or in the way projects are selected or developed are another consideration. Substantial gaps in information and analysis are possible.

*A determination is needed regarding what expenditures related to a transfer should be incurred by CWPPRA and if any such CWPPRA transfer expenditures would preclude any expenditures by the receiving agency or authority until the transfer actually occurs.* One concern is avoiding creating a situation where two authorities expend funds for the same projects. Another is recognition that sponsors and cooperating agencies do not wish to incur additional costs for projects being transferred.

*Project identification process for CWPPRA and for other authorities may not be comparable.* The CWPPRA Task Force employs a project solicitation and review process that in essence provides for proposed candidate project being subjected to evaluations and "competing" for subsequent CWPPRA funding for engineering and design, and potentially construction.

In contrast, the procedure employed by the USACE, for example, results in projects "evolving" as an outcome of formulating alternatives, assessing impacts of alternatives, considering the environmental effects of the alternatives, as well as cost to benefit considerations of the alternatives when appropriate, etc.

By comparing the CWPPRA project process with the project evolution process of the receiving agency, the receiving agency would be fully cognizant of next steps required and able to sustain project momentum.

*Document/consider/examine work performed prior to as well as during the CWPPRA process relevant to a potential project transfer.* Work done by a project proponent preparing a project for CWPPRA consideration, as well as work done during CWPPRA Phase 0 or Phase 1, is presumed to have relevance to a project transfer and disposition of a project subsequent to a transfer. Preparing a simple summary-level, straightforward characterization of tasks performed and to what level of detail would allow the transferring agency and receiving agency personnel to more easily and efficiently identify what requirements of the receiving agency have been met and what level of effort may be required to fill any information gaps.

*Public Involvement/Public Information activities are also inconsistent across CWPPRA projects.* Coordination with the public is imperative. A methodology for conforming public outreach performed under CWPPRA to the LCA process is needed.

## **B. CONDITIONS SPECIFIC TO MYRTLE GROVE**

Issues associated with the deauthorization/transfer of the Medium Diversion with Dedicated Dredging at Myrtle Grove Feasibility Study under CWPPRA to the LCA program include:

*Accounting of CWPPRA Phase 1 Costs:* Close out of the CWPPRA Delta Building Diversion at Myrtle Grove Project will require a fiscal accounting and a balancing of accounts per the prescribed cost-share agreements, recognizing the state's preference to maximize use of the available CWPPRA funding.

*Balancing of Project Expenditures for Close Out:* This is an important step since there is often a different cost-share agreement in place with other agencies or authorities than there is with CWPPRA. Contributions to balance the cost-share would be advisable prior to transfer.

*Cost-share funding Relationships:* Work executed for this project under the CWPPRA prescribed federal/state cost balance of 85/15. The cost-share ratio under LCA is 50/50. Thus to effect an appropriate transfer, there is the need for full accounting and cost-share balance is apparent.

*Execution and Transition of Ongoing Work Items* Should the decision be made to execute the remaining funds available under CWPPRA, particularly through contract resources, it will be important to understand the requirements for terminating and transferring work. Questions to be addressed by the Task Force and PMT include: 1) When, or if, work initiated under the original program must be terminated? 2) May work funded under the receiving program be initiated prior to completion of tasks funded under the original program? 3) Should, may, or can the funding responsibility for ongoing work be transferred between programs?

### III. PROJECT TRANSFER PLAN RATIONALE

Key steps in the process that form the basis for the transition process and serve as the organizing principles of the checklist include:

- Step 1. Authority
- Step 2. Prepare for TF-PMT Conference
- Step 3. Gap Analysis (Comparative Checklist)
- Step 4. TF -PMT Conference and Decision
- Step 5. TF-PMT Define Transfer Approach
- Step 6. TF-PMT Endorse Outcome
- Step 7. TF-PMT Complete Transfer

Attachment 1 is a depiction of the process to transfer a project from CWPPRA to another authority, in this case LCA. It is intended to serve as a model for transfers of CWPPRA projects to other agencies and authorities as well as to LCA.

#### STEP 1. AUTHORITY

The first step is to determine whether the transfer process is elective or mandatory. If the transfer is elective, then the transferring agency would initiate a pass/fail test to determine the relevance to the near-term plan as expressed by the Chief of Engineers. Included in the project transfer checklist are several key initial questions that will aid in clarifying this element.

##### Pass/Fail Test

Question 1: Does this project fit within the near-term plan as expressed by the Chief of Engineers?

Question 2: Does this project fit into another component of the near-term plan currently being developed?

Question 3: Does this project fit into the long-range plan or otherwise authorized for coastal restoration?

*If yes, continue.*

*If no, refer back to the CWPPRA Task Force with this finding.*

If mandated by legislation, the transferring agency would immediately move to Step 2 and prepare for the Task Force and Program Management Team conference.

##### Congressional Mandate

Question 4: Is this a congressionally mandated project and fully authorized under LCA?

*If yes, please complete the following:*

Has full comparative checklist been completed?

Are information gaps and actions required to bring project into compliance with LCA requirements identified?

Is funding plan and responsible party identified to fill gaps?

*If yes and when above is completed, forward recommendation to Program Manager for review and acceptance into LCA.*

*If no, refer back to the CWPPRA Task Force with this finding.*

In the case of the Delta Building Diversion at Myrtle Grove, the transfer is elective. The project is aligned with the near-term plan as expressed by the Chief of Engineers and documented in the Louisiana Coastal Area (LCA), Louisiana Ecosystem Restoration Study, November 2004. As such, it is ready for Step 2.

## **STEP 2. PREPARE FOR TF-PMT CONFERENCE**

Step 2 is envisioned to involve all task force and program management team members who will be charged with documenting and comparing the project status with the requirements of the receiving agency, using the Gap Analysis/Comparative Checklist tool. During this conference, documented information will be reviewed, undocumented information will be identified, and a plan of action to merge the two will be established with parties responsible for follow-up action assigned.

In the case of the Delta Building Diversion at Myrtle Grove, the request to deauthorize the project by CWPPRA has been initiated. A TF-PMT conference can be scheduled as soon as the official request is received.

## **STEP 3. GAP ANALYSIS (COMPARATIVE CHECKLIST)**

As with the current deauthorization process, the decision to deauthorize a project under CWPPRA falls to the CWPPRA Task Force. A step-by-step comparative checklist has been developed to serve as a tool to document the status of a project being considered for transfer. The checklist provides an “at a glance” overview of project status so that a stakeholder or decisionmaker can determine project status, gaps in information, required action, and responsible parties for de-authorization/transfer activities.

The checklist will also facilitate the efficient comparison of CWPPRA program requirements with the requirements of LCA and other receiving agencies or authorities. It will document the impacts and actions necessary to fill any gaps in information, and identify the what/who/by when of any remedial action needed. The draft comparative checklist is included at the end of this report as Attachment A.

In the case of the Delta Building Diversion at Myrtle Grove, the checklist will be completed shortly so that: 1) the status of the project can be determined; and, 2) the effectiveness of the checklist as a means of identifying status and information gaps can be assessed.

## **STEP 4. TF-PMT CONFERENCE AND DECISION**

Step 4 begins with the TF and PMT establishing parameters and the level of detail pertinent to the project to be transferred. It continues with a review of the checklist wherein the transferring and receiving agencies or authorities analyze the completion of the project to date, the quality of the data, the usefulness of the findings, and the actions required, if any, to transfer the project from CWPPRA to LCA or another agency or authority.

Once the review is complete, a formal action is envisioned to document concurrence of project status and a decision to proceed with the transfer a project from CWPPRA to LCA or to another agency or authority – or to maintain a project’s status within CWPPRA. Whether this occurs in a scheduled meeting or conference call, the decision to transfer or not should be memorialized and documented to trigger the full fiscal accounting and cost-share balancing previously discussed.

In the case of the Delta Building Diversion at Myrtle Grove, the elective transfer could become a mandated transfer at some point in the process. Preparations for transfer will ultimately require the completion of the Gap Analysis, and the full fiscal accounting and cost-share balancing previously discussed. Actions to fulfill this requirement are proceeding accordingly and two relevant issues already identified and/or resolved.

## **STEP 5. TF-PMT DEFINE TRANSFER APPROACH**

The pivot point for successfully transferring a project from CWPPRA to LCA or another agency or authority will be agreement upon the point at which a project moves from CWPPRA to LCA or another agency or authority. As previously stated, there is no set policy to establish the clear point of cessation of CWPPRA expenditures so that expenditures by the receiving agency or authority can begin. A concern that currently exists is that Sponsors and cooperating agencies do not want to pay twice for studies nor can two authorities expend funds for the same projects. As such, two options could be considered.

Upon authorization of transfer of a CWPPRA project to LCA or another agency or authority, and unless specified in the language of the authorization directing the transfer, two options exist to effect the mandated transfer:

### **Option 1**

Following completion of the current procedure for deauthorizing a CWPPRA project, the project could be transferred. Upon receipt of a request to transfer a project to another agency or authority, all work to advance the project would cease, except for work being accomplished under any open CWPPRA task orders. Using CWPPRA funds, a public notification process would be invoked, and a project summary and a fiscal close-out of the CWPPRA project would be completed.

Thus, the CWPPRA project would be transferred ‘as is’ to LCA or another agency or authority. The receiving agency or authority would incur the costs to fully fund efforts to identify and address information gaps associated with a project transfer.

### **Option 2**

The project could be transferred by augmenting the current procedure for deauthorizing a CWPPRA project and terming it ‘Project Transfer.’

Pursuant to deauthorization, upon receipt of a request to transfer a project to another agency or authority, all work to advance the project would cease, except for work being accomplished under any open CWPPRA task orders. Using CWPPRA funds, a public

notification process would be invoked, and a project summary and a fiscal close-out of the CWPPRA project would be completed.

Additionally, CWPPRA funds would be used to gather and summarize background information and confer with staff from the receiving agency or authority to assure an effective and efficient transfer.

This option commits CWPPRA and the receiving agency/authority to share in the responsibility and costs incurred to identify and address information gaps associated with a project transfer. It also would distinguish a project being transferred from a project being deauthorized.

In the case of the Delta Building Diversion at Myrtle Grove, considerations regarding a transfer include: 1) the disposition of any remaining CWPPRA project funds; 2) executing appropriate documents to manage the fiscal termination of the project under CWPPRA; 3) completion of a project check list; and, 4) adoption of a 'transfer process'.

#### **STEP 6. TF-PMT ENDORSE OUTCOME**

The TF and the PMT concur that the information needed for an efficient transfer is available and that it is adequate to allow for a continuation of project momentum. The TF and the PMT also concur on the approach to be used, including the expenditures of funding, to appropriately transition the project to the receiving authority's requirements. A schedule for the transfer and all required actions is established. This concurrence and the associated schedule of actions could be documented in an exchange of letters between the transferring and receiving authorities.

In the case of the Delta Building Diversion at Myrtle Grove, it is expected that transfer will be approved. As such, all activities to facilitate a straightforward transfer will be executed to satisfy the objectives of Step 6.

#### **STEP 7. TF-PMT COMPLETE TRANSFER**

In this step, execution of pertinent Memoranda of Understandings or Memoranda of Agreements occurs along with the transfer of all documentation and supporting information, etc., according to the agreed-upon schedule. Accounting requirements, approvals and coordination will be organized such that an orderly transfer of project data is initiated and completed.

In the case of the Delta Building Diversion at Myrtle Grove, as with Step 6, it is expected that transfer will be approved. As such, all activities to facilitate a straightforward transfer will be executed to satisfy the objectives of Step 7.

**IV. SUMMARY: TRANSFER OF CWPPRA PROJECTS TO LCA OR OTHER AGENCIES OR AUTHORITIES**

- A CWPPRA project can be legislatively authorized for transfer to another agency or authority. The authorization may stipulate the schedule and what is required to affect a transfer from CWPPRA.
- CWPPRA projects can also be electively transferred to another agency or authority and assumes that projects considered for transfer to another agency or authority are indeed eligible for transfer.
- The path and steps required to effectively and efficiently transfer a CWPPRA project to another agency or authority are not always apparent or aligned.
- A process to affect a transfer of a CWPPRA project is proposed.
- A variation of the existing CWPPRA deauthorization process, the proposed CWPPRA project transfer process distinguishes a project transfer from a project deauthorization.

## TABLE of CONTENTS

I.	PROJECT PURPOSE AND GOALS	1
II.	IDENTIFIED PROBLEMS, OPPORTUNITIES, AND CONDITIONS IMPACTING PROJECT SUCCESS	2
A.	GENERAL CONDITIONS	2
B.	CONDITIONS SPECIFIC TO MYRTLE GROVE	3
III.	PROJECT TRANSFER PLAN RATIONALE	4
	Step 1. Authority	4
	Step 2. Prepare for TF-PMT Conference	5
	Step 3. Gap Analysis (Comparative Checklist)	5
	Step 4. TF -PMT Conference and Decision	5
	Step 5. TF-PMT Define Transfer Approach	6
	Step 6. TF-PMT Endorse Outcome	7
	Step 7. TF-PMT Complete Transfer	7
IV.	SUMMARY: TRANSFER OF CWPPRA PROJECTS TO LCA OR OTHER AGENCIES OR AUTHORITIES	8





**EXCERPTS from 12 Apr 06 Task Force Meeting Transcripts**

**Technical Committee Offsite Meeting  
Discussion Topic #2 – Transitioning Projects from CWPPRA to Other  
Authorities (e.g. LCA)**

**pages 61-66**

Okay. And then the final thing I have additional agenda item, Myrtle Grove and then Myrtle Grove Diversion Project which is currently a CWPPRA project has been or is moving towards -- I believe the State wants it to become part of the LCA program. Now LCA, we know they there are questions about where -- I mean, things are very fluid in the LCA program in regards to WRDA and everything. That being the case, though, Myrtle Grove would have to get deauthorized from CWPPRA to move over into the LCA program. There's a very extensive process of notifications and approvals that that has to go through to get that done and I believe it takes at least two Task Force meetings to move a project out of CWPPRA or deauthorize it from CWPPRA so that it could migrate over into the LCA program. So at the next meeting we would require certain steps be brought to the Task Force's attention.

So, I mean, I would ask that we start moving ahead in that direction, at least start the process. We can always stop it. But if it takes two meetings that's quite a while to get this projects out of here. So I would ask that, if the Task Force doesn't object, that we at least get the initial steps regarding Myrtle Grove started at the next Task Force meeting.

GERRY DUSZYNSKI:

Colonel, could I -- some of your staff called and asked me some questions on how we would really do that and how do you cut off one activity and start another and, quite frankly, it may be good to get a little briefing on how -- you know, where they are. They were talking about tasking and, quite frankly, when they talked about tasking I thought it was tasking we were going to do and it was something that the District was going to do. So even in my mind we may want to just know where we are and where is a good stopping point so we can talk about the deauthorization.

COLONEL WAGENAAR:

All right. So I think at the next meeting we probably need -- we need, one, a brief -- an update

on Myrtle Grove to the Task Force and then an update on how the whole process that's required. And then if there's any motions to even move towards Myrtle Grove in doing this then we could take that action up also.

Are there questions from members of the Task Force?

DON GOHMERT:

Will there be a public notification of this action?

COLONEL WAGENAAR:

Yeah. And that's a part of the process. That's what so lengthy. I don't have the process in front of me, but -- is it in this book?

JULIE LEBLANC:

No, sorry.

COLONEL WAGENAAR:

Right. Julie could give a summary, but there is a whole host of notifications and mailings that have to occur, public notification, as well as State official -- officials of the State of Louisiana, et cetera. Julie, you want to go through that real quick?

SAM HAMILTON:

Now, is this a -- this is a formal deauthorization or transfer?

JULIE LEBLANC:

Well, I would think in order to transfer the project to LCA or another authority it would have to be closed out under CWPPRA. So it would follow the typical deauthorization process under CWPPRA.

RICK HARTMAN:

The reason that it requires two Task Force meetings is because earlier on in the process we were moving forward with a lot of projects that actually were less feasible. And if you -- it just came up at up at one Task Force meeting and you voted to deauthorize a project, a lot of times the locals didn't have an opportunity to come in and object or request revisions, et cetera. And they wanted to have it be on an agenda one time and then have the public notice process to occur and then a final action be taken at the next Task Force meeting. So the reason it took a long time was to make sure that the locals had the opportunity to know about it and comment on it.

COLONEL WAGENAAR:

Just summarize that for us, Julie.

JULIE LEBLANC:

Okay. Just to show where the reference is, it's in the SOP, page 26 and 27 and there are six steps outlined. The first is when a Federal sponsor and the local sponsor agree that it's necessary they submit a letter to the Tech Committee explaining the reasons for deauthorization. Step two, the Tech Committee will forward to the Task Force a recommendation concerning deauthorization. Step three, upon submittal of the request for deauthorization to the Tech Committee all parties shall suspend all future obligations and expenditures. Step four, upon receiving preliminary approval from the Task Force, that's the first Task Force meeting, there are letters sent to -- the chairman of the Tech Committee sends letters to the Louisiana Congressional Delegation, the State House and the State Natural Resources Committee chairs, State senators, State representatives, senior parish officials, landowners, other interested parties requesting comments and putting them on notice that at the next Task Force meeting a final decision for authorization will be made. Step five, when the Task Force determines a project should be abandoned and no longer pursued then they take action. Once the project is deauthorized it's characterized as deauthorized and closed up. And that was step six.

TOM PODANY:

And, sir, there's one other part of that. It's that the local sponsor through the State or the lead Federal agency can also go directly to the Task Force. They may -- and basically not go to the Tech Committee and bring it up at a Task Force meeting. So, theoretically, you could do it today. But that process was set in place so it wouldn't be an overly bureaucratic process to go through the Tech Committee. So that's another option.

COLONEL WAGENAAR:

Right. I mean -- okay. My preference still, though, is to make sure that the Task Force gets a briefing on Myrtle Grove, okay, what's going on with it and kind of that and moves towards the first requirement or requirement for that first meeting.

Other questions or issues, discussion on that from members of the Task Force?

BILL HONKER:

Well, as we go through that process we might think about -- this probably isn't the last time we're going to do this, you know, with all these other programs out there.

COLONEL WAGENAAR:

Right.

BILL HONKER:

We may want to tweak the process. It sounds pretty cumbersome, so -- and it sounds like it was designed more for terminating a project than --

COLONEL WAGENAAR:

Transferring.

BILL HONKER:

-- having it go to some other funding source. So, you know, with an eye towards efficiency down the road, as we do this, we might think about how we can tweak the process.

COLONEL WAGENAAR:

Just hold on Cynthia. Hold on. Still working with these guys up here. Any other questions or comments from members of the Task Force? Okay. Questions or comments from members of the public?

CYNTHIA DUET:

Well, I was going to ask if this is a legal requirement or is it a CWPPRA Standard Operating Procedure requirement? Because it does sound like abandonment is quite permanent. And while I understand that you cannot have a project moving forward and being funded in two funding streams like CWPPRA and/or LCA at the same time when they hit a certain point, if this is a CWPPRA Standard Operating Procedure maybe it could be modified for those projects that are listed in LCA near-term.

COLONEL WAGENAAR:

Good point. I think -- I mean, my impression of it -- one of the big issues is this, you know, CWPPRA is -- one of the solid foundation points of CWPPRA is public involvement and, you know, the ability for the public to comment almost immediately. I think that process supports that philosophy. So we've got to be careful about, you know, not chipping away at that foundation. But, yeah, I think we should probably look at it as a transfer like Bill said versus a closeout.

GERRY DUSZYNSKI:

Possibly the Technical Committee can work up a little bit of proposed language for transfers

which would be a little different than abandonment.

RICK HARTMAN:

Well, is there really a time critical issue on Myrtle Grove? I mean, frankly LCA isn't funded. I'm not real sure if -- unless there is a reason to change it and to fast track it, you know --

TOM PODANY:

I think the statement from the Corps meeting of last week agreed to try to execute agreement on that phase?

GERRY DUSZYNSKI:

Yeah. Well, we said May, but certainly that's -- I think we need to get a break point and sign the agreement and then decide, you know, when the actual expenditures will take place. So I see what Rick's saying, but, I guess, we may want to put some language in there if there is something that comes up and we would like to transfer to CWPPRA at least give us the mechanism to do that. Not necessarily on this one, but if you had something else that came up.

RICK HARTMAN:

Again, the whole reason is to give the locals the options to comment on it and not to try and figure out what Plaquemines might be thinking, but, you know, they may not want the project going to LCA considering the fact that LCA --the possibly of funding this, I'm sure.

COLONEL WAGENAAR:

The Corps is trying to enter into a PCA (inaudible) Breaux or I think May 7th was the date that that PCA is going to have to be caveated based on, you know, the double authorization here that we can't move forward on until such time as CWPPRA deauthorizes it.

Okay. Any other additional agenda items by members of the Task Force? Okay. Time for

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TECHNICAL COMMITTEE MEETING

June 14, 2006

**DISCUSSION: INTERACTIONS BETWEEN THE COASTAL IMPACT  
ASSISTANCE PROGRAMS**

**For Discussion:**

As directed by the Task Force at their April 12, 2006 meeting the Technical Committee will begin the discussion on how the CIAP may interact with the CWPPRA program. This discussion will include the implications of using CIAP funds to build CWPPRA projects already designed, and to identify issues if CWPPRA were asked to assume O&M on projects that CIAP builds. The Technical Committee will provide an informational briefing on this discussion to the Task Force at the July 2006 Task Force meeting.

**CWPPRA Technical Committee  
OFFSITE MEETING  
6 Jun 06 - 9:30 am  
Griffon Room, LDNR LaSalle Bldg**

Discussion Topic: Coastal Impact Assistance Program (CIAP)

Potential Discussion Issues/Questions:

- **Can CIAP funds be used as the state cost share for Federally-funded program (CWPPRA, etc.)?**

*News accounts (e.g., New Orleans Times-Picayune; August 5) cited statements by President Bush which indicating that CIAP funds could be used by Louisiana as matching funds to leverage more federal money for coastal restoration. In contrast to those statements and subsequent comments by Administration officials, however, the CIAP draft guidelines issued in March 2006 by the U.S. Minerals Management Service (MMS) contained the following restrictive language:*

**“As a general rule, unless provided by Federal statute, a cost sharing or matching requirement may not be met by costs borne by another Federal grant (43 CFR Part 12). Thus, the standard on whether CIAP funds can be used to meet a cost sharing or matching requirement under another Federal grant program is set by the other granting agency, the agency that originated the cost-sharing requirements. States . . . will be required to submit a letter with their grant application authorizing the use of CIAP funds for the required non-Federal cost share or match. This letter must be obtained from the agency that originated the cost sharing or matching requirement.”**

*The Corps initial review of this potential request is that these Federal funds cannot be used as a 15% state match under the program.*

- **Who “owns” projects constructed under CIAP (once construction is completed)?** *If the project is constructed by the state, the state would be the “owner”. If the project is constructed by the parish, the parish would be the “owner”.*

- **Since CIAP funds are for a limited amount of time (4 years), will the program set aside O&M/monitoring funds or will there be an expectation that another entity (CWPPRA?) would pick up the O&M/monitoring cost following construction?**

*Since the CIAP program is funded for 4 years (i.e., not a long-term revenue source), it is not envisioned that long term operations and maintenance or monitoring would be funded with CIAP funds. Some CIAP funding will likely be used for short- term project feature performance assessment as part of the program.*

- **Does agreeing to pick up O&M/monitoring for a construction-ready yet unfunded CWPPRA project “take away” the Task Force’s right to decide whether**

**or not it wants to approve a project for construction but for the Task Force to pick up O&M? Would the Task Force have some “say” on which CWPPRA project CIAP would build to ensure that it was willing to pick up O&M?** *If the state proposes to implement one or more specific construction-ready CWPPRA project(s) with CIAP funds, we would envision an open dialogue involving the State and the other entities on the CWPPRA Task Force regarding the willingness of the Task Force to assume O&M for those projects. The Task Force is certainly not obligated to assume the O&M cost for any project proposed by the State for construction with CWPPRA funds.*

- **Would CWPPRA be asked to pick up O&M on project built under CIAP that are not listed on a PPL (i.e. are not CWPPRA projects)?**

*It is anticipated that any requests of this type could be nominated through the annual PPL process. We do not anticipate the State making such a request.*

- **What are the legal implications/liabilities (to CWPPRA) of assuming O&M/monitoring for projects built outside of the program (and therefore not under CWPPRA’s direct control)?**

*That is an issue for the CWPPRA Task Force to address. If the projects in question are built according to the USCOE is the construction-ready CWPPRA projects, there may well be no additional liabilities associated with assuming O&M/monitoring for projects built with CIAP funds.*

- **Will CIAP/LDNR need to “redo” any NEPA compliance if it were to implement a construction-ready CWPPRA project?**

*We do not anticipate substantial revision of NEPA compliance documents if we were to construct a construction-ready CWPPRA project with CIAP funds, without making significant changes in the project’s scope or design. It is our understanding that the MMS will be generating a programmatic EA for CIAP projects, and that, if a project is not covered by the uses listed in the programmatic EA or exceeds a specified a dollar or acreage threshold, supplemental NEPA documentation will be required prior to construction. We anticipate that MMS would accept NEPA documentation completed for CWPPRA purposes, for CWPPRA-designed projects that may be constructed with CIAP funds.*

- **Will CIAP/LDNR need to reapply for any Corps permits if it were to implement a construction-ready CWPPRA project?** *If DNR is not the permit holder, we may have to request an assignment of the Corps permit to DNR. In addition, for those CWPPRA construction-ready projects for which the Corps is the permit holder, DNR may have to apply for new Corps permits as the Corps’ permitting (e.g., Section 404) procedures for their own projects are different than those required of other entities.*

- **How would Parish-only CIAP projects be handled? Would these projects be constructed by the Parish? If so, how would similar issues listed above (NEPA, permits) be handled?** *Some of the Parish-only projects will be built by the parish and some will be built by the state. If the parish is constructing a project, they will be*

*responsible for NEPA compliance and obtaining the required permits (MMS will require evidence of such compliance before providing CIAP funds for that project).*

- **Will real estate requirements for CWPPRA suffice for CIAP (303(e), hold harmless, ROW, ROE, easements, etc.)?** *The land rights required for the construction of CWPPRA projects will be sufficient for the construction of CIAP projects. A 303e letter will not be required, as that is part of the CWPPRA standard operating procedures and is not required for construction of CIAP projects.*

- **Could the CIAP project list include funding to repair hurricane damage to existing CWPPRA projects (if FEMA does not allow claims)?** *In some instances, CIAP funding could be used to repair hurricane damage to existing CWPPRA projects and some of those have been specifically requested by parishes and individuals through the CIAP program. At this point in time, the state would prefer to continue to pursue FEMA funding to cover repair to existing CWPPRA project features.*

- **What is the most efficient mechanism for “transitioning” construction-ready projects from CWPPRA to CIAP? Would these projects no longer be considered “CWPPRA” projects? What would the role of the individual project’s Federal sponsor be in implementation under CIAP?**

*Louisiana’s draft CIAP plan is to be available for public review on August 7, 2006; a final CIAP plan is scheduled for submittal to MMS in mid-October 2006. Before including CIAP construction of any CWPPRA construction-ready CWPPRA project in that final plan, we would need feedback from the CWPPRA Task Force regarding the acceptability of that approach (including any details such as CWPPRA assumption of O&M and monitoring costs). If the State indeed proposes such action and it is acceptable to the CWPPRA Task Force, there would be the need for efficient transfer of implementation responsibilities and associated engineering and design information. From an implementation standpoint, any such projects would no longer be considered “CWPPRA”; however we would anticipate that the State would fully acknowledge the extensive work that CWPPRA did on planning land rights, engineering and design of those projects, in any ground-breaking, construction, and dedication-related outreach activities. During the bidding and construction of CWPPRA-designed projects with CIAP funds, we plan to inform the individual projects’ Federal sponsors of the bid date and of construction inspection events and invite them to attend, when their schedule allows. In addition, if any dedication ceremonies or media stories are planned for projects, we will coordinate with the Federal sponsor of the CWPPRA project.*

# Coastal Impact Assistance Program

CWPPRA Technical Committee

May 25, 2006





# Key Topics

- Coastal Impact Assistance Program overview
- Task Force Item (Operations, Maintenance and Monitoring Costs of Existing CWPPRA Projects)
- Task Force Item (Transferring Projects for Construction)
- Task Force Item (CIAP funding for storm damaged projects not reimbursed through FEMA requests)



# Coastal Impact Assistance Program (CIAP)

- Authorized by Section. 384 of Energy Policy Act of 2005
- La. and coastal parishes receive estimated \$540 million in OCS revenues over 4 years (\$135 M/yr.)
- State receives 65% (\$351 M total)
- Parishes receive 35% (\$189 M total)
- Funding begins in FY 2007; initial allocation late spring 2007



# Authorized Uses of Funds

- Conservation, restoration and protection of coastal areas
- Mitigation of damage to fish, wildlife and natural resources
- Planning assistance and admin. costs of CIAP compliance
- Implementation of a federally approved marine, coastal, or comprehensive conservation management plan
- Mitigation of impacts of OCS activities through funding of onshore infrastructure projects and public service needs



## Projects to be Included in Plan

- Projects to be supported with State's share of CIAP funds
- Projects to be supported with Parishes' share of CIAP funds
- Parish CIAP-funded projects to be cost-shared with State's share of CIAP funds



## Actions to Date

- Established and refined goals/objectives, and plan formulation process
- Identified/refined screening and ranking criteria
- Briefed State and Federal agencies, Parishes, CWPPRA Task Force, Gov's Coastal Advisory Commission, others
- Met with parish officials in the 19 coastal parishes
- Held 5 public meetings (February 13-17)
- Solicited proposals for use of State's CIAP funds (May 22)

# Plan Goals\*

- **GOAL 1**

*Implement, support and accelerate effective and timely coastal conservation and restoration projects, especially those which:*

- Advance restoration strategies of Coast 2050 Plan, La. Coastal Area Ecosystem Restoration Plan, and other collaborative restoration and conservation planning efforts (e.g., Advisory Panel for Coastal Forest Conservation and Use, and Atchafalaya Basin Master Plan)
- Help reduce coastal flooding impacts (e.g., create marsh, restore barrier shoreline and ridges, buffer levees, and sustain coastal forests)
- Work in synergy with other restoration and protection projects
- Can be implemented in near-term

\* *Plan will be for 4 years of funding, with opportunity for annual revision*

# Plan Objectives

## GOAL 1 (*Restoration and Conservation*)

### Objectives:

- Implement Coast 2050 near-term and intermediate-term strategies
- Help implement construction-ready CWPPRA projects and LCA Study features that can be implemented in near-term (e.g., beneficial use)
- Implement barrier island maintenance program
- Implement Coastal Forest Conservation and Restoration Initiative
- Support projects to benefit wetland and aquatic habitats in inland portions of coastal parishes
- Conduct monitoring and related science-support activities

# Plan Goals

- **GOAL 2**

*Implement, support and accelerate coastal infrastructure projects which mitigate onshore OCS-related impacts, especially those which:*

- Directly benefit OCS oil and gas exploration and production
- Work in synergy with restoration and protection projects
- Can be implemented in the near term

# Plan Objectives

## **GOAL 2 (*Mitigation of Onshore Impacts of OCS Activities*) Objectives:**

1. Implement/support projects that provide protection to coastal communities and infrastructure which support, and are impacted by, OCS-related exploration and production activities
2. Implement/support onshore projects that address other infrastructure needs associated with and impacted by OCS-related exploration and production activities

# Revised State Timeline\*

- Project proposals due (extended deadline)  
**May 22, 2006**
- Regional meetings (public comments on project proposals)  
**June 20 (BR) & 22 (Lafayette), 2006**
- Distribute draft Plan  
**August 7, 2006**
- Public meetings on draft Plan  
**August 14-18, 2006**
- Address public comments  
**September 15, 2006**
- Submit Plan to Dept. of Interior;  
begin implementing w/ State funds  
**October 16, 2006**

*\* Based on Minerals Management Service's CIAP timeline revised Feb. 14, 2006*



# Ensuring Consistency Among Restoration, Flood Control and Infrastructure Projects

- Identify conflicts and synergies (proposed CIAP projects vs. existing/proposed restoration and flood protection projects)
- Coordination with CWPPRA agencies, LCA project team and regulatory agencies.
- Involve CPRA Integrated Planning Team and Corps of Engineers in screening of CIAP proposals to help ensure consistency with comprehensive master plan vision



# Issues Relating to CWPPRA

- Task Force Item (Operations, Maintenance and Monitoring Costs of Existing CWPPRA Projects)
- Task Force Item (Transferring Projects for Construction)
- Task Force Item (CIAP funding for storm damaged projects not reimbursed through FEMA requests)
- CIAP Item (Cost Sharing)

## **CWPPRA Projects Awaiting Phase 2 Funding (OM&M Request)**

- East West Grand Terre Island (\$4,129,251)
- Dedicated Dredging on the Barataria Basin Landbridge (\$128,504)
- Grand Lake Shoreline Protection (\$1,995,323)
- Rockefeller Refuge (\$0)
- Ship Shoal: Whiskey West Flank (\$300,000)
- Barataria Basin Landbridge Ph. 3, CU7 (\$3,158,756)
- South Lake DeCade (\$973,400)
- Freshwater Bayou Bank Stabilization (\$1,995,323)
- GMM Critical Areas in Terrebonne (\$3,935,715)
- Castille Pass (\$3,730,000)
- Lake Borgne S.P. PO-32a (\$7,500,000)

# Questions/Comments/Feedback?



For information and updates on CIAP Plan progress, visit:

<http://dnr.louisiana.gov/crm/ciap/ciap.asp>

April 24, 2006

Ms. Colleen Benner  
Coastal Impact Assistance Program Coordinator  
Minerals Management Service  
381 Elden Street, MS 4040  
Herndon, Virginia 20170

Dear Ms. Benner:

Please reference your March 6, 2006, letter, transmitting the Coastal Impact Assistance Program (CIAP) draft guidelines. We have reviewed that document, as well as pertinent comments submitted by coastal parishes individually, and by the Parishes Against Coastal Erosion (PACE) (enclosures). I offer the following comments in my capacity as the State of Louisiana's (State) point of contact on CIAP matters.

***General Comments***

The draft guidelines are well written and comprehensive. Our primary concerns are related to substantive items that we believe are critical to plan formulation and implementation.

***Specific Comments***

Page 1 Section 1., third paragraph - We remain concerned about the timeline for the Minerals Management Service's (MMS) publication of final CIAP guidelines (September 29, 2006). The State intends to begin implementing, with State funds, some of the projects to be included in Louisiana's CIAP Plan, well ahead of the initial CIAP funding allocations. Our expedited implementation schedule reflects the urgency of addressing Louisiana's severe coastal wetland losses, which were substantially accelerated by Hurricanes Katrina and Rita. We had planned to submit our CIAP Plan in June 2006, and to use the MMS Plan-review process to obtain reasonable assurances that the projects we would build prior to receipt of CIAP funds would very likely be reimbursable once MMS allocates the initial funding (provided that all other approval requirements are met). Thus, the October 2, 2006, initial plan-acceptance date is expected to delay submittal of our plan by approximately 4 months. That delay will impede our early implementation of high priority projects, unless we can mutually agree on an alternative means of obtaining reasonable assurances that a set of identified, CIAP eligible projects are likely to be approved for CIAP funding once MMS determines the initial allocations.

Page 1, Section 4., Coastal Impact Assistance Program Funds – We realize that the CIAP grant process is still being developed; we have some grant-specific questions and comments that we would like addressed during that process. Will the grants have to be submitted (and maintained) online through the grants.gov website? We recommend, in the development of the CIAP grants guidance, that MMS not require separate grants for each project. We can envision significant delays and administrative costs added to CIAP projects if grants would have to be amended if construction bids exceed grant budgets; we also foresee having to amend multiple grants to increase funding for a specific project. On the other hand, a programmatic grant could allow for funding adjustments administratively among multiple projects covered by the same grant. Please carefully consider the significant implications this has on the timely implementation of projects and on the administration of the entire CIAP program. Finally, at your proposed grants workshop, we recommend including hands-on sessions for both administrative and accounting personnel from each state and CPS.

Page 2, Section 4.2.1 – The issue of using CIAP funds as a match/cost-share for federally funded activities is key to Louisiana's Plan development and implementation process. We strongly recommend that MMS not require a new letter from the involved Federal agency each time a grant request is made for a similar type of project with identical restrictions/allowances. We recommend that MMS, instead, accept copies of generic approval letters from the involved Federal agency regarding the use of CIAP funds for certain types of projects. For instance, the Corps of Engineers might issue such a letter from their national or division headquarters, indicating that they authorize the use of CIAP funds as a non-Federal match for specified types of coastal restoration projects, and the State could provide a copy of that letter with each CIAP grant applications involving such projects.

Consolidated comments from PACE (enclosed) indicated that the guidelines should provide as much information as possible regarding the use of CIAP funds for the required non-federal match. The coastal parishes want to leverage their CIAP allocations by using them as matching funds for such federal programs or grants, and the State endorses that approach.

Page 2, Section 4.2.2 – The list of authorized CIAP fund uses (Section 4.1) does not mention infrastructure except in authorized use 5. (i.e., mitigation of the impact of OCS activities through funding of onshore infrastructure projects and public service needs), to which the 23% limitation on CIAP expenditures applies. Paragraph 2 of Section 4.2.2. defines infrastructure as “. . . public facilities or systems needed to support commerce and economic development . . .” Paragraph 1 of that section, however, indicates that the 23% limitation does not apply to offshore infrastructure. The final guidelines should be revised to clearly indicate whether (and what types of) any infrastructure-related expenditures are authorized under uses 1. (conservation, protection and restoration of coastal areas), 2. (mitigation of damage to fish, wildlife, or natural resources), and 4. (implementation of a federally approved marine, coastal, or comprehensive conservation management plan), and, if so, whether they are subject to the 23% limitation. A coastal parish contact recently questioned whether “protection . . . of coastal areas . . .” as included in authorized use 1. might allow CIAP funding of hurricane protection infrastructure to prevent flooding of coastal communities.

We recommend that the final guidelines define “public service needs.” For instance, would providing flood protection to developed areas or improving road service to public port facilities meet that definition? The guidelines should also clarify whether projects to mitigate the impact of OCS activities on “public service needs” must be located onshore, and should confirm whether those projects must have linkage to OCS impacts.

A large majority of Louisiana’s more-than 3 million acres of coastal wetlands is located below the mean high water line. Using the definition in paragraph 3 of this section, none of those lands would be considered “onshore.” Thus, we are concerned that the definition of “onshore”, as included in this section, might rule out CIAP expenditures for infrastructure projects, such as hurricane protection levees, floodgates, highways and port facilities, needed to mitigate OCS-caused impacts, if such projects are located below the mean high water line. This might not be a concern if such projects are deemed by MMS to qualify as “public service needs” under authorized use 5, and do not have to be located “onshore”, as defined in the draft guidelines. Depending on MMS’s responses to these questions, we may provide additional recommendations regarding the definition of onshore infrastructure in the final guidelines.

PACE requested further definition of “infrastructure.” Several parishes are planning “bricks and mortar” projects which they believe will contain an infrastructure component but will also have significant habitat restoration and environmental protection aspects. PACE also requested that, for projects which meet multiple authorized CIAP uses, costs for each such project be distributed proportionally to each applicable authorized use. This should include clarification of how the 23% funding cap would apply in such cases.

The draft guidelines state that: “Funding of infrastructure projects encompasses land acquisition, new construction, and upgrades and renovations to existing facilities or systems, but does not include maintenance or operating costs for the facilities or systems.” We suggest that the final guidance clarify that land acquisition (fee title or easements) is only considered infrastructure if it is related to the implementation of an infrastructure project, and that land acquisition could be part of a conservation project (or its implementation) as defined by CIAP authorized uses of funds definitions 1, 2 or 4 as listed in Section 4.1.

Page 3, Section 4.4 – We recommend that the words “for projects” be removed from the third sentence of this section. This would allow CIAP plan preparation costs to be recouped by states and their political subdivisions.

Page 6, Section 5.2.6 – PACE requested clarification regarding the difference between Tier 1 and Tier 2 projects. The current text indicates that Tier I projects are anticipated to use 100 percent of the CIAP allocation. We agree that greater clarity is needed, as the State and parishes will share in the costs of some proposed projects. Thus, it is likely that some parishes will include all of their funds, and some funds from the State, other parishes, and possibly other entities, in their list of Tier 1 projects. PACE has also asked whether is it desirable or mandatory to include all such shared

costs in the State's and parishes' Tier 1 list. Please confirm that a state's or parish's Tier 2 list is basically a "fallback" list for use if one or more of the Tier 1 projects for the state or that particular parish cannot proceed. Also, please verify that elevation of a Tier 2 project to Tier 1 for such reasons constitutes a minor change and will not require an amendment to the State's approved CIAP Plan.

Page 6, Section 5.2.7 – PACE asked if the State would prepare the necessary documentation (Appendices E and F) required by MMS for each coastal political subdivision's initial project submittal. They noted that the form that the State requested from the parishes for project proposals is different from what MMS is requesting. The State hereby confirms that DNR's technical staff will continue to work closely with the coastal parishes to help ensure that the information contained in Louisiana's CIAP Plan will meet MMS's requirements.

Page 7, Section 6 – Per PACE's request, please clarify how a project could be approved (by MMS) as part of the state Plan and consistent with the requirements set forth in Section 31(d) (1) of the Act (Authorized Uses) and not be approved during the grant application and approval process. Will different criteria apart from the authorized uses be used to determine if projects are approved during the grants application and approval process? PACE has noted that the previous CIAP program, implemented through NOAA, worked very well overall, allowing projects to be constructed in a timely manner. They asked that steps be taken to mimic that program as much as possible; the State also encourages continued discussions between NOAA and MMS to make use of streamlining mechanisms that may have been developed during the administration of the previous CIAP program.

Page 7, Section 8 – For the reasons cited below, we are very concerned that MMS would require National Environmental Policy Act (NEPA) compliance prior to CIAP grant submission, and that MMS will not disburse any CIAP funds until all NEPA requirements are met.

A significant amount of engineering and design is required to obtain the project-specific information needed to adequately evaluate the likely impacts for many coastal restoration projects. Those tasks require a substantial amount of funding, which we consider to be an integral part of the implementation costs for CIAP-funded projects. For larger restoration projects, we also believe that it is more appropriate to evaluate design alternatives before assessing likely impacts, rather than preparing NEPA documents for such projects with a relatively small amount of project-specific information at an early phase of the project development process. Therefore, we recommend that MMS modify the proposed approach to issue grants including engineering, design and permitting costs (including the costs of developing appropriate NEPA documentation), but prohibit expenditures for actual construction until MMS has been provided copies of the completed NEPA documents. One variation of this approach is to issue separate grants for engineering/design and actual construction, but that approach will result in far greater administrative costs (in both time and money). We urge MMS to consult with grant administrators for other Federal programs, such as the U.S. Fish and Wildlife Service's North American Wetlands Conservation Act and the National Coastal Wetlands Conservation Grant Program; the NOAA Community-Based Grant Program; and others who have successfully implemented coastal conservation projects in Louisiana, in compliance with NEPA and other key regulatory requirements.

Ms. Colleen Benner  
April 24, 2006  
Page 5

Consistent with PACE's enclosed comments, we urge MMS to continue to explore and utilize mechanisms to streamline NEPA compliance for CIAP projects to the greatest extent possible. This will help reduce compliance costs and implementation delays, while meeting the intended purposes of NEPA.

Additional Comments - PACE also directed questions and comments to the State; those included: 1) whether parish CIAP allocations can be used for interaction with the bond commission, i.e., to leverage parish funds and to allow larger projects to be started and built without having to wait until all 4 years of CIAP fund allocations had been disbursed; 2) having the State prepare a map depicting the 1927 shoreline, delineating State and local government ownership, and helping parishes to determine potential project sites based on ownership and by locating key environmental features historic ridges and waterways; 3) having the Department of Natural Resources provide funding to parishes to assist with CIAP planning; and 4) extending the deadline for submitting CIAP project proposals for inclusion in the CIAP Plan. We are working with PACE and the individual coastal parishes to address those issues. We have extended the project proposal deadline to May 22, 2006, and we are providing technical assistance to the coastal parishes in the development of their project proposals and associated information. We will also host a May 5, 2006, workshop with PACE and MMS Regional CIAP Representative Stephanie Gambino to discuss the draft guidelines and other CIAP issues.

We look forward to continued cooperation with the MMS on this important program. If you have any questions regarding this matter, please contact David Frugé of our Office of Coastal Restoration and Management at 225-342-7615.

Very truly yours,

Scott A. Angelle  
Secretary

SAA:DF:pso  
Enclosures

cc: Stephanie Gambino, MMS, Gulf of Mexico OCS Region  
Marnie Winter, Parishes Against Coastal Erosion  
Sidney Coffee, Governor's Office of Coastal Activities  
James R. Hanchey, LDNR  
Gerald M. Duszynski, LDNR  
David Frugé, LDNR

**COASTAL IMPACT ASSISTANCE PROGRAM  
DRAFT GUIDELINES**

**The Department of the Interior  
Minerals Management Service  
March 2006**

## TABLE OF CONTENTS

	Page
ABBREVIATIONS AND ACRONYMS .....	iv
1. INTRODUCTION .....	1
2. ELIGIBLE PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS .....	1
3. COASTAL IMPACT ASSISTANCE PROGRAM ALLOCATIONS .....	1
4. COASTAL IMPACT ASSISTANCE PROGRAM FUNDS .....	1
4.1. Authorized Uses of Funds.....	2
4.2. Restrictions on the Use of Funds .....	2
4.2.1. Cost Sharing or Matching of Funds .....	2
4.2.2. Funds Distribution Limitation .....	2
4.3. Compliance with Authorized Uses of Funds .....	3
4.4. Incurring Costs before Plan Approval.....	3
4.5. Escrow Account .....	3
4.6. Sub-Grants and Project Funding .....	3
4.7. Time Limitation of Funding.....	3
5. COASTAL IMPACT ASSISTANCE PLAN .....	3
5.1. Plan Submittals .....	3
5.2. Plan Required Components.....	4
5.2.1. Designated State Agency.....	4
5.2.2. Designated Contact for Coastal Political Subdivisions .....	5
5.2.3. Governor’s Certification of Public Participation.....	5
5.2.4. Coordination with Other Federal Resources and Programs .....	5
5.2.5. Plan Implementation Program.....	5
5.2.6. Proposed Project Lists .....	6
5.2.7. Proposed Project Descriptions.....	6
5.3. Minor Changes and Amendments to a Plan.....	6
5.3.1. Minor Changes to a Plan .....	6
5.3.2. Amendments to a Plan.....	7
6. COASTAL IMPACT ASSISTANCE PLAN REVIEW AND APPROVAL .....	7
7. PERFORMANCE AND FINANCIAL REPORTS .....	7
8. COASTAL IMPACT ASSISTANCE PLAN COMPLIANCE WITH FEDERAL, STATE, AND LOCAL AUTHORITIES.....	7
8.1. Environmental Review .....	7
8.2. Consistency for Federal Assistance .....	8

APPENDIX A. SECTION 384 OF THE ENERGY POLICY ACT OF 2005: COASTAL  
IMPACT ASSISTANCE PROGRAM..... 9

APPENDIX B. ELIGIBLE COASTAL POLITICAL SUBDIVISIONS ..... 16

APPENDIX C. COASTAL IMPACT ASSISTANCE PLAN RECOMMENDED TABLE OF  
CONTENTS ..... 18

APPENDIX D. COASTAL IMPACT ASSISTANCE PLAN RECOMMENDED FORMAT  
FOR PROPOSED PROJECT LISTS ..... 20

APPENDIX E. COASTAL IMPACT ASSISTANCE PLAN RECOMMENDED FORMAT  
FOR PROPOSED PROJECT DESCRIPTIONS..... 23

APPENDIX F. COASTAL IMPACT ASSISTANCE PLAN RECOMMENDED FORMAT  
FOR ADDITIONAL INFORMATION REQUIRED IN THE GRANT  
APPLICATION FOR PROPOSED PROJECTS..... 25

## ABBREVIATIONS AND ACRONYMS

Act	Energy Policy Act of 2005
CFR	Code of Federal Regulations
CIAP	Coastal Impact Assistance Program
CPS	eligible coastal political subdivision
CZMA	Coastal Zone Management Act
CZMP	Coastal Zone Management Program
EA	Environmental Assessment
FONSI	Finding of No Significant Impact
FY	fiscal year
MHW	mean high water
MMS	Minerals Management Service
NEPA	National Environmental Policy Act
OCS	Outer Continental Shelf
Plan	Coastal Impact Assistance Plan
Secretary	Secretary of the Department of the Interior
State	eligible producing State
U.S.	United States
U.S.C.	United States Code

## 1. INTRODUCTION

The Energy Policy Act of 2005 (**Act**) has created the Coastal Impact Assistance Program (**CIAP**) by amending Section 31 of the Outer Continental Shelf Lands Act (*43 U.S.C. 1356a*; **Appendix A**). Under the provisions of the Act, the authority and responsibility for the management of CIAP is vested in the Secretary of the Department of the Interior (**Secretary**). The Secretary has delegated this authority and responsibility to the Minerals Management Service (**MMS**).

Under Section 384 of the Act, MMS shall disburse \$250 million for each fiscal year (**FY**) 2007 through 2010 to eligible producing States (**State**) and coastal political subdivisions (**CPS**). The funds allocated to each State are based on the proportion of qualified outer continental shelf (**OCS**) revenues offshore the individual State to total qualified OCS revenues from all States. In order to receive CIAP funds, States are required to submit a coastal impact assistance plan (**Plan**) that MMS must approve prior to disbursing any funds. All funds shall be disbursed through a grant process.

This guidance has been developed by MMS to provide the information necessary for States to develop a Plan and submit it to MMS. States should develop Plans in coordination with their CPS's. Pursuant to the Act, a State must submit its Plan no later than July 1, 2008. The MMS's goal is to ensure Plans are approved and funds disbursed in the most efficient and expeditious manner possible. To facilitate this goal, MMS encourages States to submit their Plans by July 1, 2007. The MMS, however, will not accept Plans before October 2, 2006.

## 2. ELIGIBLE PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS

A *producing State* is defined in the Act (*Section 31(a)(9)(A) and (B)*) as having a coastal seaward boundary within 200 nautical miles of the geographic center of a leased tract within any area of the OCS. This does not include a State with a majority of its coastline subject to leasing moratoria, unless production was occurring on January 1, 2005, from a lease within 10 nautical miles of the coastline of that State. States eligible to receive funding are Alabama, Alaska, California, Louisiana, Mississippi, and Texas.

The Act also specifies eligibility criteria for CPS's (*Section 31(a)(1) and (8)*). A *political subdivision* is defined as "the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs." The term *coastal political subdivision* is further defined in the Act as "a political subdivision of a coastal State any part of which political subdivision is (A) within the coastal zone (as defined in Section 304 of the Coastal Zone Management Act of 1972 (*16 U.S.C. 1453*) as of the date of enactment of the Energy Policy Act of 2005 [August 8, 2005]; and (B) not more than 200 nautical miles from the geographic center of any leased tract." Given these criteria, MMS, in consultation with the States, has determined 61 CPS's are eligible to receive CIAP funding (**Appendix B**).

## 3. COASTAL IMPACT ASSISTANCE PROGRAM ALLOCATIONS

The MMS shall determine CIAP funding allocations to States and CPS's using the formulas mandated by the Act (*Section 31(b)*). The Act directs that the funds allocated to States and CPS's for FY 2007 and 2008 be determined using qualified OCS revenues received for FY 2006; FY 2009 and 2010 funds shall be determined using the amount of qualified OCS revenues received for FY 2008.

The MMS intends to publish the allocations for each State and CPS on or before April 15, 2007, for FY 2007 and 2008 distributions and on or before April 15, 2009, for FY 2009 and 2010 distributions. The Act requires a minimum annual allocation of 1 percent to each State. The Act also provides that 35 percent of each State's share shall be allocated directly to its CPS's.

## 4. COASTAL IMPACT ASSISTANCE PROGRAM FUNDS

The CIAP funds will be disbursed to States and CPS's through a grant process. The MMS is currently developing this process. Upon completion, each State and CPS will receive guidance on the

administrative and programmatic requirements of the grant process and how to access CIAP funds. The MMS will hold a workshop to review these requirements.

For planning purposes, grant recipients shall comply with 43 CFR Part 12, *Administrative and Audit Requirements and Cost Principles for Assistance Programs*.

#### **4.1. AUTHORIZED USES OF FUNDS**

The Act (*Section 31(d)(1)*) stipulates that a State or CPS shall use CIAP funds only for one or more of the following purposes:

1. projects and activities for the conservation, protection, or restoration of coastal areas, including wetland;
2. mitigation of damage to fish, wildlife, or natural resources;
3. planning assistance and the administrative costs of complying with CIAP;
4. implementation of a federally-approved marine, coastal, or comprehensive conservation management plan; and
5. mitigation of the impact of OCS activities through funding of onshore infrastructure projects and public service needs.

The MMS shall require that all CIAP funds be used to directly benefit an authorized use. The use of CIAP funds to conserve, restore, enhance, and protect renewable natural resources is an action that would result in a direct benefit. An example of an action that would not result in a direct benefit would include but not be limited to the use of CIAP funds to support litigation or to fund publicity or lobbying efforts for purposes of influencing or attempting to influence a member of the U.S. Congress or an agency of the Federal Government (*43 CFR Part 18*).

#### **4.2. RESTRICTIONS ON THE USE OF FUNDS**

##### **4.2.1. Cost Sharing or Matching of Funds**

As a general rule, unless provided by Federal statute, a cost sharing or matching requirement may not be met by costs borne by another Federal grant (43 CFR Part 12). Thus, the standard on whether CIAP funds can be used to meet a cost sharing or matching requirement under another Federal grant program is set by the other granting agency, the agency that originated the cost-sharing requirements.

States and CPS's will be required to submit a letter with their grant application authorizing the use of CIAP funds for the required non-Federal cost share or match. This letter must be obtained from the agency that originated the cost sharing or matching requirement.

##### **4.2.2. Funds Distribution Limitation**

Pursuant to the Act, not more than 23 percent of the amounts received by a State or CPS for any one fiscal year shall be used for the following authorized uses: planning assistance and the administrative costs of complying with CIAP, and mitigation of the impact of OCS activities through funding of onshore infrastructure projects and public service needs. For the latter purpose, States should describe in their project description how the project will mitigate the impact of OCS activities (**Chapter 5.2.7**). The 23 percent spending restriction only applies to onshore infrastructure and public service needs, not offshore infrastructure.

For CIAP purposes, *infrastructure* shall be defined as public facilities or systems needed to support commerce and economic development; it may include, but is not limited to, buildings, roads, trails, parks, bridges, utility lines, wastewater treatment facilities, detention/retention ponds, seawalls, breakwaters, piers, and port facilities. Funding of infrastructure projects encompasses land acquisition, new construction, and upgrades and renovations to existing facilities or systems, but does not include maintenance or operating costs for the facilities or systems.

For purposes of distinguishing between onshore and offshore infrastructure, any infrastructure constructed entirely above mean high water (**MHW**) shall be considered as *onshore infrastructure* while

any infrastructure or portion of infrastructure constructed below MHW shall be considered as *offshore infrastructure*. The MHW is the average elevation of high water recorded from a rising tide at a particular point or station over a considerable period of time, usually 19 years.

#### **4.3. COMPLIANCE WITH AUTHORIZED USES OF FUNDS**

If MMS determines that any expenditure made by a State or CPS is inconsistent with the uses authorized under the Act (**Chapter 4.1**), MMS shall not distribute additional CIAP funds to that State or CPS until such time as all amounts obligated for unauthorized uses have been repaid or reobligated to authorized uses.

#### **4.4. INCURRING COSTS BEFORE PLAN APPROVAL**

The MMS shall not disburse any CIAP funds to a State or CPS until MMS has approved the State's Plan and the grant application for a project. If a State or CPS chooses to begin work on a proposed project prior to approval, they do so at their own risk. Only those costs incurred after August 8, 2005, the Act's enactment date, for projects, which are in compliance with the Act and these guidelines, shall be considered for funding.

#### **4.5. ESCROW ACCOUNT**

As authorized in the Act (*Section 31(b)(5)(B)*), MMS shall hold all CIAP funds in escrow. Funds disbursement will be contingent upon Plan and grant approval. If a State is not making a good faith effort to develop, submit, or revise its Plan (**Chapter 5.1**), MMS may allocate those funds to the remaining States and CPS's. Any interest generated from a CIAP escrow account shall accrue to the benefit of the Federal Government (43 CFR 12.61(h) (i)).

#### **4.6. SUB-GRANTS AND PROJECT FUNDING**

Only States and CPS's shall receive CIAP funds. States and CPS's, however, may issue sub-grants to other State or local agencies, universities, or other entities so long as such sub-grants and their respective projects are explicitly described in its Plan.

All projects do not need to be undertaken solely within a State's coastal zone. States and CPS's may also combine their allocations to fund mutually beneficial projects. The location of all such projects and the funding combinations for the project must be described in the State's Plan.

A State or CPS may not receive less than its authorized allocation unless MMS finds that the proposed uses of funds are inconsistent with the Act or if a State or CPS chooses to relinquish some or all of its allotted funds.

#### **4.7. TIME LIMITATION OF FUNDING**

The Act does not provide a time limit for the use of CIAP funds. However, a MMS grant to a State or CPS will need an end date. The MMS will issue grants for a 4-year award period in which funds should be obligated. A no-cost extension of the award may be requested by a State or CPS; MMS will approve these requests on a case by case basis.

### **5. COASTAL IMPACT ASSISTANCE PLAN**

In order to receive coastal impact assistance, the Governor of each State must submit a Plan to MMS for review and approval. In preparing the Plan, a Governor must solicit local input and provide for public participation in the development of the Plan.

#### **5.1. PLAN SUBMITTALS**

States are requested to submit both a draft and final version of its Plan to MMS. Pursuant to the Act (*Section 31(c)(1)(A)*), a final Plan must be submitted no later than July 1, 2008. To facilitate the distribution of funds, MMS encourages States to submit their final Plan by July 1, 2007; however, MMS

will not accept final Plans prior to October 2, 2006. States that are unable to submit their final Plan by July 1, 2008, are instructed to send a letter to MMS describing their Plan development process and a target date for Plan submittal. Based on the information supplied in this letter, MMS will consider granting a waiver to the July 1, 2008 submittal date if it determines that the State is making a good faith effort to develop and submit, or update, its Plan.

All Plans (draft and final) and correspondence should be sent to both the National CIAP Coordinator and the State's Regional CIAP Representative:

All States:	MMS National CIAP Coordinator Minerals Management Service 381 Elden Street Mail Stop 4041 Herndon, Virginia 20170
Alaska:	MMS Regional CIAP Representative Minerals Management Service Alaska OCS Region 3801 Centerpoint Drive Suite 500 Anchorage, Alaska 99503
Alabama, Louisiana, Mississippi, and Texas:	MMS Regional CIAP Representative Minerals Management Service Gulf of Mexico OCS Region 1201 Elmwood Park Boulevard MS 5400 New Orleans, Louisiana 70123
California:	MMS Regional CIAP Representative Minerals Management Service Pacific OCS Region 770 Paseo Camarillo Camarillo, California 93010

Draft Plans should be submitted to MMS when they are made available for public review (**Chapter 5.3.2**); one hard copy (unbound) and one digital copy on compact disk (in Microsoft Word) should be sent to both the National CIAP Coordinator and the State's Regional CIAP Representative.

Final Plans must be submitted to both the National CIAP Coordinator and the State's Regional CIAP Representative. States are directed to send one hard copy (unbound) and one digital copy on compact disk (in Microsoft Word) to each of these contacts.

For further information on Plan submittals, contact the National CIAP Coordinator at (703) 787-1717 or CIAPcoordinator@mms.gov.

## 5.2. PLAN REQUIRED COMPONENTS

The Act (*Section 31(c)(2)(b)*) lists five elements that must be included in a Plan. The MMS recommends States follow the format and instructions provided in **Appendices C, D, and E**. **Appendix C** presents a recommended table of contents, while **Appendix D** includes a recommended format for project lists (**Chapter 5.2.6**) and **Appendix E** includes a recommended format for proposed project descriptions (**Chapter 5.2.7**). The submittal of standardized Plans will expedite the review process.

### 5.2.1. Designated State Agency

A Plan must provide the name of the State agency that will have the authority to represent and act for the State in dealing with MMS for CIAP purposes. A point of contact for the designated agency and their

contact information (title, address, telephone number, fax number, and e-mail address) must also be provided.

### **5.2.2. Designated Contact for Coastal Political Subdivisions**

For each CPS, a Plan must provide the name of a point of contact and their contact information (title, address, telephone number, fax number, and e-mail address). Each Plan must also include a description of how each CPS shall use its CIAP funds (**Chapter 5.2.5**).

### **5.2.3. Governor's Certification of Public Participation**

A Plan must include a certification by the Governor that sufficient opportunity has been provided for public participation in the development and revision of a Plan. The certification is to be included in the Plan and can be provided in the form of a letter or other document signed by the Governor.

Public participation can be achieved through a variety of means, e.g., use of advisory committees; commission meetings; informal public workshops; and formal public hearings. At a minimum, States should provide adequate public notice of Plan availability and provide a 30-day public comment period on the Plan. It is recommended that States involve relevant Federal, State, and local agencies in their review and comment process.

### **5.2.4. Coordination with Other Federal Resources and Programs**

A Plan must describe the measures taken to determine the availability of assistance from other relevant Federal resources and programs for proposed Plan projects. Examples of other Federal resources and programs include, but are not limited to the following: Coastal Zone Management Programs (**CZMP**); National Estuarine Research Reserves; U.S. Army Corps of Engineer programs for shoreline protection and conservation of coastal resources; National Marine Sanctuaries; federally funded conservation, development, or transportation projects; and federally mandated activities such as wetlands or endangered species protection.

### **5.2.5. Plan Implementation Program**

The Act (*Section 31(c)(2)(B)(ii)(II)*) requires that each State Plan contain a program for the implementation of the Plan, describing how CIAP funds will be used. The State and its CPS's should ensure that the goals and objectives identified in the State Plan do not create conflict between statewide and local program implement. The implementation program description should include:

- a description of the State/CPS goals and objectives under the Program;
- a description of how the State/CPS will manage, implement, and monitor the Program;
- a description of the State/CPS public participation process including: the dates and periodicals in which notices are placed; the locations, dates, and times of meetings and the number of attendees; and a summary of public comments on the draft Plan;
- a discussion of the State/CPS decisionmaking process for selecting projects;
- a discussion of how the State/CPS plans to ensure compliance with all relevant Federal, State, and local laws including each State's Coastal Zone Management Program (**CZMP**);
- a description of the major activities and/or categories to be funded under the Program (e.g., infrastructure, habitat restoration, mitigation, etc.); and
- an estimate of the amount of funds, by State and CPS, that will be spent annually on each authorized use.

### 5.2.6. Proposed Project Lists

Each State must include in its Plan a list of projects the State and its CPS's anticipate submitting for CIAP grant funding. To minimize the number of Plan amendments (**Chapter 5.4**), States may provide a list of proposed State and CPS projects for FY 2007, 2008, 2009, and 2010 allocations. At a minimum, the Plan must identify all proposed projects to be funded with FY 2007 allocations. States will be required to submit to MMS (**Chapter 5.1**) an annual updated proposed State and CPS project list. This list can differ from the original submittal but may constitute a Plan amendment.

Each State must submit the above list of State and CPS projects showing costs by authorized use to demonstrate compliance with the 23 percent spending limitation (**Chapter 4.2.1**). The format provided in **Appendix D** should be followed.

The MMS recommends proposed projects be prioritized into two tiers. Tier 1 projects would be submitted by States and CPS's for grant funding and would be anticipated to utilize 100 percent of CIAP allocation. If a Tier 1 project is cancelled, scaled back, or deferred, States and/or CPS's may then submit a Tier 2 project for grant funding without having to amend the Plan (**Chapter 5.3**). Proposed project lists should be submitted by Tier 1 and Tier 2 projects (**Appendix D**).

### 5.2.7. Proposed Project Descriptions

For each proposed project, the Plan should include:

- a brief summary (1-2 pages) of the project including goals and objectives;
- a brief explanation (1-2 pages) of how the project is consistent with one or more of CIAP's authorized uses (**Chapter 4.1**); if funding onshore infrastructure projects or public service needs, include how the project will mitigate the impact of OCS activities; and
- a brief description of intent to use CIAP funds for cost sharing or matching purposes with acknowledgement that the State and/or CPS will be required to submit a letter with their grant application authorizing the use of CIAP funds for the required non-Federal cost share or match; this letter must be obtained from the agency that originated the cost sharing or matching requirement (**Chapter 4.2.1**).

**Appendix E** provides a recommended format for the individual State and CPS project descriptions to be included in the Plan. **Appendix F** provides a format for submitting additional information that will be required in the grant application. States should include this information in their Plan if available at the time of submittal.

## 5.3. MINOR CHANGES AND AMENDMENTS TO A PLAN

Section 31(c)(3) of the Act states that any amendment to the Plan shall be prepared according to the requirements and procedures of the Plan. The MMS shall have 90 days from receipt of a Plan amendment to approve or disapprove it.

The MMS recognizes that not all revisions to a Plan shall constitute an amendment but may involve minor changes. For CIAP purposes, MMS has developed definitions and processes for minor changes and amendments to a Plan.

### 5.3.1. Minor Changes to a Plan

A *minor change* is defined as a revision to a Plan that does not affect the overall scope or objective of an approved Plan. Minor changes may be undertaken by notifying MMS (**Chapter 5.1**) in writing of the proposed change; within 30 days of receipt, MMS shall acknowledge in writing the notification for a minor change.

Minor changes include, but are not limited to

1. changing the contact person for the State or CPS (**Chapters 5.2.1-2**) and
2. submitting a Tier 2 project for grant funding (**Chapter 5.2.6**).

### 5.3.2. Amendments to a Plan

An *amendment* is defined as a revision to an approved Plan that alters the overall scope or objectives of an approved Plan. States must submit to MMS all amendments to a Plan; amendments may be submitted once a calendar quarter.

Amendments include, but are not limited to

1. a change to the Implementation Program (**Chapter 5.2.5**) and
2. an addition and removal of a project from the Proposed Project Lists (**Chapter 5.2.6**).

## 6. COASTAL IMPACT ASSISTANCE PLAN REVIEW AND APPROVAL

The MMS will determine within 20 days after receipt of a Plan or Plan amendment whether additional information is needed. If no deficiencies are identified and the required number of copies has been received, the Plan or amendment will be deemed complete. Once a Plan or amendment is determined complete, MMS has 90 days to approve or disapprove it (*Section 31(c)(4)*). If a Plan or amendment is not approved, the State may revise and resubmit it. The MMS will then have 20 days to determine completeness; once completeness has been attained, MMS will then have 90 days to approve or disapprove the revised Plan or amendment.

The MMS's approval of a Plan should not be construed as final funding approval of the individual State and CPS projects incorporated in that Plan. As part of the Plan approval process, MMS will review those projects identified in a Plan for overall consistency with the requirements set forth in Section 31 (d)(1) of the Act, *Authorized Uses* (**Chapter 4.1**). However, individual CIAP projects will be given final funding approval by MMS independently of Plans through the grant application and approval process (**Chapter 4**). States should be aware that MMS, as the Federal funding agency, is also responsible for verifying compliance with all Federal, State, and local authorities (**Chapter 8**) prior to disbursement of funds.

## 7. PERFORMANCE AND FINANCIAL REPORTS

Performance and financial reports shall be required in accordance with 43 CFR Part 12. The MMS will provide further information on these reports through the CIAP grant program announcement.

## 8. COASTAL IMPACT ASSISTANCE PLAN COMPLIANCE WITH FEDERAL, STATE, AND LOCAL AUTHORITIES

The approval of Plans and disbursement of funds are Federal activities subject to authorities such as, but not limited to, the National Environmental Policy Act (**NEPA**), Endangered Species Act, Coastal Zone Management Act (**CZMA**), and equivalent State and local authorities. As the Federal funding agency, MMS is responsible for verifying compliance with these and other relevant authorities before disbursing funds. Therefore, only those proposed projects that meet all Federal, State, and local authorities will be approved for CIAP funding (e.g., all NEPA and CZMA requirements must be met prior to grant application submission for projects). States will be required to document compliance with these and other relevant authorities before funds are disbursed.

### 8.1. ENVIRONMENTAL REVIEW

The MMS is developing a programmatic Environmental Assessment (**EA**) on the Coastal Impact Assistance Program. The EA will evaluate the types of projects to be financed under CIAP; MMS will consult with States to determine the types of projects likely to be proposed by the States and CPS's. The EA will assess the types of projects proposed and define the levels of NEPA determination (i.e., categorical exclusion, Finding of No Significant Impact (**FONSI**), or further environmental review). The EA will also include an Environmental Review (ER) form that States and CPS's will be required to submit with their grant application. During the grant process MMS will review each proposed project's

ER form along with other relevant information to verify compliance with NEPA. If MMS determines that additional information or NEPA evaluation is required, the grant recipient (the State or CPS) will be required to provide it. The MMS will not disburse funds until all NEPA requirements have been satisfied.

## **8.2. CONSISTENCY FOR FEDERAL ASSISTANCE**

State agencies and CPS's responsible for preparing the grant applications and managing the subsequent CIAP funding shall be subject to the Federal consistency guidelines under Subpart F of the CZMA regulations, *Consistency for Federal Assistance to State and Local Governments* (15 CFR 930.90–930.101). Under Subpart F, each State's coastal agency shall review the application for Federal assistance (i.e., the grant application) to determine if the application is consistent with its CZMP.

## **APPENDIX A.**

### **SECTION 384 OF THE ENERGY POLICY ACT OF 2005: COASTAL IMPACT ASSISTANCE PROGRAM**

**SEC. 384. COASTAL IMPACT ASSISTANCE PROGRAM.**

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended to read as follows:

**SEC. 31. COASTAL IMPACT ASSISTANCE PROGRAM.****(a) Definitions— In this section:**

**(1) COASTAL POLITICAL SUBDIVISION-** The term `coastal political subdivision' means a political subdivision of a coastal State any part of which political subdivision is—

**(A)** within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the coastal State as of the date of enactment of the Energy Policy Act of 2005; and

**(B)** not more than 200 nautical miles from the geographic center of any leased tract.

**(2) COASTAL POPULATION-** The term `coastal population' means the population, as determined by the most recent official data of the Census Bureau, of each political subdivision any part of which lies within the designated coastal boundary of a State (as defined in a State's coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)).

**(3) COASTAL STATE-** The term `coastal State' has the meaning given the term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

**(4) COASTLINE-** The term `coastline' has the meaning given the term `coast line' in section 2 of the Submerged Lands Act (43 U.S.C. 1301).

**(5) DISTANCE-** The term `distance' means the minimum great circle distance, measured in statute miles.

**(6) LEASED TRACT-** The term `leased tract' means a tract that is subject to a lease under section 6 or 8 for the purpose of drilling for, developing, and producing oil or natural gas resources.

**(7) LEASING MORATORIA-** The term `leasing moratoria' means the prohibitions on preleasing, leasing, and related activities on any geographic area of the outer Continental Shelf as contained in sections 107 through 109 of division E of the Consolidated Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 3063).

**(8) POLITICAL SUBDIVISION-** The term `political subdivision' means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs.

**(9) PRODUCING STATE-**

**(A) IN GENERAL-** The term `producing State' means a coastal State that has a coastal seaward boundary within 200 nautical miles of the geographic center of a leased tract within any area of the outer Continental Shelf.

**(B) EXCLUSION-** The term `producing State' does not include a producing State, a majority of the coastline of which is subject to leasing moratoria, unless

production was occurring on January 1, 2005, from a lease within 10 nautical miles of the coastline of that State.

**(10) QUALIFIED OUTER CONTINENTAL SHELF REVENUES-**

**(A) IN GENERAL-** The term 'qualified Outer Continental Shelf revenues' means all amounts received by the United States from each leased tract or portion of a leased tract—

(i) lying—

(I) seaward of the zone covered by section 8(g); or

(II) within that zone, but to which section 8(g) does not apply; and

(ii) the geographic center of which lies within a distance of 200 nautical miles from any part of the coastline of any coastal State.

**(B) INCLUSIONS-** The term 'qualified Outer Continental Shelf revenues' includes bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued under this Act.

**(C) EXCLUSION-** The term 'qualified Outer Continental Shelf revenues' does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 2005, unless the lease was in production on January 1, 2005.

**(b) Payments to Producing States and Coastal Political Subdivisions-**

**(1) IN GENERAL-** The Secretary shall, without further appropriation, disburse to producing States and coastal political subdivisions in accordance with this section \$250,000,000 for each of fiscal years 2007 through 2010.

**(2) DISBURSEMENT-** In each fiscal year, the Secretary shall disburse to each producing State for which the Secretary has approved a plan under subsection (c), and to coastal political subdivisions under paragraph (4), such funds as are allocated to the producing State or coastal political subdivision, respectively, under this section for the fiscal year.

**(3) ALLOCATION AMONG PRODUCING STATES-**

**(A) IN GENERAL-** Except as provided in subparagraph (C) and subject to subparagraph (D), the amounts available under paragraph (1) shall be allocated to each producing State based on the ratio that—

(i) the amount of qualified outer Continental Shelf revenues generated off the coastline of the producing State; bears to

(ii) the amount of qualified outer Continental Shelf revenues generated off the coastline of all producing States.

**(B) AMOUNT OF OUTER CONTINENTAL SHELF REVENUES-** For purposes of subparagraph (A)--

(i) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2007 and 2008 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2006; and

(ii) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2009 and 2010 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2008.

**(C) MULTIPLE PRODUCING STATES-** In a case in which more than 1 producing State is located within 200 nautical miles of any portion of a leased tract, the amount allocated to each producing State for the leased tract shall be inversely proportional to the distance between--

(i) the nearest point on the coastline of the producing State; and

(ii) the geographic center of the leased tract.

**(D) MINIMUM ALLOCATION-** The amount allocated to a producing State under subparagraph (A) shall be at least 1 percent of the amounts available under paragraph (1).

**(4) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS-**

**(A) IN GENERAL-** The Secretary shall pay 35 percent of the allocable share of each producing State, as determined under paragraph (3) to the coastal political subdivisions in the producing State.

**(B) FORMULA-** Of the amount paid by the Secretary to coastal political subdivisions under subparagraph (A)--

(i) 25 percent shall be allocated to each coastal political subdivision in the proportion that--

(I) the coastal population of the coastal political subdivision; bears to

(II) the coastal population of all coastal political subdivisions in the producing State;

(ii) 25 percent shall be allocated to each coastal political subdivision in the proportion that--

(I) the number of miles of coastline of the coastal political subdivision; bears to

(II) the number of miles of coastline of all coastal political subdivisions in the producing State; and

(iii) 50 percent shall be allocated in amounts that are inversely proportional to the respective distances between the points in each coastal political subdivision that are closest to the geographic center of each leased tract, as determined by the Secretary.

**(C) EXCEPTION FOR THE STATE OF LOUISIANA-** For the purposes of subparagraph (B)(ii), the coastline for coastal political subdivisions in the State of Louisiana without a coastline shall be considered to be 1/3 the average length of the coastline of all coastal political subdivisions with a coastline in the State of Louisiana.

**(D) EXCEPTION FOR THE STATE OF ALASKA-** For the purposes of carrying out subparagraph (B)(iii) in the State of Alaska, the amounts allocated

shall be divided equally among the 2 coastal political subdivisions that are closest to the geographic center of a leased tract.

**(E) EXCLUSION OF CERTAIN LEASED TRACTS-** For purposes of subparagraph (B)(iii), a leased tract or portion of a leased tract shall be excluded if the tract or portion of a leased tract is located in a geographic area subject to a leasing moratorium on January 1, 2005, unless the lease was in production on that date.

**(5) NO APPROVED PLAN-**

**(A) IN GENERAL-** Subject to subparagraph (B) and except as provided in subparagraph (C), in a case in which any amount allocated to a producing State or coastal political subdivision under paragraph (4) or (5) is not disbursed because the producing State does not have in effect a plan that has been approved by the Secretary under subsection (c), the Secretary shall allocate the undisbursed amount equally among all other producing States.

**(B) RETENTION OF ALLOCATION-** The Secretary shall hold in escrow an undisbursed amount described in subparagraph (A) until such date as the final appeal regarding the disapproval of a plan submitted under subsection (c) is decided.

**(C) WAIVER-** The Secretary may waive subparagraph (A) with respect to an allocated share of a producing State and hold the allocable share in escrow if the Secretary determines that the producing State is making a good faith effort to develop and submit, or update, a plan in accordance with subsection (c).

**(c) Coastal Impact Assistance Plan-**

**(1) SUBMISSION OF STATE PLANS-**

**(A) IN GENERAL-** Not later than July 1, 2008, the Governor of a producing State shall submit to the Secretary a coastal impact assistance plan.

**(B) PUBLIC PARTICIPATION-** In carrying out subparagraph (A), the Governor shall solicit local input and provide for public participation in the development of the plan.

**(2) APPROVAL-**

**(A) IN GENERAL-** The Secretary shall approve a plan of a producing State submitted under paragraph (1) before disbursing any amount to the producing State, or to a coastal political subdivision located in the producing State, under this section.

**(B) COMPONENTS-** The Secretary shall approve a plan submitted under paragraph (1) if--

**(i)** the Secretary determines that the plan is consistent with the uses described in subsection (d); and

**(ii)** the plan contains--

**(I)** the name of the State agency that will have the authority to represent and act on behalf of the producing State in dealing with the Secretary for purposes of this section;

(II) a program for the implementation of the plan that describes how the amounts provided under this section to the producing State will be used;

(III) for each coastal political subdivision that receives an amount under this section--

(aa) the name of a contact person; and

(bb) a description of how the coastal political subdivision will use amounts provided under this section;

(IV) a certification by the Governor that ample opportunity has been provided for public participation in the development and revision of the plan; and

(V) a description of measures that will be taken to determine the availability of assistance from other relevant Federal resources and programs.

(3) **AMENDMENT-** Any amendment to a plan submitted under paragraph (1) shall be--

(A) developed in accordance with this subsection; and

(B) submitted to the Secretary for approval or disapproval under paragraph (4).

(4) **PROCEDURE-** Not later than 90 days after the date on which a plan or amendment to a plan is submitted under paragraph (1) or (3), the Secretary shall approve or disapprove the plan or amendment.

**(d) Authorized Uses-**

(1) **IN GENERAL-** A producing State or coastal political subdivision shall use all amounts received under this section, including any amount deposited in a trust fund that is administered by the State or coastal political subdivision and dedicated to uses consistent with this section, in accordance with all applicable Federal and State law, only for 1 or more of the following purposes:

(A) Projects and activities for the conservation, protection, or restoration of coastal areas, including wetland.

(B) Mitigation of damage to fish, wildlife, or natural resources.

(C) Planning assistance and the administrative costs of complying with this section.

(D) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

(E) Mitigation of the impact of outer Continental Shelf activities through funding of onshore infrastructure projects and public service needs.

(2) **COMPLIANCE WITH AUTHORIZED USES-** If the Secretary determines that any expenditure made by a producing State or coastal political subdivision is not consistent with this subsection, the Secretary shall not disburse any additional amount under this section to the producing State or the coastal political subdivision until such time as all amounts obligated for unauthorized uses have been repaid or reobligated for authorized uses.

**(3) LIMITATION-** Not more than 23 percent of amounts received by a producing State or coastal political subdivision for any 1 fiscal year shall be used for the purposes described subparagraphs (C) and (E) of paragraph (1).

**APPENDIX B.**  
**ELIGIBLE COASTAL POLITICAL SUBDIVISIONS**

**Coastal Impact Assistance Program  
Eligible Coastal Political Subdivisions\***

<b>Alabama Counties</b>	<b>Alaska Boroughs</b>	<b>California Counties</b>	<b>Louisiana Parishes</b>	<b>Mississippi Counties</b>	<b>Texas Counties</b>
Baldwin	North Slope	Alameda	Assumption	Hancock	Aransas
Mobile	Northwest Arctic	Contra Costa	Calcasieu	Harrison	Brazoria
		Los Angeles	Cameron	Jackson	Calhoun
		Marin	Iberia		Cameron
		Monterey	Jefferson		Chambers
		Napa	Lafourche		Galveston
		Orange	Livingston		Harris
		San Diego	Orleans		Jackson
		San Francisco	Plaquemines		Jefferson
		San Luis Obispo	St. Bernard		Kenedy
		San Mateo	St. Charles		Kleberg
		Santa Barbara	St. James		Matagorda
		Santa Clara	St. John the Baptist		Nueces
		Santa Cruz	St. Martin		Orange
		Solano	St. Mary		Refugio
		Sonoma	St. Tammany		San Patricio
		Ventura	Tangipahoa		Victoria
			Terrebonne		Willacy
			Vermilion		

\*Note: These CPS's are eligible for FY 2007 and 2008 CIAP allocations. Future lease sales and/or lease tract relinquishments, terminations, and expirations after FY 2006 may affect this list for the FY 2009 and 2010 CIAP allocations.

**APPENDIX C.**

**COASTAL IMPACT ASSISTANCE PLAN  
RECOMMENDED  
TABLE OF CONTENTS**

---

**TABLE OF CONTENTS**

- 1. INTRODUCTION**
  - 2. DESIGNATED STATE AGENCY**
  - 3. DESIGNATED CONTACT FOR COASTAL POLITICAL SUBDIVISIONS**
  - 4. GOVERNOR’S CERTIFICATION OF PUBLIC PARTICIPATION**
  - 5. COORDINATION WITH OTHER FEDERAL RESOURCES AND PROGRAMS**
  - 6. PLAN IMPLEMENTATION PROGRAM**
  - 7. PROPOSED PROJECT LISTS**
  - 8. PROPOSED PROJECT DESCRIPTIONS**
- APPENDIX A. GOVERNOR LETTER DESIGNATING STATE AGENCY**
- APPENDIX B. SUMMARY OF PUBLIC COMMENTS RECEIVED ON DRAFT COASTAL IMPACT ASSISTANCE PLAN**

## **APPENDIX D.**

# **COASTAL IMPACT ASSISTANCE PLAN RECOMMENDED FORMAT FOR PROPOSED PROJECT LISTS**

## STATE OF (Insert Name of State)

PROJECTS PROPOSED by (Insert Name of State or Coastal Political Subdivision) for  
FISCAL YEAR (Insert 2007, 2008, 2009, or 2010)  
COASTAL IMPACT ASSISTANCE PROGRAM ALLOCATIONS

## TIER (Insert 1 or 2) PROJECTS

TABLE 1

Project Title	Total Estimated Cost (\$)	Funding Request (\$) by Year (insert as many columns as needed)						
		2007	2008	2009	2010	2011	2012	2013
<b>Authorized Use 1: Projects and activities for the conservation, protection, or restoration of coastal areas, including wetland.</b>								
1								
2								
<b>Subtotal:</b>								
<b>Authorized Use 2: Mitigation of damage to fish, wildlife, or natural resources.</b>								
1								
2								
<b>Subtotal:</b>								
<b>Authorized Use 3: Planning assistance and the administrative costs of complying with CIAP.</b>								
1								
2								
<b>Subtotal:</b>								
<b>Authorized Use 4: Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.</b>								
1								
2								
<b>Subtotal:</b>								
<b>Authorized Use 5: Mitigation of the impact of OCS activities through funding of onshore infrastructure projects and public service needs.</b>								
1								
2								
<b>Subtotal:</b>								
<b>Total of all Authorized Uses:</b>								

**STATE OF (Insert Name of State)**

**PROJECTS PROPOSED by (Insert Name of State or Coastal Political Subdivision) for  
FISCAL YEAR (Insert 2007, 2008, 2009, or 2010)  
COASTAL IMPACT ASSISTANCE PROGRAM ALLOCATIONS**

**TIER (Insert 1 or 2) PROJECTS**

**TABLE 2**

Total Estimated Cost Subtotals (from Table 1)		Funding Request by Year Subtotals (from Table 1)						
		2007	2008	2009	2010	2011	2012	2013
Authorized Use 1								
Authorized Use 2								
Authorized Use 3								
Authorized Use 4								
Authorized Use 5								
<b>Total:</b>								
<b>23 % Limitation:</b>								
Authorized Use 3								
Authorized Use 5								
<b>Total:</b>								
Total Estimated Cost Subtotals (from Table 1) as a Percentage of Total		Funding Request by Year Subtotals (from Table 1) as a Percentage of Total						
		2007	2008	2009	2010	2011	2012	2013
Authorized Use 1								
Authorized Use 2								
Authorized Use 3								
Authorized Use 4								
Authorized Use 5								
<b>Total:</b>	<b>100%</b>							
<b>23 % Limitation:</b>								
Authorized Use 3								
Authorized Use 5								
<b>Total:</b>	<b>23%</b>							

**APPENDIX E.**

**COASTAL IMPACT ASSISTANCE PLAN  
RECOMMENDED FORMAT FOR  
PROPOSED PROJECT DESCRIPTIONS**

**STATE OF (Insert Name of State)  
COASTAL IMPACT ASSISTANCE PLAN**

**DESIGNATED STATE AGENCY OR COASTAL POLITICAL SUBDIVISION**

**PROJECT TITLE**

**PROJECT CONTACT**

Contact Name  
Address  
Telephone Number  
Fax Number  
E-mail Address

**PROJECT SUMMARY**

Location  
Duration  
Total Estimated Cost  
Funding Request by Year

- Provide a brief summary (1-2 pages) of the project including goals and objectives.

**AUTHORIZED USES**

- Provide a brief explanation (1-2 pages) of how the project is consistent with one or more of CIAP's authorized uses; if funding onshore infrastructure projects or public service needs, include how the project will mitigate the impact of OCS activities.
- Provide a brief description of intent to use CIAP funds for cost sharing or matching purposes with acknowledgement that the State and/or CPS will be required to submit a letter with their grant application authorizing the use of CIAP funds for the required non-Federal cost share or match; this letter must be obtained from the agency that originated the cost sharing or matching requirement.

**APPENDIX F.**

**COASTAL IMPACT ASSISTANCE PLAN  
RECOMMENDED FORMAT FOR  
ADDITIONAL INFORMATION REQUIRED IN THE  
GRANT APPLICATION FOR PROPOSED PROJECTS**

**STATE OF (Insert Name of State)  
COASTAL IMPACT ASSISTANCE PLAN**

**DESIGNATED STATE AGENCY OR COASTAL POLITICAL SUBDIVISION****PROJECT TITLE****PROJECT CONTACT**

Contact Name  
Address  
Telephone Number  
Fax Number  
E-mail Address

**PROJECT SUMMARY**

Location  
Duration  
Total Estimated Cost  
Funding Request by Year

- Provide a brief summary (1-2 pages) of the project including goals and objectives.

**AUTHORIZED USES**

- Provide a brief explanation (1-2 pages) of how the project is consistent with one or more of CIAP's authorized uses; if funding onshore infrastructure projects or public service needs, include how the project will mitigate the impact of OCS activities.
- Provide a brief description of intent to use CIAP funds for cost sharing or matching purposes with acknowledgement that the State and/or CPS will be required to submit a letter with their grant application authorizing the use of CIAP funds for the required non-Federal cost share or match; this letter must be obtained from the agency that originated the cost sharing or matching requirement.

**PROJECT DESCRIPTION**

- Describe the project in sufficient detail (up to 10 pages) to allow a project reviewer to understand: how the project's goals and objectives will be obtained; the tasks that will be undertaken; the timeline for completing those tasks; and the intended results, products or services that will be provided upon project completion.
- Describe the duration of the project and any factors that could expedite or disrupt the project schedule.
- Describe any controversial aspects associated with the project and the level of local support or objection to the project.

**DESCRIPTION OF ENVIRONMENTAL IMPACTS**

- Briefly describe any environmental resources (e.g., marine biology, air quality, water quality, etc.) that may be impacted by the project and reference any environmental documents that analyze these environmental impacts.
- Briefly describe the mitigation measures that will be implemented to eliminate or minimize any harmful impacts the projects may have on environmental resources.

**REGULATORY STATUS AND CONSISTENCY WITH STATE COASTAL ZONE MANAGEMENT PROGRAM**

- If applicable, describe the current status of Federal, State, and local permits necessary for the project and describe whether the project has been determined to be consistent with the approved State Coastal Zone Management Program.
- If applicable, describe the status of National Environmental Policy Act environmental reviews and State environmental reviews required for the project.

**RELATIONSHIP TO OTHER FEDERAL PROGRAMS**

- Describe other Federal programs that are currently providing funding support or contributing resources to the project, and describe measures that are or will be taken to secure additional assistance from other relevant Federal resources and programs.

**TABLE SHOWING ESTIMATED PROJECT COST BREAKDOWN**

- Provide itemized list of projected expenses including personnel costs, travel costs, contracting costs, equipment purchases, supply and material costs, legal expenses, etc.

**Creel, Travis J MVN-Contractor**

---

**From:** David Fruge [DavidF@dnr.state.la.us]  
**Sent:** Wednesday, May 17, 2006 3:49 PM  
**To:** LeBlanc, Julie Z MVN  
**Cc:** Gregory Grandy; Charles "Will" Norman; Gerry Duszynski; Kirk Rhinehart  
**Subject:** RE: CWPPRA Technical Committee OFFSITE Meeting

Julie, I am planning to attend the June 6 "offsite" meeting of the CWPPRA Technical Committee. Will Norman and Greg Grandy of the CIAP team also plan to attend.

The best read-ahead info is our latest CIAP Power Point presentation (updated April 18) and MMS's draft CIAP Guidelines. Both items are viewable on our CIAP web page, found at <http://dnr.louisiana.gov/crm/ciap/ciap.asp> .

The primary CIAP issue pertinent to the CWPPRA Task Force, from my perspective, involves the potential implementation of construction-ready but unfunded CWPPRA PPL projects with CWPPRA funds. That issue entails several options, of which the following two are foremost in my mind:

- o possible implementation by DNR of selected construction-ready but unfunded CWPPRA projects, using CIAP funds
- o possible CWPPRA funding of the O&M and monitoring of CWPPRA projects constructed with CIAP funds

Related to those issues is the most efficient mechanism for potentially transitioning construction-ready projects from CWPPRA to CIAP for construction.

I envision that CIAP/CWPPRA interactions will also include review of the State's proposed CIAP Plan by the individual CWPPRA agencies; we expect to circulate that plan in early August.

Call me if you have any questions.

Best regards,

Dave

David Frugé  
Acting Deputy Assistant Secretary  
Office of Coastal Restoration and Management  
Louisiana Dept. of Natural Resources  
P.O.Box 44487  
Baton Rouge, LA 70804-4487  
Ph. 225/342-7615  
Fax 225-242-3467  
email: david.fruge@la.gov

-----Original Message-----

**From:** LeBlanc, Julie Z MVN [mailto:Julie.Z.LeBlanc@mvn02.usace.army.mil]

**Sent:** Tuesday, May 16, 2006 4:43 PM

**To:** David Fruge; David Fruge

**Cc:** Charles "Will" Norman; greg.grandy@la.gov; Gregory Grandy

**Subject:** FW: CWPPRA Technical Committee OFFSITE Meeting

Dave:

I don't have a direct phone number for you, or I would have called you to discuss this...please feel free to call me at 504-862-1597 to discuss further.

1. Are you available for the date of the Technical Committee offsite meeting? Who do you expect to be in attendance from the LDNR CIAP team (you, Will, Greg, others?)?
2. Do you have any "read ahead" information that I can transmit to the Technical Committee regarding the "Interaction with CIAP" item that will be discussed at the 6 Jun 06 Technical Committee offsite meeting? General information about the CIAP program would be helpful along with schedules and timelines for implementation.
3. I am assuming that you or your staff have probably identified some of the "potential issues" related to CWPPRA interaction with CIAP. I'd appreciate getting a list of issues from your viewpoint.

For your information, I am attaching a copy of the transcript from the April 12<sup>th</sup> Task Force meeting where this was discussed. This was the meeting where the Task Force remanded this item to the Technical Committee for their further discussion. The CIAP discussion and the direction provided by the Task Force are on pages 21-28. There are other items related to CIAP throughout the transcripts as well, however, the pages I provided are where most of the discussion took place.

<<Transcripts - 4-12-06 Task Force Meeting - FINAL.doc>>

**I'd like to send something out to the Technical Committee as "read aheads" by the end of the week. I will not be in the office on Friday, 19 May 06, and would appreciate any feedback you could give me prior to Friday. If you can't meet that, I will be in the office on Monday, 22 May and could send it out to the Technical Committee then.**

Julie Z. LeBlanc

504-862-1597

---

**From:** LeBlanc, Julie Z MVN

**Sent:** Wednesday, May 03, 2006 1:47 PM

6/5/2006

**To:** Breerwood, Gregory E MVN; Podany, Thomas J MVN; 'darryl\_clark@fws.gov'; 'gerryd@dnr.state.la.us'; 'richard.hartman@noaa.gov'; 'parrish.sharon@epa.gov'; 'britt.paul@la.usda.gov'; 'Garrett Broussard'; 'David Fruge'

**Cc:** Creel, Travis J MVN-Contractor; Monnerjahn, Christopher J MVN; 'kevin\_roy@fws.gov'; 'daniell@dnr.state.la.us'; 'rachel.sweeney@noaa.gov'; 'taylor.patricia-a@epa.gov'; 'john.jurgensen@la.usda.gov'; Browning, Gay B MVN; Constance, Troy G MVN; Bosenberg, Robert H MVN

**Subject:** CWPPRA Technical Committee OFFSITE Meeting

CWPPRA Technical Committee:

Having heard from all agencies, I'd like to set the date for the offsite meeting to be **Tuesday, 6 Jun 06**. Please mark this date on your calendars. Sharon: Does a **9:30 am** start date work for your travel arrangements?

Gerry: Can LDNR book a room for us? The conference rooms on the 10<sup>th</sup> floor may be a little tight???, if we assume at least 2-3 people per agency plus extra folks attending for each of the 4 topics.

Once the details are worked out, I will send out the specific time and location to the group.

As I noted previously, the Corps will work to get information/outlines/key discussion points out to the group on each of the specific topics via email PRIOR to the meeting so that some of the thought process can happen before the meeting and additional ideas/issues can be added to each topic. My goal would be to get something out there, even if it is preliminary, for the committee to begin review by the end of NEXT WEEK. This is what I was thinking on each topic:

1. Programmatic Assessment – Corps to develop outline based upon originally developed PA outline, including bullet list of questions regarding program direction.
2. Transitioning Projects from CWPPRA to Other Authorities (e.g. LCA) – Corps to outline steps in current de-authorization process for review and discussion; Corps to also develop specific steps (inside and outside of CWPPRA) for transitioning projects (to LCA) to ensure smooth transitions (Myrtle Grove as “test case”). Corps to identify appropriate LCA participants for the 6 Jun 06 offsite meeting.
3. Interaction with CIAP – Corps to develop bullet list of potential issues related to CWPPRA interaction with CIAP. LDNR to provide CIAP overview, status, and schedule and identify appropriate participants for the 6 Jun 06 offsite meeting. (I've copied Dave Fruge on this email, but, am unsure who else would need to be notified.)
4. FEMA Claims – Corps to develop a bullet list of issues for discussion. LDNR to provide status of FEMA claims and schedule and identify appropriate participants for the 6 Jun 06 offsite meeting. (I've copied Garrett Broussard on this email, but, am unsure who else would need to be notified.)

Comments on this approach? Am I missing any key interactions?

Julie Z. LeBlanc

U. S. Army Corps of Engineers

(504) 862-1597

---

**From:** LeBlanc, Julie Z MVN

**Sent:** Tuesday, May 02, 2006 2:48 PM

**To:** Breerwood, Gregory E MVN; Podany, Thomas J MVN; 'darryl\_clark@fws.gov'; 'gerryd@dnr.state.la.us'; 'richard.hartman@noaa.gov'; 'parrish.sharon@epa.gov'; 'britt.paul@la.usda.gov'

6/5/2006

**Cc:** Creel, Travis J MVN-Contractor; Monnerjahn, Christopher J MVN; 'kevin\_roy@fws.gov'; 'daniell@dnr.state.la.us'; 'rachel.sweeney@noaa.gov'; 'taylor.patricia-a@epa.gov'; 'john.jurgensen@la.usda.gov'; Browning, Gay B MVN  
**Subject:** RE: Draft Agenda for June 14th Tech Committee Mtg

Technical Committee Members:

While you guys are still scratching your heads about if you think the Technical Committee should have an offsite meeting, I will fill you in on what I've gotten to date as far as availability of Technical Committee/P&E Subcommittee members. Considering Corps' and NRCS' schedules, open dates are **June 6-8<sup>th</sup>, 2006**. Suggested location is Baton Rouge.

Please provide your agency's response by **COB tomorrow, Wednesday, 3 May 06**. I've spoken to Tom a bit on the issues below and he'd like to see a strawman writeup developed for some of the items. The Corps will work to get something out to the agencies shortly so that we have outlines from which to begin discussions if indeed we hold this offsite meeting.

Julie Z. LeBlanc

U. S. Army Corps of Engineers

(504) 862-1597

---

**From:** LeBlanc, Julie Z MVN  
**Sent:** Friday, April 28, 2006 8:50 AM  
**To:** Breerwood, Gregory E MVN; Podany, Thomas J MVN; 'darryl\_clark@fws.gov'; 'gerryd@dnr.state.la.us'; 'richard.hartman@noaa.gov'; 'parrish.sharon@epa.gov'; 'britt.paul@la.usda.gov'  
**Cc:** Creel, Travis J MVN-Contractor; Monnerjahn, Christopher J MVN; 'kevin\_roy@fws.gov'; 'daniell@dnr.state.la.us'; 'rachel.sweeney@noaa.gov'; 'taylor.patricia-a@epa.gov'; 'john.jurgensen@la.usda.gov'; Browning, Gay B MVN  
**Subject:** RE: Draft Agenda for June 14th Tech Committee Mtg

Technical Committee Members:

In reviewing the draft agenda, there are 4 agenda items that are going to require some thought and discussion by the committee:

1. Programmatic Assessment – develop plan and schedule for “the road ahead”
2. Transitioning projects from CWPPRA to other authorities (do we use the de-authorization process or develop something new for transitioning projects?)
3. Interaction with CIAP (implications of using CIAP funds to build CWPPRA projects, CWPPRA potential to pickup O&M on projects build under CIAP, etc.)
4. FEMA claims for projects and how CWPPRA should handle any requests denied by FEMA

I would like to suggest the idea of having a Technical Committee offsite meeting prior to the June 14<sup>th</sup> meeting to begin some of the discussions on these topics. Having a face-to-face meeting seems to be a good way to get the ideas flowing. Even if committee members don't think that an offsite meeting would be needed, I believe that all would agree that we will need to have some serious “discussions” via email. **Please let me know your thoughts about an offsite by COB, Wednesday, 3 May 06. If you ARE interested in having an offsite meeting, please provide me your availability (and your P&E representative's availability) to meet between the period 15 May – 9 Jun 06.**

<< File: Draft Agenda\_June 14 TC Mtg.doc >>

Julie Z. LeBlanc

---

**From:** Creel, Travis J MVN-Contractor

**Sent:** Thursday, April 27, 2006 3:18 PM

**To:** Breerwood, Gregory E MVN; Podany, Thomas J MVN; LeBlanc, Julie Z MVN; Monnerjahn, Christopher J MVN; 'darryl\_clark@fws.gov'; 'gerryd@dnr.state.la.us'; 'richard.hartman@noaa.gov'; 'parrish.sharon@epa.gov'; 'britt.paul@la.usda.gov'

**Subject:** Draft Agenda for June 14th Tech Committee Mtg

Tech Committee,

I have attached the Draft version of the Agenda for the June 14th meeting. **Please review this agenda and submit any changes or comments no later than close of business on Friday, June 2, 2006.**

Please distribute throughout your agency if needed.

Thanks,

<< File: Draft Agenda\_June 14 TC Mtg.doc >>

*Travis Creel*

CWPPRA Contractor

Coastal Restoration Branch

USACE., New Orleans District

(504) 862-1071

**EXCERPTS from 12 Apr 06 Task Force Meeting Transcripts**

**Technical Committee Offsite Meeting  
Discussion Topic #3 – Interaction with CIAP**

**pages 20-29**

Are there any questions or comments from members of the public regarding the PPL 16 recommendation by the Tech Committee that we do not change the process and leave the number at four?

JUDGE EDWARDS:

It's amazing how many members of the public are reluctant to speak. I have some questions.

COLONEL WAGENAAR:

Sure.

JUDGE EDWARDS:

Judge Edwards for the record. It sounds like we have in the budget to the end of CWPPRA enough funds to build all of the projects that are on the books as it is today. Is that correct?

COLONEL WAGENAAR:

Correct.

JUDGE EDWARDS:

Okay. And I take it that CWPPRA is committed to constructing the fifty-four projects that we've spent money on to plan, but we haven't built yet?

COLONEL WAGENAAR:

That is correct.

JUDGE EDWARDS:

And we're continuing to add projects to the list which, I guess if we do, we won't have money to build everything. Is that correct?

COLONEL WAGENAAR:

It could be. It depends on the projects. I mean, it depends on what projects are added to the list.

I mean, potentially --

JUDGE EDWARDS:

Well, I mean, if we have enough money in the budget now as the funding is -- funding stream is forecasted to build and to maintain all the projects that we've done and all the projects that we have planned to date, is that the way it is, Julie? Did I understand that right?

JULIE LEBLANC:

That's correct.

JUDGE EDWARDS:

Then if we add anything to it, we're adding -- we're going outside of the forecasted budget going into the future?

JULIE LEBLANC:

Well, you have \$2.4 billion in the total program and PPL 1 through 15 is \$1.84 billion.

JUDGE EDWARDS:

So we can still add projects?

JULIE LEBLANC:

So you've got that difference to still add projects and have funding.

JUDGE EDWARDS:

But, obviously, you had mentioned that we're always looking for extra funds. If we could find funds here or find funds there, obviously we could add more projects to our CWPPRA list. And my question is -- I'm kind of coming about this a long way, but I would like to see the Task

Force consider, because I know the State is considering, at least I think the State is going to consider, the possibility of constructing CWPPRA projects with CIAP funding. And I have asked the State and they haven't given me an answer because they did not know, I said, "If you build a CWPPRA project with CIAP funds, will CWPPRA take care of operations and maintenance?" And it would seem like if somebody came to me and said, "We'll build your house for you, all you've got to do is maintain it once we're finished", that I would jump on that wagon. And so I'm asking the Task Force if you haven't considered, and if the State hasn't asked you that yet, I'm asking you on behalf of the public, if the State comes to you and asks you to construct a CWPPRA project, would you consider picking up operations and maintenance and consider that a bargain? I don't know -- Gerry, I haven't talked to you about this. I hope I'm not --

GERRY DUSZYNSKI:

Thanks.

JUDGE EDWARDS:

-- but this is coming from the public. This is not coming from the State. So, you know, whatever Gerry has to say about it, this is truly a concern of mine because I think if the State would consider doing any CWPPRA projects in that there are 54 of them that are planned, sitting there on the shelf waiting for construction funds and the State has said we would like to hit the ground running with CIAP funds and they would probably consider doing some of those, I think the Task Force, and it's a good time to do it, should consider saying, "Yeah, man, if you'll build these things we will take care of O&M in the future". So, with that bombshell, thank you.

COLONEL WAGENAAR:

Gerry, any comments?

GERRY DUSZYNSKI:

That's certainly a discussion item. One of the planning efforts, certainly we're doing the plan right now. We've extended the deadline. If you're a local government, we've given an extra 30 days on that. But one of the discussion points is do we look at some of the CWPPRA projects that haven't been constructed and are on the list? That's certainly a possibility. We thought it was premature to engage the Task Force. We may hit the next Technical Committee meeting, start talking about if we -- you know, when the list becomes available if some of those chosen we can start talking about how do you integrate that into the CWPPRA mind-set. And, certainly, there will be some discussion whether it's just plucked out. Do we engage the monitoring in or do we do something in between? Or we ask CIAP to fund monitoring.

So, anyway, it's not that we haven't thought about it. It's just that until this gets hatched a little bit better we don't want to go into a lot of what ifs. There was some discussion using CIAP money for state match. There was using -- you know, this thing can go all over and, quite frankly, until we get a list of projects and we see what's been submitted and start looking at the quantities because in the CIAP program, just to give you a little -- not to run on and on this, but you've got some guidance from MMS which tells us infrastructure, what's not, what you're -- 23 percent is for infrastructure and some of the infrastructure may be things that you would commonly think are environmental, for instance, the CWPPRA projects. So we have to look at what's going to roll out first and what they're going to let us do and then at that point I think we can do some fruitful discussions on how we're going to engage CWPPRA at that time.

RANDY MOERTLE:

Randy Moertle, Avery Island, Incorporated, McIlhenny Resources. Here's another little slant. Instead of -- I'd like to see you choose more for Phase I funding because the three of them I'm supporting are past number four on this ranking start -- no, but I mean besides that.

With Iberia Parish we had planned. I mean, you know, when we chose our project priority list for Iberia Parish, we had taken a lot of stuff that's already been engineered and designed and put

those into our project priority list. And since we're only getting \$8 million, you know, we've already taken out the cost of the engineering and design that we can go ahead and maybe start components of some of these or actually do an entire project. And so we would like to see CWPPRA pick up more of the engineering and design. I know we've got a lot of them on the books, but this is just one example of where we're getting additional funding and that would help the parishes actually have a place to go and it gives them some direction where to go. Those that have already been engineered and designed and approved by the Task Force, that should be much easier to just roll on into an actual project through other funding sources.

So, consider that before you think of just doing Phase I funding for four projects, especially now in light of all these emergency appropriations and all of these other funding streams that are coming into the system. I'd like to see more projects go into engineering and design. Thank you.

RICK HARTMAN:

I will say, Randy, that was one of the reasons -- one of the -- some of the thinking behind us increasing the number of projects being looked at on the priority project list. At the last Task Force meeting we increased them from seven [six] I think to ten just because we knew there was potential savings and, at least, initially looking at the feasibility of projects through the PPL process.

COLONEL WAGENAAR:

Other questions or comments from members of the public?

LESLIE SUAZO:

I'm Leslie Suazo, Director of the Coastal Restoration for Terrebonne Parish. And I certainly wouldn't want Mr. Edwards to think that anybody in the public is reluctant to comment and certainly Mr. Duszynski knows that's certainly not true of me.

But I would just like to add that from a Terrebonne Parish perspective, early on we ranked our number one project priority the Lock on the Houma Navigation Canal for CIAP purposes. However, we realize we may be up against the 23 percent infrastructure funding restriction, but we're hoping to have some consideration on that point.

However, we did as a plan B, if you will, rank priority projects in Terrebonne Parish and the whole basin according to our parish goals and according to the status of a particular project. And we did look at CWPPRA projects that have been engineered and designed and we are currently undergoing E&D. We will be including in our plan that we submit to the State, a list of ten projects that probably four of them have the engineering and design completed through CWPPRA, two of them are currently undergoing engineering and design and the other two I believe are just concepts at this time. But we have taken a look at that and certainly we're all hoping that if we are able to demonstrate some success to -- with this CIAP program that we'll be able to take a lot of these CWPPRA projects that have been vetted for environmental benefits before and take them to the next level through other funding sources whether it be WRDA or CIAP or, you know, future OCS revenues. So, again, certainly echo that and the more projects we have in the pipeline the better. Thank you.

COLONEL WAGENAAR:

Any other questions or comments from members of the public? Discussion?

GERRY DUSZYNSKI:

I just wanted to remind everybody -- get to swing this back to CWPPRA. One of the, I guess, reasoning behind cash flow was to have a number of projects ready to go in case we did have additional Federal funds or something else would come up and I think we've done that. We've got -- we have a list -- we have projects and not enough money, and so I think we've got the best of both worlds right now. The problem is getting a delicate balance of how many projects do

you want to design and put on the shelf waiting for some money to come and to be ready and at the same time not give false hope to designing a lot of projects and not really building but a couple. So -- but I think we're there.

COLONEL WAGENAAR:

Other comments from members of the Task Force? All right. So let me try and summarize that whole issue, if I can.

Technical Committee recommended we not change the process and leave the number at four for Phase I funding. Then Judge would also -- brought up wanted the Task Force to look at the use of CIAP funding which is kind of a separate issue. And then there was a recommendation that they go above four again from, was it Randy? Randy.

So the issue I think in front of the members is two issues right now. Do we take the recommendation of the Technical Committee and stay at four or do we continue to look at increasing that number? And then the next issue, I think which is separate, which I'd like to have a separate motion on is the looking at CIAP funding, you know, down the road.

So, the first issue I would put on the table, is there a motion on the Technical Committee's recommendation to leave the number at four?

RICK HARTMAN:

I so move.

SAM HAMILTON:

I'll second.

COLONEL WAGENAAR:

All those in favor? (Unanimous aye) All those opposed? Okay. So the motion carries to leave the number at four for Phase I funding.

The second issue on the table is the CIAP funding issue for CWPPRA which is really a State issue, but I believe that -- I think some -- I think the Technical -- one of the committees has to look at it and come back to the Task Force and provide us with some information and discussion and potential recommendations, but they've got to do that in coordination with the State. So, I guess my recommendation would be that we move that to a committee and that would be the motion I would make. Is there any -- is there a motion to move it to a committee?

**BILL HONKER:**

Well, I'd suggest -- I mean, we can broaden it beyond the CIAP program, I think. The question would -- or I think the proposal was, would CWPPRA be open to doing operation and maintenance on projects that some other funding source, whether it's CIAP or somebody else actually builds a project. So, yeah, we could refer that question to the Technical Committee.

**COLONEL WAGENAAR:**

Okay.

**RICK HARTMAN:**

I think the ball's in DNR's court. It's a State program. I'd prefer to let DNR make request to the Tech Committee when they're ready to do so, when they've got their ducks worked out, you know, all the issues worked out. You know, it's certainly not a no, but I think they need to make a recommendation or request.

**COLONEL WAGENAAR:**

We can certainly do that. I think it might be worth some discussion at the Technical Committee level to at least get the feeling of the committee on how they want to handle this. In other words,

if -- and I forgot some of the parishes may be picking up these projects which is not even particularly a State function, how do you -- you know, is it going to be required to do monitoring and maintenance or if the project is just constructed, does CWPPRA decide to step away and say it's not a CWPPRA project anymore? So I think there are some good discussions there that don't necessarily have to be project-specific at this time. But I think we need to broaden that, at least decide how the interaction is going to work.

DON GOHMERT:

I think it's important for the Task Force to give some sense of support for the idea of sharing in these projects, particularly projects that have already been identified as CWPPRA. We are always looking for more funds, whether it's cash or in kind. We've done that in the past. I think Holly Beach is one where we've demonstrated that you can add value by sharing resources and sharing money. And whether it is an operation and maintenance or whether it's engineering and design or whatever, the instruments to make that happen is just nothing more than really a memorandum of agreement between the parties. So I think we ought to be very positive in saying yes, we want to pursue those, Gerry, and those discussions and look at all combinations for the State, as well as the parishes where CWPPRA has already made an investment and identify these as priority projects.

COLONEL WAGENAAR:

All right. So let me try and put this into one can. All right. I think the motion -- or what I would ask for a motion on is that we ask the Technical Committee to address CIAP or other funding sources for CWPPRA projects and at the same time look at potential for, if we get CIAP funding, to look at O&M, but just as an information briefing to the Task Force at the next Technical Meeting -- at the next meeting. And pending an official request from the State where a decision has been made to use or allocate CIAP funding to CWPPRA projects we will take that motion on later on pending that official request from the State. Is there a motion to do that?

BILL HONKER:

So moved.

COLONEL WAGENAAR:

Is there a second?

DON GOHMERT:

Second.

COLONEL WAGENAAR:

All those in favor? (Unanimous ayes) All those opposed? Okay. That motion carries. That was only the first half of that item.

The second item for number five is item B, a discussion of demonstration -- the demonstration projects. And let me try and summarize this and if I'm wrong or make a mistake someone correct me very quickly.

Currently there is a SOP process for selecting demonstration projects that CWPPRA has approved, the Task Force has approved in the past. There has been a cap on the total cost or the total amount allocated demonstration projects of \$2 million. Historically, however, the Task Force, because of funding issues, generally approves funding for all PPL projects and the remainder is insufficient to even give to a demonstration project. So, historically, demonstration projects have not been funded. This issue was raised at the last Task Force meeting in that those folks working demonstration projects, whether they're viable or not viable projects, were just getting tired of not getting any attention and having, you know -- and it really is potentially the seed corn for future projects if they are viable demonstration projects.

So we asked the Technical Committee to look at this and they've come back with a

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TECHNICAL COMMITTEE MEETING

June 14, 2006

**DISCUSSION: STATUS OF FEMA CLAIMS FOR CWPPRA PROJECTS**

**For Discussion:**

As a follow-up to the report from LDNR on the status of FEMA claims for CWPPRA projects at the April 12, 2006 Task Force meeting, the Technical Committee will discuss the potential for continued CWPPRA investment in O&M in the event FEMA funds to repair hurricane damaged projects are not approved. The Technical Committee will report back to the Task Force and LDNR will provide a more thorough review of the status of the outstanding FEMA claims at the July 2006 Task Force meeting.

FEMA CLAIMS FOR CWPPRA PROJECTS					(A)	(B)			(C)	(D)	(E) = (B) - (C)	(F) = (B) - (D)	(G) = (F) - (A)
PPL	Agency	Project No.	Project Name	FEMA Status	FEMA-Submitted Repair Estimate	Current Approved O&M Estimate (20-yr or 3-yr rolling amt)	20-yr Estimate	3-yr Rolling Amt	Current Obligations, O&M	Current Expenditures, O&M	Unobligated Balance, O&M	Unexpended Balance, O&M	POTENTIAL NEED: (Unexpended Balance, O&M) MINUS (FEMA-Submitted Repair Estimate)
3	FWS	CS-23	Sabine Structure Replacement	submitted	\$ 145,000.00	\$ 567,987.00	X		\$ 428,955.00	\$ 45,748.00	\$ 139,032.00	\$ 522,239.00	\$ 377,239.00
11	NRCS	CS-31	Holly Beach Sand Management	submitted	\$ 2,100,000.00	\$ 340,000.00	X		\$ 198,062.00	\$ 41,447.00	\$ 141,938.00	\$ 298,553.00	\$ (1,801,447.00)
3	NRCS	CS-04	Cam/Creole Maintenance	submitted	\$ 8,000,000.00	\$ 3,736,718.00	X		\$ 3,736,718.00	\$ 969,440.00	\$ -	\$ 2,767,278.00	\$ (5,232,722.00)
6	COE	TV-14	Marsh Island HR	submitted	\$ 300,000.00	\$ 700,000.00	X		\$ 582,892.00	\$ 18,915.00	\$ 117,108.00	\$ 681,085.00	\$ 381,085.00
8	NMFS	PO-24	Hopedale HR	submitted	\$ 100,000.00	\$ 449,209.00	X		\$ 395,920.00	\$ 14,092.00	\$ 53,289.00	\$ 435,117.00	\$ 335,117.00
10	FWS	CS-32	E.Sabine Lake HR (in const)	submitted	\$ 225,000.00	\$ 13,267.00		X	\$ -	\$ -	\$ 13,267.00	\$ 13,267.00	\$ (211,733.00)
1	NRCS	BA-02	GIWW/Clovelly HR	submitted	\$ 50,000.00	\$ 1,235,079.00	X		\$ 1,074,419.00	\$ 81,156.00	\$ 160,660.00	\$ 1,153,923.00	\$ 1,103,923.00
2	NRCS	CS-20	E. Mud Lake	submitted	\$ 150,000.00	\$ 1,323,955.00	X		\$ 586,475.00	\$ 305,431.00	\$ 737,480.00	\$ 1,018,524.00	\$ 868,524.00
2	NRCS	CS-21	Highway 384	submitted	\$ 50,000.00	\$ 345,898.00	X		\$ 345,898.00	\$ 175,637.00	\$ -	\$ 170,261.00	\$ 120,261.00
1	FWS	CS-17	Cameron Creole Plugs	submitted	\$ 30,000.00	\$ 198,245.00	X		\$ 171,391.00	\$ 7,500.00	\$ 26,854.00	\$ 190,745.00	\$ 160,745.00
8	NRCS	ME-11	Humble Canal	submitted	\$ 100,000.00	\$ 239,858.00	X		\$ 212,975.00	\$ 20,022.00	\$ 26,883.00	\$ 219,836.00	\$ 119,836.00
2	NRCS	BS-03a	Caernarvon Outfall Management	submitted	\$ 300,000.00	\$ 1,172,767.00	X		\$ 933,521.00	\$ 159,218.00	\$ 239,246.00	\$ 1,013,549.00	\$ 713,549.00
1	EPA	TE-20	Isles Dernieres East Island	submitted	\$ 4,000,000.00	\$ -			\$ -	\$ -	\$ -	\$ -	\$ (4,000,000.00)
9	EPA	TE-40	Timbalier Island Dune	submitted	\$ 4,500,000.00	\$ -		X	\$ -	\$ -	\$ -	\$ -	\$ (4,500,000.00)
2	EPA	TE-24	Isles Dernieres Trinity Island	submitted	\$ 3,000,000.00	\$ -	X		\$ -	\$ -	\$ -	\$ -	\$ (3,000,000.00)
3	EPA	TE-27	Whiskey Island	submitted	\$ 3,000,000.00	\$ -	X		\$ -	\$ -	\$ -	\$ -	\$ (3,000,000.00)
3/4	NMFS	TE-25/TE-30	East Timbalier #1 and #2	submitted	\$ 3,000,000.00	\$ -	X		\$ -	\$ -	\$ -	\$ -	\$ (3,000,000.00)
					\$ 29,050,000.00	\$ 10,322,983.00			\$ 8,667,226.00	\$ 1,838,606.00	\$ 1,655,757.00	\$ 8,484,377.00	\$ (20,565,623.00)

# State of Louisiana



KATHLEEN BABINEAUX BLANCO  
GOVERNOR

SCOTT A. ANGELLE  
SECRETARY

## DEPARTMENT OF NATURAL RESOURCES OFFICE OF COASTAL RESTORATION AND MANAGEMENT

### MEMORANDUM

May 9, 2006

To: Gerald Duszynski, OCR&M Assistant Secretary

Through: Christopher Knotts, PE, Director

Through: David Burkholder, PE, Field Engineering Section Manager *DB*

From: M. Garrett Broussard, PE, Senior Operations and Maintenance Engineer *MGB*

**Subject: LDNR Priority for FEMA Claims;**

As requested by the CWPPRA Task Force at their April 12, 2006 meeting, please find a prioritized listing of all project claims made to FEMA, along with an updated status.

Subsequent to the report submitted to the Task Force, the following two projects have received funding approval from FEMA. The project information is as follows.

1. Replace Sabine Refuge Water Control Structures (CS-23): All three structures were substantially damaged and cannot be operated. The cost to repair project is estimated at \$600,000. The remaining maintenance budget is approx. \$525,000. The amount of approved FEMA funding is \$145,000.
2. Holly Beach Sand Management (CS-31): The sand fencing and plantings were completely destroyed and will be replaced. The sand fill from the original construction held up well, but the sand dunes were washed away across the length of the project. The cost to repair both items is estimated at \$3,000,000. The amount of FEMA funding approved is \$2,100,000.

The following four projects are classified as "Top Priority" and are considered to be damaged such that operations are compromised and the goals of the project can no longer be met.

3. Cameron Creole Maintenance (CS-04a): The Cameron Creole Maintenance project suffered considerable damage and is the only project currently not capable of being operated at a fully effective level due to the storm events. There are four major levee breaches near the water control structures, the existing 17 mile levee has severely degraded in many areas, and all five water control structures need of repair. The cost to repair these items is \$8,000,000. The remaining maintenance budget is approx. \$3,000,000. If this project is not repaired, the operation of the five existing structures will be futile and the 4 existing breaches will continue to expand therefore exacerbating the problem. Also, the most damaged portion of the levee system will continue to be overtopped creating the possibility of the development of more breaches.
4. Marsh Island Hydrologic Restoration (TV-14): Marsh Island sustained significant damage at two of the six existing structures. One structure breached on the eastern end and another structure was left standing in the Gulf due to the shoreline eroding. The cost to repair the damage is estimated at \$300,000. The remaining maintenance budget is approx. \$300,000. The condition of the damaged structures seriously jeopardizes the goals of the entire project.
5. Hopedale Hydrologic Restoration (PO-24): The Hopedale monitoring devices used to operate the structures need replacing along with handrails and fences. The repair cost is estimated at \$100,000. The remaining maintenance budget is approximately \$470,000.
6. East Sabine Lake Hydrologic Restoration CU#1 (CS-32): The Pine Ridge structure was severely damaged, and numerous vegetative plantings along the terraces were destroyed. The repair cost is estimated at \$225,000, and the approved three year budget is \$13,267. While this project is still under construction, the damaged portions were accepted prior to Hurricane Rita.

The following 6 projects are considered damaged, but are not impeding the normal operation of the project or negatively affecting the goals of the project.

7. GIWW to Clovelly Hydrologic Restoration (BA-02): The GIWW to Clovelly project needs minor repairs to a rock weir and one of the conveyance channels behind a water control structure needs to be dredged. The cost to repair these items is estimated at \$50,000.
8. East Mud Lake Marsh Management (CS-20): Numerous conveyance channels are clogged with marsh/ debris and several structures experienced erosion around the edges. The cost to repair these items is estimated at \$150,000.

9. Highway 384 Hydrologic Restoration (CS-21): The access road/hydrologic barrier was damaged and repair cost is estimated at \$50,000.
10. Cameron Creole Plugs (CS-17): The boat barrier/handrail was damaged and the repair cost is estimated at \$30,000.
11. Humble Canal Hydrologic Restoration (ME-11): The Humble Canal conveyance channel is clogged with marsh/debris and the repair cost is estimated at \$100,000.
12. Caernarvon Diversion Outfall Management (BS-03a): The damage to this project consists of numerous clogged conveyance channels. Strewn marsh pieces and other debris were deposited by the storm into the channels. The channels will need to be cleared of marsh deposits and debris for the project to function as designed. The cost for repair is estimated at \$300,000. *Note: This project is being observed closely to see if intense operation of the structure will affect the condition of the conveyance channel in a positive/ negative fashion.*

The following 5 projects are all barrier island sand management projects and are considered low priority, due to the lack of maintenance funding and the failure for FEMA to pay for prior claims associated with these projects. However, it is felt that the recent creation of a state maintenance fund specifically created for barrier island use has increased the chances of acquiring FEMA funding.

13. Isle Dernieres Restoration East Island (TE-20): The East Island Restoration project was overtopped by the storm surge and a breach in the island was created near the eastern end. In addition to the breach, some shoreline erosion on both the gulf and marsh side was noticed. The cost to repair was estimated at \$4,000,000.
14. Timbalier Island Dune and Marsh Restoration (TE-40): This project experienced breaching and removal of material on the east quarter of the project length. It appears that approximately 2500 linear feet of the original project footprint was removed. The estimated cost to repair this project is \$4,500,000.
15. Isle Dernieres Restoration Trinity Island (TE-24): Trinity Island experienced erosion and loss of material along the Gulf and back bay. The cost to repair is estimated at \$3,000,000.
16. Whiskey Island Restoration (TE-27): Whiskey Island experienced erosion and loss of material along the Gulf and back bay. The cost to repair is estimated at \$3,000,000.
17. East Timbalier Island Sediment Restoration (TE-25/TE-30): The island experienced erosion of the dune and beach along the gulf side. The west end experienced dune and marsh platform erosion. The cost to repair is estimated at \$3,000,000.

Mr. Gerald Duszynski  
May 9, 2006  
Page 4 of 4

At this time, the CED Field Engineering Section has been instructed to halt all major work associated with the FEMA claims. Each project will begin work upon receipt of an approved Project Worksheet (PW) number from FEMA. The approval time of the remaining PWs is estimated at 4 to 12 weeks. In the event that FEMA denies all or part of the proposed claims, insufficient funding will exist.

Due to the overall importance of the damaged projects, any length of time spent "on hold" is considered detrimental to the individual project and to the wetlands as a whole.

All projects affected have sufficient maintenance funds remaining to begin planning and engineering design. However, it is also understood that the CWPPRA maintenance budgets were not approved for the purpose of hurricane repair.

In light of these facts, it is recommended that LDNR request funding from the CWPPRA Task Force to accomplish the rehabilitation of the above mentioned projects. Funding approval could be made contingent upon the extent of FEMA's rejection of the above mentioned claims.

In addition, FEMA may not reimburse Engineering, Design and Inspection fees up to the actual costs. It is recommended that CWPPRA reimburse all Engineering, Design and Inspection costs above and beyond approved funding from FEMA.

Lastly, it should be reiterated, that all work undertaken for the repair of the damaged CWPPRA projects will first be jointly approved by the appropriate DNR and Federal Sponsor personnel.

If additional information is needed, please advise.

**EXCERPTS from 12 Apr 06 Task Force Meeting Transcripts**

**Technical Committee Offsite Meeting  
Discussion Topic #4 – FEMA Claims**

**pages 47-56**

Yeah, you're off the hook. No more reports to the Task Force unless someone wants it. Okay. Any questions or comments from members of the public regarding those two projects? Okay, good. Let's move on to item number nine. Another report to the Task Force, an update on the status of FEMA claims for CWPPRA projects.

GARRETT BROUSSARD:

Thank you. Garrett Broussard with the Department of Natural Resources and I'd like to direct your attention -- we have some documents here. Is that right? If not, I have some copies.

Which is a FEMA update on Hurricane repairs and also --

COLONEL WAGENAAR:

It's in your binder.

GARRETT BROUSSARD:

Okay. If you don't, I do have some extra copies. We have assessed 151 projects both -- this is all CWPPRA in all phases of the planning, construction, operation and maintenance and also WRDA projects and also State only projects. And I wanted to say first off that the projects themselves, we assess them according to the structural damage of the projects, not necessarily the wetland damage. Because that -- FEMA does not address that. They address only existing structures. So I've listed here, of the 151 projects, 19 projects were considered damaged and we are in the process of working with the FEMA representative and trying to get some type of approval or disapproval of these 19. All 19 projects have been submitted to them. There's some we're still giving them information on. Three have been submitted from the FEMA representative to the regional office to get a final project worksheet number. And those three are indicated as the Holly Beach Sand Management, Highway 384 and Pecan Island, which is a State only project.

The major damages -- the total monies associated with all these projects is \$31 million and that's probably on the high side. It's probably ranging from \$20 - \$31 million with most of the damage

coming from the Barrier Islands, Holly Beach Sand Management and Cameron-Creole Maintenance. Which the Cameron-Creole Maintenance Project is actually the -- I would consider it the most damaged project. It's got an \$8 million estimate to it. And actually that project is not actually operating in a proper manner and we're trying to address that as soon as possible. So that's -- do you have any questions on that?

COLONEL WAGENAAR:

Yeah. I mean, who's talked to the FEMA folks? I mean, what approximately -- what are they indicating the success of these requests are going to be?

GARRETT BROUSSARD:

They're very quiet about that. Good. Overall, it's a good report. He believes that most of these projects fit into their guidelines and he's making no promises. But that's about all I can say right now.

COLONEL WAGENAAR:

I mean, I guess I -- maybe let me back up a little bit. The question -- I guess the question I would have is the State has the burden here to get this from FEMA because the State has ownership of these projects, correct?

GARRETTBROUSSARD:

Right.

COLONEL WAGENAAR:

Okay. I'm just trying to figure out other potential solutions if FEMA doesn't come through with this funding. I mean, what other potential solutions --

GARRETT BROUSSARD:

Well, we do have maintenance funds in the majority of these projects. Unfortunately, not enough maintenance funds on some of these projects. And that would be the -- you know, we are moving forward with the ones that -- we're getting with the Federal sponsors and that we agree that it needs to be corrected regardless and we have enough money in the maintenance budget, FEMA has agreed they will pay retro --

COLONEL WAGENAAR:

Reimburse you?

GARRETT BROUSSARD:

Yeah, they will reimburse some.

GERRY DUSZYNSKI:

Colonel, could I -- I guess from a little bit higher view on this, the -- FEMA over the years has done pretty well with reimbursing us on structural components, operational-type levees. Something that you can point to. The harder discussion has been Barrier Island where we have a project, we don't have any maintenance cost -- maintenance built into it and, therefore, arguing that we need to get some sand put back. So, in essence, if it's a structural component we do pretty good. With the devastation of these two storms, though, Gary mentioned to me early this morning that this same gentleman that we're working directly with in FEMA is also doing a number of buildings, you know, hospitals, et cetera in New Orleans. So, obviously, we get pushed to the back on some of these until those are taken care of. But I think we're in pretty good shape.

On another note, from -- you know, we talked about synergistic things with CWPPRA and CIAP and that sort of stuff, the State has instituted a barrier island maintenance program at the state level. We put some money into it. The intent of that is to answer the argument that FEMA has that CWPPRA has built these projects with no maintenance money involved and what we're

doing on the state end is saying we do have a maintenance program now and that is sort of a trip wire. If you have a maintenance program you have a built in -- we're planning on doing maintenance on it, then they tend to look at the funding of rebuilding those projects a little more favorably. So we're trying to do that from our side.

GARRETT BROUSSARD:

That has been rejected, the barrier island projects? FEMA has --

COLONEL WAGENAAR:

They have rejected those. Is there a timeline from FEMA regarding the funding? I mean, ballpark?

GARRETT BROUSSARD:

Yeah. He's -- the three that we've submitted, he's surprised we haven't gotten answers yet. And so he's working on that and he's promising within the next month to submit the rest of the projects to the regional office.

BILL HONKER:

Assuming this effort is successful, how is this going to work? I mean, what's the money flow? How's the work going to get done and is there any -- going to be any -- is the Task Force or the Federal agency membership going to be required to do anything? I guess I'm wondering how this is going to work.

GARRETT BROUSSARD:

Okay. Basically the money comes through the Louisiana Office of Emergency Preparedness and it's not delivered -- we don't get any money until we actually put something on the ground. That's a change that has been made for this hurricane. And so we need to have some money in place to cover it until that time, which I'm not sure exactly how that's going to take place right

now.

GERRY DUSZYNSKI:

Essentially, when we get the approval that we have an authorization to rebuild whatever we're (inaudible) we would just do plans and specs and request reimbursement from FEMA.

COLONEL WAGENAAR:

I guess my question is going to be if the burden is on the State and FEMA does not come through with the funding, what is the State's plan to do these repairs to these projects or are we just going to write off \$31 million in CWPPRA projects? Well, more than that, but \$31 million - - I mean, what's the plan beyond FEMA?

GERRY DUSZYNSKI:

I think once those come in, Colonel, we would have to have a discussion because on some it's -- for instance, barrier islands, you're just talking about a, you know, a couple hundred feet of reduction in the project and it may not be anything we can actually get out there with a dredge and fix. On some of those we've done sand fencing and some other things to beef up the projects, but it hasn't been a complete mobilization to go out there and do it. On some of the levee works, Cameron-Creole for instance, to make that operational we may have to have some discussions. If FEMA doesn't cover it, do we want to spend what money we have already budgeted for operation and maintenance? So, I guess it depends on the type of project.

RICK HARTMAN:

And to a certain extent I -- for those projects that actually have structures, I don't consider necessarily a barrier island a structure, but, for example, Cameron-Creole or some of the other projects that actually have structures and that have been rendered inoperable, maybe what DNR can do is put together an estimate for those subset of these projects once they know what FEMA's going to do and, you know, we're going to be getting \$70 million next year. We have a

pot of funds that have been obligated, but not spent, to a certain extent DNR could make a recommendation and treat this as a separate project or treat each project separately. You know, there may be some projects that are more -- that we want to reinvest some additional dollars in. I wouldn't necessarily want to fund every project carte blanche, but we may -- you know, there's no reason that DNR couldn't request CWPPRA reinvest some money in it.

COLONEL WAGENAAR:

Well, I guess I would ask the issue then becomes, okay, the State has the burden for O&M on these projects. Okay. So and then now you raised the dilemma because now you're coming back to the Task Force for O&M funds, okay, which I can just bet my lawyers would have a field day with that. I don't know what that opinion would be. I guess, at this point I'm trying to figure out, you know, if these are credible, viable, successful, fully operational doing their intend -- accomplishing the intended purpose CWPPRA projects and the State is working on multiple different axes on coastal restoration issues to include CIAP funding and CPRA issues, then why wouldn't the State put this at the top of the list to get this repaired in regards to the use of some of their CIAP funds? I mean, I'm just looking at other solutions. Because I frankly don't have any confidence that FEMA's going to come through with a hundred percent of that \$31 million. And so I'm looking for what's the State's plan to get this prioritized because we can't let these flounder out here and not get repaired.

So I know you don't have the answers. Could we ask -- could the Task -- I mean, my recommendation would be the State come back to us, work this hard before the next meeting and come back with better resolution. I would also ask that we talk -- we look at Rick's discussion, probably the Technical Committee look at Rick's discussion of, you know, can we come back to CWPPRA for repair funds, emergency situation? I don't know, but maybe the Technical Committee can look at that. But that the State would come back at the next Task Force meeting and give us a more comprehensive brief on where in the heck we're going with this.

GARRETT BROUSSARD:

There's no doubt within a month we should have all the answers from FEMA. I mean, we're kind of waiting on them now, so...

GERRY DUSZYNSKI:

Colonel, one thing we could do I think to clarify this a little bit more is to -- we'll get the Technical Committee a report on projects that -- as Rick talked about, you know, some that maybe are inoperable at this point that we need to do something with to make them work and then sort of have a priority list or something that may not need anything immediately and we can talk about that.

You know, part of the problem is we've got two sets of project types out there also. But the PPL 1 through 8 had an agreement that we would fund 20 years worth of operation and maintenance. Now, the storms sort of throw that all out, but that -- you know, the State is sort of the custodian to do that. On the others, we just have the rolling three year cushion so to speak. And we have come back at certain points and asked for additional money if they've gone over budget or we've left that out. Now, the storm sort of changed all that and I think that's going to be a good discussion of the Technical Committee is how much do you want to invest to keep these projects going. Because at some point we can look at this as such that you'll spend all your money on operation and maintenance and not build any projects. Is that where you want to go? I don't want to discuss that now, but certainly that would be something that we'd have to look at.

DON GOHMERT:

Well, I think we need to try to define what is O&M because this was a natural disaster and it's -- and I don't think that maintenance generally is defined as restoration and repair of natural disasters. It far exceeds what we would anticipate under just regular maintenance, day-to-day wear and tear.

GERRY DUSZYNSKI:

And one of the discussions is, as we talked about, operation of a successful project, what does that mean and what are the ramifications if we do say we're not going to get it back to the operational condition? You know, we've signed agreements with landowners and that sort of stuff. So, I mean, there are issues out there on how do we deal with this.

DON GOHMERT:

You bet. You bet. And the earlier discussion that you had is that we looked at all these projects and they did take a whipping, but every one of them fared better than areas where there were no projects. So do we abandon that right now? And I think, Garrett, I applaud your efforts for working with FEMA, but you'll probably make wine sooner than you'll get an answer back from them. So if you're -- you're saying in a month, I would say probably two months and hopefully by the next quarterly meeting of the Task Force we will have an answer from them on these projects. But we do need to keep pressing because it is important. We're fixing to go into another storm season as bad or worse than the last one by all accounts and these impaired structures, these impaired projects are going to take an even worse whipping if we're unlucky enough to have a season like last year.

SAM HAMILTON:

Did I hear that we -- that FEMA does have a complete list?

GARRETT BROUSSARD:

Yes, they do. They have information on all the projects. He is in the process of putting it together to submit for Project Worksheet (PW). He's done three of them already and we've not heard from those three.

SAM HAMILTON:

Those decisions are made at the regional level or are they made at headquarters?

GARRETT BROUSSARD:

I believe it's regional level. And if they come back negative, we can appeal to their main office.

GERRY DUSZYNSKI:

There's quite a lot of give and take in this. You submit an initial request for damage or whatever, then we have to go out and show them projects. We have to then resubmit a complete estimate. Garrett jump in. And then at that point, the point you submitted all the information, then they take a look at it and submit it to their regional people and we supply them information as that goes along.

GARRETT BROUSSARD:

Good luck. And I mean, most of these projects in the past for the last three hurricanes they have paid these type of things. So I could tell you that.

GERRY DUSZYNSKI:

Garrett, I will say that it does take a while. I think we're bidding Lili, Hurricane Lili repairs out now. So, I mean, that's...

COLONEL WAGENAAR:

Any questions or comments from the members of the public regarding this report? Sir?

BOB SCHROEDER:

Bob Schroeder with C.H. Fenstermaker and Associates. There's another source of funding that I haven't heard discussed, Colonel. Public Law 99 provides Federal funds for the repair of damaged Federal projects, particularly flood control. Now, I'm not sure whether CWPPRA would fit under that and it would admittedly be a stretch, but it would be certainly worthwhile I think to investigate the possibility of using Public Law 99 funds if the FEMA funds don't work

out, which I think is a real possibility.

TOM PODANY:

Sir, we have tried to look at that. And initial review was that because it's coastal restoration we would not be eligible for PL8499 funding, but we can go back and revisit that.

COLONEL WAGENAAR:

Okay. Can we get just an opinion from the lawyers on that?

TOM PODANY:

We'll do that.

COLONEL WAGENAAR:

Okay. Thanks. Any other questions or comments from members of the public regarding that comment? Okay. Let's move on to the next report, Outreach Committee Report. Gabrielle Bodin.

GABRIELLE BODIN:

Hello, everybody. I'm Gabrielle Boudreaux Bodin. I'm the Outreach Coordinator for CWPPRA and I'm here to give the highlights of the quarterly report. The full report is available in the Task Force binder. So if you want to see all the details, you can see all that there.

We have provided copies of various materials to the Task Force Members. You'll see you had a stack of things in front of you when you sat down today. One of them is the latest issue of *WaterMarks* and it's Louisiana's Wetlands After the Storms and it discusses CWPPRA projects and how they stood up to the storms and what we're finding, at least the preliminary findings on wetland impacts from the storms. One interesting thing, too, is another popular issue. We're getting requests for classrooms sets to educate children about what's going on out there. Ken

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TECHNICAL COMMITTEE MEETING

June 14, 2006

**ADDITIONAL AGENDA ITEMS**

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT  
TECHNICAL COMMITTEE MEETING

June 14, 2006

**DATE OF UPCOMING TASK FORCE MEETING**

The summer Task Force meeting will be held July 12, 2006 in Baton Rouge, Louisiana.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TECHNICAL COMMITTEE MEETING

June 14, 2006

**DATES OF FUTURE PROGRAM MEETINGS**

**2006**

July 12, 2006	9:30 a.m.	Task Force	Baton Rouge
August 30, 2006	7:00 p.m.	PPL 16 Public Meeting	Abbeville
August 31, 2006	7:00 p.m.	PPL 16 Public Meeting	New Orleans
September 13, 2006	9:30 a.m.	Technical Committee	New Orleans
October 18, 2006	9:30 a.m.	Task Force	New Orleans
December 6, 2006	9:30 a.m.	Technical Committee	Baton Rouge

**2007**

January 31, 2007	9:30 a.m.	Task Force	Baton Rouge
March 14, 2007	9:30 a.m.	Technical Committee	New Orleans
April 11, 2007	9:30 a.m.	Task Force	Lafayette
June 13, 2007	9:30 a.m.	Technical Committee	Baton Rouge
July 11, 2007	9:30 a.m.	Task Force	New Orleans
August 29, 2007	7:00 p.m.	PPL17 Public Meeting	Abbeville
August 30, 2007	7:00 p.m.	PPL17 Public Meeting	New Orleans
September 12, 2007	9:30 a.m.	Technical Committee	New Orleans
October 17, 2007	9:30 a.m.	Task Force	New Orleans
December 5, 2007	9:30 a.m.	Technical Committee	Baton Rouge

**2008**

January 30, 2008	9:30 a.m.	Task Force	Baton Rouge
------------------	-----------	------------	-------------

Coastal Wetlands Planning, Protection & Restoration Act  
Public Law 101-646, Title III  
(abbreviated summary of the Act, not part of the Act)

**SECTION 303, Priority Louisiana Coastal Wetlands Restoration Projects**

Section 303a, Priority Project List

- NLT Jan 91, Sec. of Army (Secretary) will convene a Task Force
  - Secretary
  - Administrator, EPA
  - Governor, Louisiana
  - Secretary, Interior
  - Secretary, Agriculture
  - Secretary, Commerce
- NLT 28 Nov. 91, Task Force will prepare and transmit to Congress a Priority List of wetland restoration projects based on cost effectiveness and wetland quality.
- Priority List is revised and submitted annually as part of President's budget

Section 303b Federal and State Project Planning

- NLT 28 Nov 93, Task Force will prepare a comprehensive coastal wetland Restoration Plan for Louisiana
- Restoration Plan will consist of a list of wetland projects ranked by cost effectiveness and wetland quality
- Completed Priority Plan will become Priority List
- Secretary will insure that navigation and flood control projects are consistent with the purpose of the Restoration Plan
- Upon Submission of the Restoration Plan to Congress, the Task Force will conduct a scientific evaluation of the completed wetland restoration projects every 3 years and report findings to Congress

**SECTION 304, Louisiana Coastal Wetlands Conservation Planning**

Secretary: Administrator, EPA: and Director, USFWS will:

- Sign an agreement with the Governor specifying how Louisiana will develop and implement the Conservation Plan
- Approve the Conservation Plan
- Provide Congress with specific status reports on the Plan implementation

NLT 3 years after the agreement is signed, Louisiana will develop a Wetland Conservation Plan to achieve no net loss of wetlands resulting from development

**SECTION 305, National Coastal Wetlands Conservation Grants.**

Director USFWS, will make matching grants to any coastal state to implement Wetland Conservation Projects (Projects to acquire, restore, manage, and enhance real property interest in coastal lands and waters)  
Cost sharing is 50% Federal / 50% State

**SECTION 306, Distribution of Appropriations**

70% of annual appropriations not to exceed (NTE) \$70 million used as follows:

- NTE \$15 million to fund Task Force completion of Priority List and restoration Plan – Secretary disburses the funds.
- NTE \$10 million to fund 75% of Louisiana's cost to complete Conservation Plan, - Administrator disburses funds
- Balance to fund wetland restoration projects at 75% Federal, 25% Louisiana Secretary disburses funds

15% of annual appropriations, NTE \$15 million for Wetland Conservation Grants – Director, USFWS disburses funds

15% of annual appropriations, NTE \$15 million for projects by North American Wetlands Conservation Act – Secretary, Interior disburses funds

**SECTION 307, Additional Authority for the Corps of Engineers,**

Section 307a, Secretary authorized to:

Carry out projects to protect, restore, and enhance wetlands and aquatic/coastal ecosystems.

Section 307b, Secretary authorized and directed to study feasibility of modifying MR&T to increase flows and sediment to the Atchafalaya River for land building wetland nourishment.

- 25% if the state has dedicated trust funds from which principal is not spent
- 15% when Louisiana's Conservation Plan is approved

Sec. 301. SHORT TITLE.

This title may be cited as the "Coastal Wetlands Planning, Protection and Restoration Act".

Sec. 302. DEFINITIONS.

As used in this title, the term--

- (1) "Secretary" means the Secretary of the Army;
- (2) "Administrator" means the Administrator of the Environmental Protection Agency;
- (3) "development activities" means any activity, including the discharge of dredged or fill material, which results directly in a more than de minimus change in the hydrologic regime, bottom contour, or the type, distribution or diversity of hydrophytic vegetation, or which impairs the flow, reach, or circulation of surface water within wetlands or other waters;
- (4) "State" means the State of Louisiana;
- (5) "coastal State" means a State of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes; for the purposes of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands, and American Samoa;
- (6) "coastal wetlands restoration project" means any technically feasible activity to create, restore, protect, or enhance coastal wetlands through sediment and freshwater diversion, water management, or other measures that the Task Force finds will significantly contribute to the long-term restoration or protection of the physical, chemical and biological integrity of coastal wetlands in the State of Louisiana, and includes any such activity authorized under this title or under any other provision of law, including, but not limited to, new projects, completion or expansion of existing or on-going projects, individual phases, portions, or components of projects and operation, maintenance and rehabilitation of completed projects; the primary purpose of a "coastal wetlands restoration project" shall not be to provide navigation, irrigation or flood control benefits;
- (7) "coastal wetlands conservation project" means--
  - (A) the obtaining of a real property interest in coastal lands or waters, if the obtaining of such interest is subject to terms and conditions that will ensure that the real property will be administered for the long-term conservation of such lands and waters and the hydrology, water quality and fish and wildlife dependent thereon; and
  - (B) the restoration, management, or enhancement of coastal wetlands ecosystems if such restoration, management, or enhancement is conducted on coastal lands and waters that are administered for the long-term

conservation of such lands and waters and the hydrology, water quality and fish and wildlife dependent thereon;

(8) "Governor" means the Governor of Louisiana;

(9) "Task Force" means the Louisiana Coastal Wetlands Conservation and Restoration Task Force which shall consist of the Secretary, who shall serve as chairman, the Administrator, the Governor, the Secretary of the Interior, the Secretary of Agriculture and the Secretary of Commerce; and

(10) "Director" means the Director of the United States Fish and Wildlife Service.

### SEC. 303. PRIORITY LOUISIANA COASTAL WETLANDS RESTORATION PROJECTS.

#### (a) PRIORITY PROJECT LIST.--

(1) PREPARATION OF LIST.--Within forty-five days after the date of enactment of this title, the Secretary shall convene the Task Force to initiate a process to identify and prepare a list of coastal wetlands restoration projects in Louisiana to provide for the long-term conservation of such wetlands and dependent fish and wildlife populations in order of priority, based on the cost-effectiveness of such projects in creating, restoring, protecting, or enhancing coastal wetlands, taking into account the quality of such coastal wetlands, with due allowance for small-scale projects necessary to demonstrate the use of new techniques or materials for coastal wetlands restoration.

(2) TASK FORCE PROCEDURES.--The Secretary shall convene meetings of the Task Force as appropriate to ensure that the list is produced and transmitted annually to the Congress as required by this subsection. If necessary to ensure transmittal of the list on a timely basis, the Task Force shall produce the list by a majority vote of those Task Force members who are present and voting; except that no coastal wetlands restoration project shall be placed on the list without the concurrence of the lead Task Force member that the project is cost effective and sound from an engineering perspective. Those projects which potentially impact navigation or flood control on the lower Mississippi River System shall be constructed consistent with section 304 of this Act.

(3) TRANSMITTAL OF LIST.--No later than one year after the date of enactment of this title, the Secretary shall transmit to the Congress the list of priority coastal wetlands restoration projects required by paragraph (1) of this subsection. Thereafter, the list shall be updated annually by the Task Force members and transmitted by the Secretary to the Congress as part of the President's annual budget submission. Annual transmittals of the list to the Congress shall include a status report on each project and a statement from the Secretary of the Treasury indicating the amounts available for expenditure to carry out this title.

(4) LIST OF CONTENTS.--

(A) AREA IDENTIFICATION; PROJECT DESCRIPTION--The list of priority coastal wetlands restoration projects shall include, but not be limited to--

(i) identification, by map or other means, of the coastal area to be covered by the coastal wetlands restoration project; and

(ii) a detailed description of each proposed coastal wetlands restoration project including a justification for including such project on the list, the proposed activities to be carried out pursuant to each coastal wetlands restoration project, the benefits to be realized by such project, the identification of the lead Task Force member to undertake each proposed coastal wetlands restoration project and the responsibilities of each other participating Task Force member, an estimated timetable for the completion of each coastal wetlands restoration project, and the estimated cost of each project.

(B) PRE-PLAN.--Prior to the date on which the plan required by subsection (b) of this section becomes effective, such list shall include only those coastal wetlands restoration projects that can be substantially completed during a five-year period commencing on the date the project is placed on the list.

(C) Subsequent to the date on which the plan required by subsection (b) of this section becomes effective, such list shall include only those coastal wetlands restoration projects that have been identified in such plan.

(5) FUNDING.--The Secretary shall, with the funds made available in accordance with section 306 of this title, allocate funds among the members of the Task Force based on the need for such funds and such other factors as the Task Force deems appropriate to carry out the purposes of this subsection.

(b) FEDERAL AND STATE PROJECT PLANNING.--

(1) PLAN PREPARATION.--The Task Force shall prepare a plan to identify coastal wetlands restoration projects, in order of priority, based on the cost-effectiveness of such projects in creating, restoring, protecting, or enhancing the long-term conservation of coastal wetlands, taking into account the quality of such coastal wetlands, with due allowance for small-scale projects necessary to demonstrate the use of new techniques or materials for coastal wetlands restoration. Such restoration plan shall be completed within three years from the date of enactment of this title.

(2) PURPOSE OF THE PLAN.--The purpose of the restoration plan is to develop a comprehensive approach to restore and prevent the loss of, coastal wetlands in Louisiana. Such plan shall coordinate and integrate coastal wetlands restoration projects in a manner that will ensure the long-term conservation of the coastal wetlands of Louisiana.

(3) INTEGRATION OF EXISTING PLANS.--In developing the restoration plan, the Task Force shall seek to integrate the "Louisiana

Comprehensive Coastal Wetlands Feasibility Study" conducted by the Secretary of the Army and the "Coastal Wetlands Conservation and Restoration Plan" prepared by the State of Louisiana's Wetlands Conservation and Restoration Task Force.

(4) ELEMENTS OF THE PLAN.--The restoration plan developed pursuant to this subsection shall include--

(A) identification of the entire area in the State that contains coastal wetlands;

(B) identification, by map or other means, of coastal areas in Louisiana in need of coastal wetlands restoration projects;

(C) identification of high priority coastal wetlands restoration projects in Louisiana needed to address the areas identified in subparagraph (B) and that would provide for the long-term conservation of restored wetlands and dependent fish and wildlife populations;

(D) a listing of such coastal wetlands restoration projects, in order of priority, to be submitted annually, incorporating any project identified previously in lists produced and submitted under subsection (a) of this section;

(E) a detailed description of each proposed coastal wetlands restoration project, including a justification for including such project on the list;

(F) the proposed activities to be carried out pursuant to each coastal wetlands restoration project;

(G) the benefits to be realized by each such project;

(H) an estimated timetable for completion of each coastal wetlands restoration project;

(I) an estimate of the cost of each coastal wetlands restoration project;

(J) identification of a lead Task Force member to undertake each proposed coastal wetlands restoration project listed in the plan;

(K) consultation with the public and provision for public review during development of the plan; and

(L) evaluation of the effectiveness of each coastal wetlands restoration project in achieving long-term solutions to arresting coastal wetlands loss in Louisiana.

(5) PLAN MODIFICATION.--The Task Force may modify the restoration plan from time to time as necessary to carry out the purposes of this section.

(6) PLAN SUBMISSION.--Upon completion of the restoration plan, the Secretary shall submit the plan to the Congress. The restoration plan shall become effective ninety days after the date of its submission to the Congress.

(7) PLAN EVALUATION.--Not less than three years after the completion and submission of the restoration plan required by this subsection and at least every three years thereafter, the Task Force shall provide a report to the Congress containing a scientific evaluation of the effectiveness of the coastal wetlands restoration projects carried out under the plan in

creating, restoring, protecting and enhancing coastal wetlands in Louisiana.

(c) COASTAL WETLANDS RESTORATION PROJECT BENEFITS.--Where such a determination is required under applicable law, the net ecological, aesthetic, and cultural benefits, together with the economic benefits, shall be deemed to exceed the costs of any coastal wetlands restoration project within the State which the Task Force finds to contribute significantly to wetlands restoration.

(d) CONSISTENCY.--(1) In implementing, maintaining, modifying, or rehabilitating navigation, flood control or irrigation projects, other than emergency actions, under other authorities, the Secretary, in consultation with the Director and the Administrator, shall ensure that such actions are consistent with the purposes of the restoration plan submitted pursuant to this section.

(2) At the request of the Governor of the State of Louisiana, the Secretary of Commerce shall approve the plan as an amendment to the State's coastal zone management program approved under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455).

(e) FUNDING OF WETLANDS RESTORATION PROJECTS.--The Secretary shall, with the funds made available in accordance with this title, allocate such funds among the members of the Task Force to carry out coastal wetlands restoration projects in accordance with the priorities set forth in the list transmitted in accordance with this section. The Secretary shall not fund a coastal wetlands restoration project unless that project is subject to such terms and conditions as necessary to ensure that wetlands restored, enhanced or managed through that project will be administered for the long-term conservation of such lands and waters and dependent fish and wildlife populations.

(f) COST-SHARING.--

(1) FEDERAL SHARE.--Amounts made available in accordance with section 306 of this title to carry out coastal wetlands restoration projects under this title shall provide 75 percent of the cost of such projects.

(2) FEDERAL SHARE UPON CONSERVATION PLAN APPROVAL.--Notwithstanding the previous paragraph, if the State develops a Coastal Wetlands Conservation Plan pursuant to this title, and such conservation plan is approved pursuant to section 304 of this title, amounts made available in accordance with section 306 of this title for any coastal wetlands restoration project under this section shall be 85 percent of the cost of the project. In the event that the Secretary, the Director, and the Administrator jointly determine that the State is not taking reasonable steps to implement and administer a conservation plan developed and approved pursuant to this title, amounts made available in accordance with section 306 of this title for any coastal wetlands restoration project shall revert to 75 percent of the cost of the project: Provided, however, that such reversion to the lower cost share level shall not occur until the Governor, has been provided notice of, and opportunity for hearing on, any such determination by the Secretary, the Director, and Administrator, and the State has

been given ninety days from such notice or hearing to take corrective action.

(3) FORM OF STATE SHARE.--The share of the cost required of the State shall be from a non-Federal source. Such State share shall consist of a cash contribution of not less than 5 percent of the cost of the project. The balance of such State share may take the form of lands, easements, or right-of-way, or any other form of in-kind contribution determined to be appropriate by the lead Task Force member.

(4) Paragraphs (1), (2), and (3) of this subsection shall not affect the existing cost-sharing agreements for the following projects: Caernarvon Freshwater Diversion, Davis Pond Freshwater Diversion, and Bonnet Carre Freshwater Diversion.

#### SEC. 304. LOUISIANA COASTAL WETLANDS CONSERVATION PLANNING.

##### (a) DEVELOPMENT OF CONSERVATION PLAN.--

(1) AGREEMENT.--The Secretary, the Director, and the Administrator are directed to enter into an agreement with the Governor, as set forth in paragraph (2) of this subsection, upon notification of the Governor's willingness to enter into such agreement.

##### (2) TERMS OF AGREEMENT.--

(A) Upon receiving notification pursuant to paragraph (1) of this subsection, the Secretary, the Director, and the Administrator shall promptly enter into an agreement (hereafter in this section referred to as the "agreement") with the State under the terms set forth in subparagraph (B) of this paragraph.

##### (B) The agreement shall--

(i) set forth a process by which the State agrees to develop, in accordance with this section, a coastal wetlands conservation plan (hereafter in this section referred to as the "conservation plan");

(ii) designate a single agency of the State to develop the conservation plan;

(iii) assure an opportunity for participation in the development of the conservation plan, during the planning period, by the public and by Federal and State agencies;

(iv) obligate the State, not later than three years after the date of signing the agreement, unless extended by the parties thereto, to submit the conservation plan to the Secretary, the Director, and the Administrator for their approval; and

(v) upon approval of the conservation plan, obligate the State to implement the conservation plan.

(3) GRANTS AND ASSISTANCE.--Upon the date of signing the agreement--

(A) the Administrator shall, in consultation with the Director, with the funds made available in accordance with section 306 of this title, make grants during the

development of the conservation plan to assist the designated State agency in developing such plan. Such grants shall not exceed 75 percent of the cost of developing the plan; and

(B) the Secretary, the Director, and the Administrator shall provide technical assistance to the State to assist it in the development of the plan.

(b) CONSERVATION PLAN GOAL.--If a conservation plan is developed pursuant to this section, it shall have a goal of achieving no net loss of wetlands in the coastal areas of Louisiana as a result of development activities initiated subsequent to approval of the plan, exclusive of any wetlands gains achieved through implementation of the preceding section of this title.

(c) ELEMENTS OF CONSERVATION PLAN.--The conservation plan authorized by this section shall include--

(1) identification of the entire coastal area in the State that contains coastal wetlands;

(2) designation of a single State agency with the responsibility for implementing and enforcing the plan;

(3) identification of measures that the State shall take in addition to existing Federal authority to achieve a goal of no net loss of wetlands as a result of development activities, exclusive of any wetlands gains achieved through implementation of the preceding section of this title;

(4) a system that the State shall implement to account for gains and losses of coastal wetlands within coastal areas for purposes of evaluating the degree to which the goal of no net loss of wetlands as a result of development activities in such wetlands or other waters has been attained;

(5) satisfactory assurance that the State will have adequate personnel, funding, and authority to implement the plan;

(6) a program to be carried out by the State for the purpose of educating the public concerning the necessity to conserve wetlands;

(7) a program to encourage the use of technology by persons engaged in development activities that will result in negligible impact on wetlands; and

(8) a program for the review, evaluation, and identification of regulatory and nonregulatory options that will be adopted by the State to encourage and assist private owners of wetlands to continue to maintain those lands as wetlands.

(d) APPROVAL OF CONSERVATION PLAN.--

(1) IN GENERAL.--If the Governor submits a conservation plan to the Secretary, the Director, and the Administrator for their approval, the Secretary, the Director, and the Administrator shall, within one hundred and eighty days following receipt of such plan, approve or disapprove it.

(2) APPROVAL CRITERIA.--The Secretary, the Director, and the Administrator shall approve a conservation plan submitted by the Governor, if they determine that -

(A) the State has adequate authority to fully implement all provisions of such a plan;

(B) such a plan is adequate to attain the goal of no net loss of coastal wetlands as a result of development activities and complies with the other requirements of this section; and

(C) the plan was developed in accordance with terms of the agreement set forth in subsection (a) of this section.

(e) MODIFICATION OF CONSERVATION PLAN.--

(1) NONCOMPLIANCE.--If the Secretary, the Director, and the Administrator determine that a conservation plan submitted by the Governor does not comply with the requirements of subsection (d) of this section, they shall submit to the Governor a statement explaining why the plan is not in compliance and how the plan should be changed to be in compliance.

(2) RECONSIDERATION.--If the Governor submits a modified conservation plan to the Secretary, the Director, and the Administrator for their reconsideration, the Secretary, the Director, and Administrator shall have ninety days to determine whether the modifications are sufficient to bring the plan into compliance with requirements of subsection (d) of this section.

(3) APPROVAL OF MODIFIED PLAN.--If the Secretary, the Director, and the Administrator fail to approve or disapprove the conservation plan, as modified, within the ninety-day period following the date on which it was submitted to them by the Governor, such plan, as modified, shall be deemed to be approved effective upon the expiration of such ninety-day period.

(f) AMENDMENTS TO CONSERVATION PLAN.--If the Governor amends the conservation plan approved under this section, any such amended plan shall be considered a new plan and shall be subject to the requirements of this section; except that minor changes to such plan shall not be subject to the requirements of this section.

(g) IMPLEMENTATION OF CONSERVATION PLAN.--A conservation plan approved under this section shall be implemented as provided therein.

(h) FEDERAL OVERSIGHT.--

(1) INITIAL REPORT TO CONGRESS.--Within one hundred and eighty days after entering into the agreement required under subsection (a) of this section, the Secretary, the Director, and the Administrator shall report to the Congress as to the status of a conservation plan approved under this section and the progress of the State in carrying out such a plan, including and accounting, as required under subsection (c) of this section, of the gains and losses of coastal wetlands as a result of development activities.

(2) REPORT TO CONGRESS.--Twenty-four months after the initial one hundred and eighty day period set forth in paragraph (1), and at the end of each twenty-four-month period thereafter, the Secretary, the Director, and the Administrator shall, report to the Congress on the status of the conservation plan and provide an evaluation of the effectiveness of the plan in meeting the goal of this section.

SEC. 305 NATIONAL COASTAL WETLANDS CONSERVATION GRANTS.

(a) MATCHING GRANTS.--The Director shall, with the funds made available in accordance with the next following section of this title, make matching grants to any coastal State to carry out coastal wetlands conservation projects from funds made available for that purpose.

(b) PRIORITY.--Subject to the cost-sharing requirements of this section, the Director may grant or otherwise provide any matching moneys to any coastal State which submits a proposal substantial in character and design to carry out a coastal wetlands conservation project. In awarding such matching grants, the Director shall give priority to coastal wetlands conservation projects that are--

(1) consistent with the National Wetlands Priority Conservation Plan developed under section 301 of the Emergency Wetlands Resources Act (16 U.S.C. 3921); and

(2) in coastal States that have established dedicated funding for programs to acquire coastal wetlands, natural areas and open spaces. In addition, priority consideration shall be given to coastal wetlands conservation projects in maritime forests on coastal barrier islands.

(c) CONDITIONS.--The Director may only grant or otherwise provide matching moneys to a coastal State for purposes of carrying out a coastal wetlands conservation project if the grant or provision is subject to terms and conditions that will ensure that any real property interest acquired in whole or in part, or enhanced, managed, or restored with such moneys will be administered for the long-term conservation of such lands and waters and the fish and wildlife dependent thereon.

(d) COST-SHARING.--

(1) FEDERAL SHARE.--Grants to coastal States of matching moneys by the Director for any fiscal year to carry out coastal wetlands conservation projects shall be used for the payment of not to exceed 50 percent of the total costs of such projects: except that such matching moneys may be used for payment of not to exceed 75 percent of the costs of such projects if a coastal State has established a trust fund, from which the principal is not spent, for the purpose of acquiring coastal wetlands, other natural area or open spaces.

(2) FORM OF STATE SHARE.--The matching moneys required of a coastal State to carry out a coastal wetlands conservation project shall be derived from a non-Federal source.

(3) IN-KIND CONTRIBUTIONS.--In addition to cash outlays and payments, in-kind contributions of property or personnel services by non-Federal interests for activities under this section may be used for the non-Federal share of the cost of those activities.

(e) PARTIAL PAYMENTS.--

(1) The Director may from time to time make matching payments to carry out coastal wetlands conservation projects as such projects progress, but such payments, including previous payments, if any, shall not be more than the Federal pro rata

share of any such project in conformity with subsection (d) of this section.

(2) The Director may enter into agreements to make matching payments on an initial portion of a coastal wetlands conservation project and to agree to make payments on the remaining Federal share of the costs of such project from subsequent moneys if and when they become available. The liability of the United States under such an agreement is contingent upon the continued availability of funds for the purpose of this section.

(f) WETLANDS ASSESSMENT.--The Director shall, with the funds made available in accordance with the next following section of this title, direct the U.S. Fish and Wildlife Service's National Wetlands Inventory to update and digitize wetlands maps in the State of Texas and to conduct an assessment of the status, condition, and trends of wetlands in that State.

#### SEC. 306. DISTRIBUTION OF APPROPRIATIONS.

(a) PRIORITY PROJECT AND CONSERVATION PLANNING EXPENDITURES.--Of the total amount appropriated during a given fiscal year to carry out this title, 70 percent, not to exceed \$70,000,000, shall be available, and shall remain available until expended, for the purposes of making expenditures--

(1) not to exceed the aggregate amount of \$5,000,000 annually to assist the Task Force in the preparation of the list required under this title and the plan required under this title, including preparation of--

(A) preliminary assessments;

(B) general or site-specific inventories;

(C) reconnaissance, engineering or other studies;

(D) preliminary design work; and

(E) such other studies as may be necessary to identify and evaluate the feasibility of coastal wetlands restoration projects;

(2) to carry out coastal wetlands restoration projects in accordance with the priorities set forth on the list prepared under this title;

(3) to carry out wetlands restoration projects in accordance with the priorities set forth in the restoration plan prepared under this title;

(4) to make grants not to exceed \$2,500,000 annually or \$10,000,000 in total, to assist the agency designated by the State in development of the Coastal Wetlands Conservation Plan pursuant to this title.

(b) COASTAL WETLANDS CONSERVATION GRANTS.--Of the total amount appropriated during a given fiscal year to carry out this title, 15 percent, not to exceed \$15,000,000 shall be available, and shall remain available to the Director, for purposes of making grants--

(1) to any coastal State, except States eligible to receive funding under section 306(a), to carry out coastal wetlands conservation projects in accordance with section 305 of this title; and

(2) in the amount of \$2,500,000 in total for an assessment of the status, condition, and trends of wetlands in the State of Texas.

(c) NORTH AMERICAN WETLANDS CONSERVATION.--Of the total amount appropriated during a given fiscal year to carry out this title, 15 percent, not to exceed \$15,000,000, shall be available to, and shall remain available until expended by, the Secretary of the Interior for allocation to carry out wetlands conservation projects in any coastal State under section 8 of the North American Wetlands Conservation Act (Public Law 101-233, 103 Stat. 1968, December 13, 1989).

#### SEC. 307. GENERAL PROVISIONS.

(a) ADDITIONAL AUTHORITY FOR THE CORPS OF ENGINEERS.--The Secretary is authorized to carry out projects for the protection, restoration, or enhancement of aquatic and associated ecosystems, including projects for the protection, restoration, or creation of wetlands and coastal ecosystems. In carrying out such projects, the Secretary shall give such projects equal consideration with projects relating to irrigation, navigation, or flood control.

(b) STUDY.--The Secretary is hereby authorized and directed to study the feasibility of modifying the operation of existing navigation and flood control projects to allow for an increase in the share of the Mississippi River flows and sediment sent down the Atchafalaya River for purposes of land building and wetlands nourishment.

#### SEC. 308. CONFORMING AMENDMENT.

16 U.S.C. 777c is amended by adding the following after the first sentence: "The Secretary shall distribute 18 per centum of each annual appropriation made in accordance with the provisions of section 777b of this title as provided in the Coastal Wetlands Planning, Protection and Restoration Act: Provided, That, notwithstanding the provisions of section 777b, such sums shall remain available to carry out such Act through fiscal year 1999."