

MEMORANDUM FOR RECORD

SUBJECT: Minutes from the 29 September 2009 CWPPRA Technical Committee Meeting

1. Mr. Thomas Holden opened the meeting at 9:48 a.m. The following Technical Committee members were in attendance:

- Mr. Darryl Clark, U.S. Fish and Wildlife Service (USFWS)
- Mr. Brad Crawford, Environmental Protection Agency (EPA)
- Mr. Rick Hartman, National Marine Fisheries Service (NMFS)
- Mr. Thomas Holden, U.S. Army Corps of Engineers (USACE), Chairman
- Mr. Britt Paul, Natural Resources Conservation Service (NRCS)
- Mr. Kirk Rhinehart, LA Office of Coastal Protection and Restoration (LAOCPR)

A copy of the agenda is included as **Encl 1**. A copy of the sign-in sheet is included as **Encl 2**.

2. Mr. Holden reviewed the agenda items.

Mr. Holden opened the floor to discussion from the Technical Committee regarding the agenda.

Mr. Rhinehart asked that an additional agenda item, Brown Lake Project update, be added to Agenda Item 16.

Mr. Clark suggested that the additional agenda items listed under Agenda Item 16 be moved to Agenda Item 6 with the other decision items.

Ms. Melanie Goodman, USACE, suggested that the update of Brown Lake be moved under Agenda Item 11, Status of Unconstructed Projects.

DECISION: Mr. Clark moved to revise the agenda by moving the additional items from Agenda Item 16 to after Agenda Item 6 and to move the update of Brown Lake to Agenda Item 11. Mr. Hartman seconded. All Technical Committee members voted in favor and the motion passed.

DECISION: Mr. Clark moved to approve the agenda as modified. Mr. Rhinehart seconded. All Technical Committee members voted in favor and the motion passed.

3. Agenda Item 1. Report: Status of Breaux Act Program Funds and Projects (Gay Browning, USACE). Ms. Gay Browning will provide an overview of the status of CWPPRA accounts and available funding in the Planning and Construction Programs. Ms. Browning reported a budget of \$5,778,580 for the Planning Committee (\$5 million for FY10 and \$778,580 surplus funds). She also reported a budget estimate for construction program funding of approximately \$21 million going into approvals today, reflecting a negative \$5.9 million dollars and an expected return from deauthorized projects or projects that have completed construction of approximately

\$27 million. Ms. Browning also reviewed the agenda items where budget requests were to be made.

Ms. Goodman explained how the program capacity has changed over the past several years and that usually only the Task Force receives this information, but now it is being presented to the Technical Committee as well. Her summation showed the budget for all CWPPRA Priority Project List (PPL) projects through all of their 20-year lives and how the program's capacity for adding new projects is getting narrower. Program capacity for new projects was approximately \$584 million in 2006, \$484 million in 2007, \$420.6 million in 2008, and approximately \$60 million now.

Mr. Holden opened the floor to discussion from the Technical Committee.

Mr. Clark asked for clarification on whether the numbers included the West Bay and Maurepas Swamp projects.

Ms. Goodman clarified that the program has committed to \$151 million for Maurepas Swamp, so that amount is included. Approximately \$32 million has been approved for the West Bay project and another anticipated \$108 million that has not been approved are also included.

Mr. Holden clarified that the program capacity amount represents remaining funds with no project earmarked, but that actions recommended to the Task Force for which there are funding increases on the agenda today may affect these available funds.

Mr. Holden opened the floor to comments from the public. There were no public comments.

4. Agenda Item 2. Decision: FY10 Planning Budget Approval, including the PPL 20 Process, and Presentation of FY10 Outreach Budget (Travis Creel, USACE/Scott Wilson, United States Geological Survey (USGS)).

- a. *The Planning and Evaluation (P&E) Subcommittee will recommend the FY10 Planning Budget in the amount of \$4,913,588. The Technical Committee will vote on making a recommendation to the Task Force to approve the FY10 Planning Budget.* Mr. Creel reported that the P&E Subcommittee is recommending a FY10 Planning Budget in the amount of \$4,913,588, which includes a supplemental task for a lessons learned workshop to be headed by the Louisiana Department of Natural Resources (DNR). The P&E Subcommittee also recommended that the PPL 19 process be used for PPL 20 next year with the exception of alternative virtual Regional Planning Team (RPT) voting instead of the existing face-to-face RPT meeting.

Mr. Holden opened the floor to discussion from the Technical Committee.

Mr. Hartman cautioned that this year, the planning budget is dipping into surplus funds and that if the program continues to do so at this level, the surplus will run out. He pointed out that next year there will not be surplus available for a planning budget of \$5.4 million. He also recommended that some planning activities within the program be initiated to review costs and find ways to institute cuts.

Mr. Hartman suggested that the P&E Subcommittee be remanded to review their costs and have a plan of action by this time next year on how the Subcommittee will handle future budgeting.

Mr. Clark agreed and pointed out that the CWPPRA Act states that \$5 million should be set aside for planning each year and only the existence of surplus funds is allowing a budget beyond that for the current year. He recommended that the agencies look at their budgets and perhaps cut back some tasks.

Mr. Paul stated that he supports looking at the budget process further and that the P&E Subcommittee should look at its budget and provide the Technical Committee with a recommendation.

Mr. Holden opened the floor to comments from the public.

Mr. W.P. Edwards, Chairman of the Vermilion Parish Coastal Restoration Advisory Committee and land manager of Vermilion Corporation, asked for clarification on the budget number and why it seemed as if the available funding is shrinking.

Mr. Hartman responded that other agenda items later in the meeting would affect the shrinking number, but that the Technical Committee was only voting on the annual planning budget at this time.

DECISION: Mr. Clark moved to accept the Planning and Evaluation Subcommittee's recommendation for the planning budget for fiscal year 2010 in the amount of \$4,913,588. Mr. Rhinehart seconded. All Technical Committee members voted in favor and the motion passed.

- b. P&E is recommending that the PPL 20 Planning Process Standard Operating Procedures include selecting three nominees in the Barataria, Terrebonne, and Pontchartrain Basins, and two nominees in all other basins, except Atchafalaya where only one nominee would be selected. If only one project is presented at the RPT meeting for the Mississippi River Delta Basin, then an additional nominee would be selected for the Breton Sound Basin. The Technical Committee will also vote on a recommendation to hold an alternative Virtual RPT Voting meeting, instead of the existing face-to-face RPT voting meeting.

Mr. Holden opened the floor to discussion from the Technical Committee. There were no comments from the Technical Committee.

Mr. Holden opened the floor to comments from the public.

Ms. Marnie Winter, representing Jefferson Parish, asked for clarification on the virtual voting.

Ms. Goodman explained that the agencies and parishes will submit their votes on selecting the nominee projects via email or fax to the Academic Advisory Group and that the votes will then be forwarded to the USACE for tallying. The USACE will then send out the results of the vote via email to everyone who voted and also include the results in the Breaux Act Newsflash. She further explained that in the event of a tie, the same process would be used to revote on the tied projects.

Mr. Hartman further explained that the intent of the virtual voting was to save on travel time.

Ms. Winter asked that the Parishes Against Coastal Erosion (PACE) members be approached for feedback regarding the virtual voting process before approval.

Mr. Clark added that the virtual voting process was intended to save money for the program and the parishes by cutting down on travel and for safety reasons.

Mr. Hartman suggested that the motion be amended to suggest to the Task Force that feedback from the PACE members be collected.

Mr. Paul agreed that amending the motion to get feedback from PACE is a good idea.

DECISION: Mr. Clark moved to recommend approval of the Planning and Evaluation Subcommittee's recommendation for the PPL 20 Planning Process. Mr. Hartman seconded. Mr. Hartman then moved to amend the motion to recommend to the Task Force that the process be approved pending approval or input from PACE. Mr. Paul seconded. All Technical Committee members voted in favor and the motion passed.

- c. The CWPPRA Outreach Committee will present the draft FY10 Outreach Committee Budget in the amount of \$487,148 to the Technical Committee for coordination and discussion purposes only. The outreach budget will be recommended to the Task Force on October 28, 2009 by the Outreach Committee. Mr. Scott Wilson, USGS, presented an overview of the Outreach Committee budget request in the amount of \$487,148, which he explained was an approximately \$30,000 (7 %) reduction from last year's budget. He stated that the Outreach Committee is very concerned about the money being spent, is trying to reduce the Committee's overall budget while maintaining efficiencies, and has been consulting the Task Force members for input. One cost saving measure the Outreach Committee has recommended is reducing *Watermarks* send-outs to twice a year versus three times a year. Mr. Wilson announced that Ms. Susan Bergeron is going to be the new Outreach Coordinator. Mr. Wilson also announced other upcoming Outreach Committee events, including a new website design, the release of a new educational CD, the Portfolio of Success, and attendance at the upcoming Restore America's Estuaries Conference.

Mr. Hartman recommended that the Technical Committee members brief their Task Force representatives and gather input and guidance regarding the direction of the public outreach program and the Outreach Committee budget and activities.

Mr. Wilson agreed with Mr. Hartman regarding Task Force representative input.

5. Agenda Item 3. Decision: Annual Request for Incremental Funding for FY12 Administrative Costs for Cash Flow Projects (Gay Browning, USACE). The USACE will request funding approval in the amount of \$23,337 for administrative costs for cash flow projects beyond Increment 1. The Technical Committee will vote to make a recommendation to the Task Force on the request for funds. Ms. Browning presented the annual incremental funding request in the amount of \$23,337.

Mr. Clark commended Ms. Browning and her staff for their good work keeping track of the numbers for the program.

DECISION: Mr. Hartman made the motion to approve the annual request for incremental funding for FY12 Administrative Costs for Cash Flow Projects in the amount of \$23,337. Mr. Paul seconded. All Technical Committee members voted in favor and the motion passed.

6. Agenda Item 4. Decision: Request for FY12 Project Specific Monitoring Funds for Cash Flow Projects, and FY12 Coastwide Reference Monitoring System (CRMS) – Wetlands Monitoring Funds (Greg Steyer, USGS). Following a presentation by USGS on the status/progress of CRMS over the past year, the Technical Committee will vote on the following requests:

- a. *Project specific FY12 monitoring funding for projects on PPLs 9+:*
 - *Coastwide Nutria Control Program (LA-03b), PPL-11, NRCS
Incremental funding in the amount of \$85,170*
- b. *CRMS FY12 monitoring funds in the amount of \$7,500,000.*

Mr. Steyer gave an overview of the CRMS wetland project, which is co-chaired by OCPD and USGS. He explained that the project is a component of the existing CWPPRA Monitoring Program and is designed to evaluate the effectiveness of the CWPPRA Restoration Projects and the cumulative effect of those projects on the landscape. He also added that the information gathered is important for project planning, engineering and design, model validation, operational decisions, and assessment of hurricane impacts.

Mr. Steyer reviewed the CRMS project authorizations to date and explained that it is an approximately \$60 million project with \$32.5 million approved to date and remaining funding at \$34.339 million. He stated that the CRMS project has annual authorization requests and that today the request is for 2012. He explained that annual authorization requests for the subsequent year are based on the expenditures in the previous fiscal year. He stated that since Hurricane Katrina, construction costs and CRMS implementation costs have risen, but that CRMS is trying to work within the program to reduce costs by finding other sources of funding from programs and agencies that the CRMS monitoring will support.

Therefore, this year CRMS is only requesting \$7.5 million of the \$8.4 million of expenditures from last year due to contributions from the State under the System-Wide Assessment and Monitoring Program (SWAMP) and Louisiana Coastal Area (LCA) program. In addition, CRMS is looking to reduce costs by reducing the number of sites, reducing SWAMP sampling frequency to every three years, and re-evaluating other sampling methodologies to gather hydrologic data. Mr. Steyer stated that construction is nearly complete and that CRMS now has two years worth of data collection (2007 and 2008). Mr. Steyer then gave an overview of the types of data that have been gathered.

Mr. Clark asked if the CRMS program intends to spend \$14.6 million next year. Mr. Steyer answered that the CRMS budget request is always for a three-year cash flow budget and that the \$14.6 million request is for a two-year budget.

Mr. Hartman asked how the CRMS budget was running compared to the past budget projections. Mr. Steyer responded that the expenditures are below the line, but the funding request is above the line for this year because post-construction and engineering costs have risen. Mr. Steyer also stated that the funding is based on an overall programmatic budget that was approved in 2003 and that CRMS continues to operate within that programmatic budget.

Mr. Hartman asked for clarification on the requested amount. Mr. Steyer explained that in past years CRMS did not ask for more money than was needed, but that this year's request is more than the actual expenditure. Mr. Steyer added that the program continues to operate within the overall programmatic budget.

Mr. Hartman asked if a project revised spending plan has been completed to show projections for future costs. Mr. Steyer answered that costs have leveled out in the past two years and are at approximately \$7 million per year. At that level, the program would have funding through about 2015 or 2016, which does not account for any contributions from other programs. He stated that the project is more robust on the front end and then after data sets are collected, it will be determined whether the station network can be reduced over time. Mr. Steyer also stated that other tools will develop over time that will allow for reduction of the hydrologic network and that other programs will support the program moving forward. He explained that the contributions and reductions can not be estimated, so CRMS currently works within the program budget. Mr. Steyer also stated that CRMS is looking for ways to fund stations and monitoring under other programs and budgets.

Mr. Hartman asked if there was interest to task the Academic Advisory Group and the P&E Subcommittee to develop, by this time next year, a business plan as to what will happen if no additional funding is received.

Mr. Holden also expressed concern about the budget growth and asked what is driving the growth. He asked if the spatial and temporal data is driving the growth because it seems to have the largest numbers.

Mr. Steyer answered that the spatial and temporal data covers all data acquisition aspects and that the temporal collection was primarily under a 2003 OCPR contract. There was a three-

year contract with a fourth and a fifth option. However, that contract is up and a new three-year contract came in at \$22.5 million versus \$13 million for the old contract.

Mr. Holden asked if the cost growth in the Architectural and Engineering contract covered the three years or also included the two option periods. Mr. Ed Haywood, OCPR, responded that the first three-year contract was for 2003 to 2006 and that it expired, so a new request for proposal was issued and the new costs were \$22.5 million.

Mr. Holden asked for clarification on the contract and option status. Mr. Haywood explained that the new contract started on August 1, 2009 and that it is only a three-year contract with no option periods.

Mr. Hartman asked if the Technical Committee agreed that it was time to start evaluating options to get the CRMS Program under control and look to alternative funding sources. Mr. Clark, Mr. Holden, and Mr. Paul agreed.

Mr. Holden opened the floor to comments from the public. There were no public comments.

DECISION: Mr. Hartman moved that the Academic Advisory Group and the Planning and Evaluation Subcommittee be tasked with working with Mr. Steyer to look at all options to decrease the cost of the CRMS Program and report to the Technical Committee in one year. Mr. Clark seconded. All Technical Committee members voted in favor and the motion passed.

Mr. Holden opened the floor to further discussion from the Technical Committee. There were no comments from the Technical Committee.

Mr. Holden opened the floor to comments from the public. There were no public comments.

DECISION: Mr. Hartman moved to approve the requested CRMS FY12 monitoring funds in the amount of \$7,500,000 and the Coastwide Nutria Control Program incremental funding in the amount of \$85,170. Mr. Paul seconded. All Technical Committee members voted in favor and the motion passed.

7. Agenda Item 5. Decision: Request for O&M Incremental Funding and Budget Increases (David Burkholder, Office of Coastal Protection and Restoration (OCPR)). *The Technical Committee will consider and vote to make a recommendation to the Task Force to approve requests for total FY12 incremental funding in the amount of \$8,461,520 and O&M budget increases totaling \$7,735,114.*

- a. *PPL 9+ Projects requesting approval for FY12 incremental funding in the total amount of \$2,740,375, for the following projects:*
 - *Freshwater Introduction South of Highway 82 (ME-16), PPL-9, USFWS
Incremental funding amount: \$461,521*
 - *Four Mile Canal Terracing & Sedimentation Trapping (TV-18), PPL-9, NMFS
Incremental funding amount: \$12,649*

- *Coastwide Nutria Control Program (LA-03b), PPL-11, NRCS*
Incremental funding amount: \$2,266,205

Mr. David Burkholder, Operation Manager with OCPR, described the three PPL 9 plus projects for which only incremental funding amounts are being requested.

- i. **Freshwater Introduction South of Highway 82 (ME-16)** – This project is located in Vermilion and Cameron Parishes and is sponsored by the USFWS. It was constructed in 2006 and consists of four freshwater introduction water control structures that were installed to allow water to flow south of Highway 82 into the Chenier sub-basin. Incremental funding in the amount of \$461,521 is for O&M to address bank erosion and rock replacement around the water control structures. The immediate damage is from Hurricane Ike, but this type of erosion has been experienced in other areas and the rock is intended to remedy that erosion. There is no anticipated increase to the project’s 20-year O&M budget.
- ii. **Four Mile Canal Terracing & Sediment Trapping (TV-18)** – This project is sponsored by NMFS and the incremental funding request in the amount of \$12,649 represents annual expenses for the next three years plus the installation of several staff gages.
- iii. **Coastwide Nutria Control Program (LA-03b)** – This project is sponsored by NRCS and the incremental funding request is in the amount of \$2,266,205.

Mr. Clark stated that he has no problems with these requests since the money is already in the budget and this is just for the third year out.

Mr. Holden opened the floor to comments from the public. There were no public comments.

DECISION: Mr. Paul moved to approve the incremental funding requests for the three projects (Freshwater Introduction South of Highway 82, Four Mile Canal Terracing & Sediment Trapping, and Coastwide Nutria Control Program). Mr. Rhinehart seconded. All Technical Committee members voted in favor and the motion passed.

- b. *PPL 1-8 Projects requesting O&M budget increases totaling \$7,268,166 and FY12 incremental funding in the amount of \$5,350,904, for the following projects:*
 - *Gulf Intercoastal Waterway (GIWW) to Clovelly Hydrologic Restoration (BA-02), PPL-1, NRCS – Budget increase amount: \$1,587,844, Incremental funding amount: \$1,441,742*
 - *Point au Fer Island Canal Plugs (TE-22), PPL-2, NMFS – Budget increase amount: \$2,309,159, Incremental funding amount: \$2,255,062*
 - *Brady Canal Hydrologic Restoration (TE-28), PPL-3, NRCS – Budget increase amount: \$1,929,063, Incremental funding amount: \$1,212,572*

- *Cote Blanche Hydrologic Restoration (TV-04), PPL-3, NRCS – Budget increase amount: \$1,442,100, Incremental funding amount: \$441,528*

Mr. Burkholder presented an overview of the four PPL 1-8 projects requesting O&M budget increases and FY12 incremental funding.

- GIWW to Clovelly Hydrologic Restoration (BA-02)** – This project is sponsored by NRCS and OCPD and was designed to reduce the adverse tidal effects in the project area and promote freshwater introduction to better utilize available freshwater and sediment retention. If these objectives are met, it is anticipated that the rate of shoreline erosion will be reduced and a hydrologic regime, conducive to sediment and nutrient deposition, will encourage the reestablishment of emergent and submergent vegetation in eroded areas to a more historic low energy environment.

O&M funding is needed in year 2010 to raise the crest elevation of the lake rim to original design elevation, close a large breach between Structures 4A and 4 along Bay L'Ours that developed following Hurricanes Gustav and Ike, refurbish several rock structures that have experienced severe settlement and rock displacement, and close five earthen breaches along the southern boundary of the project.

Mr. Hartman commented that while it appears the project is not performing to its originally anticipated level of success, it does appear to be working. He noted that all of the projects with analysis provided in the meeting documentation binder appear to be functioning. Mr. Hartman then asked if it was anticipated that there would be any budget increases over the life of the project after this request. Mr. Burkholder responded that once this additional money was provided, there would be enough funds for the project life.

Mr. Clark commented that the monitoring report showed positive results and asked if the rock around the Bay L'Ours was functioning. Mr. Burkholder responded that while there is a large window of function, the project is now at the point where the function is compromised and an additional rock lift needs to happen in the near future. It makes sense to combine this effort with the closure of the other breaches that are also important to the function of the project.

Mr. Hartman asked for clarification on the request amounts. Mr. Burkholder clarified that the \$1.6 million is over the life of the project and that the \$1.4 million to be used in the next three years is included as part of the \$1.6 million request.

Mr. Holden asked about the status of Federal Emergency Management Agency (FEMA) reimbursement on this project. Mr. Burkholder responded that the claim was submitted to FEMA, but FEMA obligated zero dollars to the projects on the basis that CWPPRA was not eligible for public assistance under the Stafford Act. He stated that currently the claims are entering the appeal phase and a decision will be made as to whether the traditional appeal process or a streamlined arbitration process will be used.

Mr. Holden discussed concerns of the USACE regarding a risk of establishing precedent on dual funding and fiscal law issues. He suggested that the Technical Committee recommend to the Task Force to approve this request contingent on a determination by USACE attorneys regarding the effects an approval may have as related to fiscal law. Mr. Holden expressed concern that by approving this funding, FEMA may assume that CWPPRA has enough monetary resources to handle these damages and will use that as a precedent to deny hurricane damage claims in the future.

Mr. Clark stated that this topic had arisen before and the general opinion is that the projects need to be repaired now and cannot wait for FEMA funding.

Mr. Garrett Broussard with the Louisiana DNR Office of Coastal Restoration and Management stated that FEMA has raised two issues: (1) FEMA believes the individual Federal agencies should be responsible to pay for the damages, but that three of the Federal sponsors replied that they have no responsibility, and (2) FEMA believes CWPPRA is obligated to fix the storm damages. However, the State does not agree because their stance is that CWPPRA has a discretionary decision on whether or not to repair the damages, and not a statutory requirement. Thus, the Governor's Office of Homeland Security and Emergency Preparedness believes that the appeal is a good case. He also stated that most likely the traditional appeal process would be used. He stated that he believes everyone knows that CWPPRA can spend money if they so chose and does not think it would make much difference on the appeal whether the repairs are approved.

Mr. Holden reiterated his concerns regarding the dual compensation and fiscal law issues related to funding the projects before the FEMA appeal has been completed and the precedent it may set. He stated that the Technical Committee could approve the repairs, not approve the repairs, or approve the repair request contingent upon a joint evaluation of counsel.

Mr. Clark stated that CWPPRA could provide FEMA with several examples of cases where CWPPRA funding was used for repairs and reiterated that the repairs need to begin soon.

Mr. Hartman said that approval could be contingent on FEMA not agreeing to make repairs to avoid the dual compensation issue. He said that he would make a motion to approve contingent on input from the USACE attorney. He then asked if CWPPRA had funded repairs in the past under the hope of reimbursement from FEMA and if so, why that could not be continued today. Mr. Clark answered yes. Mr. Paul agreed that reimbursement was the process to date and did not see why it should be changed at this point.

Mr. Clark stated that if the USACE attorney wanted to make a presentation to the Task Force, that would be fine, but that he was inclined to recommend the repairs for the GIWW project.

Mr. Hartman asked how many times in the past FEMA had reimbursed project repairs and what was different about the current situation. Mr. Broussard stated that he was unsure, but that there may be different interpretations of the Stafford Act by FEMA workers. He estimates that since Hurricane Andrew approximately 10 to 15 projects have been reimbursed.

Mr. Hartman asked what would happen on the project if the repair funds were not approved. Mr. Burkholder replied that most of the maintenance is non-storm related and that only the breaches along the lake at the structures were storm related.

Mr. Hartman asked if the storm related components could be split out. Mr. Burkholder answered yes, but then the efficiency of one mobilization for the work would be lost.

Mr. Clark agreed and reiterated that CWPPRA has repaired hurricane damage in the past, thus the precedent has already been set.

Mr. Hartman suggested the Technical Committee approve the request contingent on USACE attorney review.

Mr. Rhinehart stated that the need for repair outweighs the risk of not repairing. He also expressed concern regarding the USACE attorney input since this action has already been taken in the past by CWPPRA. He recommended that the Technical Committee look at each project funding request and either approve or not and stated that he did not feel the need for an attorney opinion at this point.

Mr. Holden stated that the USACE wants to repair the project, but reiterated his concerns and stated that just because something has happened in the past, does not mean that the process should not be reevaluated.

Mr. Paul said that he failed to see how approving a budget increase for the necessary O&M on the project created any dual compensation.

Mr. Holden opened the floor to comments from the public.

Ms. Browning asked if the 10 to 15 projects reimbursed by FEMA in the past were approved for repair by CWPPRA. Mr. Broussard responded that as far as he knew, those repairs were approved by CWPPRA.

Mr. Clark recommended that Ms. Browning and Mr. Broussard meet and determine that the past FEMA reimbursed repairs were in fact approved by CWPPRA.

Mr. Allan Ensminger, Point au Fer and St. Charles Parish Land Manager, stated that he did not know if the money was reimbursed to CWPPRA, but that he believed CWPPRA conducted the repairs.

DECISION: Mr. Paul moved to approve the request for budget increase and incremental funding in the amounts of \$1,587,844 and \$1,441,742, respectively. Mr. Clark seconded. The Technical Committee members voted in favor by majority and the motion passed. Mr. Holden voted to deny the motion based on the reasons previously stated.

- ii. **Point au Fer Island Canal Plugs (TE-22)** – This project includes seven canal plugs located in two pipeline canals, and over 7,000 linear feet of rock shoreline projection along the Gulf of Mexico adjacent to Mobil Canal. Construction was completed in June 2000. O&M funding is needed in year 2012 in anticipation of breaching along the gulf shoreline adjacent to Mobil Canal. Since construction, the rock dike has endured several hurricanes and tropical storms resulting in the narrowing of earthen embankment between the rock shoreline and Mobil Canal. The rock dike has settled to the elevation of the existing bank line. Mr. Burkholder also stated that this project relates to the Lake Chapeau Project that will be discussed in a later agenda item. He said that the recommendations on the Point au Fer Island Project also take into account discussions on the Lake Chapeau Project and other potential future projects in the area.

Mr. Hartman asked if the future projects included the LCA Point au Fer Project. Mr. Burkholder responded yes.

Mr. Hartman added that he hoped the LCA would eventually take over this project. Mr. Burkholder responded that was a possibility and also stated that the original project included filling the Mobil Canal with dredge material, but that it was not feasible at the time of design. However, that option is currently being revisited and may be an alternative to refurbishment of the rock dike. Mr. Burkholder stated that there are problems with an active well that requires access to Mobil Canal.

Mr. Clark asked if the oil and gas leaseholder has offered to help with shoreline stabilization directly south of its facilities. Mr. Burkholder responded that in the past, the leaseholder has paid for some of the stabilization because the leaseholder has infrastructure that is protected by the project. He stated that the company has changed hands over the years, but that there is still interest.

Mr. Clark asked why the monitoring was halted in 2003 and if shoreline stabilization was included in the monitoring. Mr. Todd Folsie, OCPR, responded that based on his understanding, when CRMS came aboard in 2003, the monitoring was re-evaluated and since no information from the monitoring related to the Point au Fer Project was being received, funding for monitoring was stopped. He also stated that shoreline erosion was not part of the monitoring effort.

Mr. Hartman stated that Ms. Joy Merino with National Oceanic and Atmospheric Administration (NOAA) Fisheries in Galveston looked through the annual changes and made a table showing change rate in the project area as compared to a reference area in terms of percent.

Ms. Merino stated that problems with the monitoring on this project stemmed from not creating as much marsh as was originally intended and subsequently some of the stations were set up where no work was actually performed. In addition, some of the stations were hydrologic and filled in. She also stated that the hydrologic conditions on the island are much different than were originally thought when the project was designed and constructed. Ms. Merino said that there is data, but it does not provide information on whether the project features are working. She also stated that there is Barrier Island Comprehensive Monitoring Program (BICM) information that supports the shoreline erosion data as presented in the meeting documentation binder.

Mr. Clark pointed out the data indicates a positive effect for the project as compared to the reference area.

Mr. Holden asked if this project was also included in the hurricane damage appeal process to FEMA or if the damage is just a result of normal Gulf action. Mr. Burkholder responded that this project does not have any hurricane damage and that if there were hurricane effects on the shoreline, no claim has been filed for the project at this time.

Mr. Holden stated that he believed if repairs were not made to the project soon, the project would be lost.

Mr. Holden opened the floor to comments from the public.

Mr. Allan Ensminger, Point au Fer and St. Charles Parish Land Manager, spoke in support of the project and pointed out that the shoreline has moved significantly over time. He also stated that recent seismograph information may be beneficial with regard to what the wells in the area represent over time.

DECISION: Mr. Hartman moved to approve the request for budget increase and incremental funding in the amounts of \$2,309,159 and \$2,255,062, respectively. Mr. Paul seconded. All Technical Committee members voted in favor and the motion passed.

iii. **Brady Canal Hydrologic Restoration (TE-28)** – This is a hydrologic restoration project consisting of the installation and maintenance of a fixed crest weir with barge bay, a rock plug, three variable crested weir structures, two rock lined channels, rock armored earthen embankments, overflow banks, and rock dikes. These structures were designed to reduce the adverse tidal affects and saltwater intrusion in the project area and to promote freshwater introduction to better utilize available freshwater and sediment retention as well as encourage re-establishment of emergent and sub-aquatic vegetation in eroded areas.

O&M funding is needed in year 2010 to refurbish the rim of Jug Lake, close breaches on the northwestern boundary of the project, armor of the earthen tie-ins to the water control structures in Jug Lake, and replace two timber cluster piles. The majority of

the maintenance work recommended for year 2010 is concentrated along the rim of Jug Lake. Over the past several years, since Hurricanes Katrina and Rita, the earthen embankment surrounding Jug Lake has become very thin and narrow, particularly on the southeast side of the lake. The Jug Lake boundary is approximately 20,000 feet in length and is oriented in a northeast to southwest direction with very little marsh remaining on either side of the embankment. For this reason, both sides of the embankment are exposed to high wave energies throughout the year. The negative impacts of the failure of this embankment would render the water control structure in the lake inoperable and allow large volumes of highly saline waters into the northern portion of the project area causing the potential for additional marsh loss. Another reoccurring maintenance issue is the erosion of the earthen embankment adjacent to the water control structures located along Jug Lake, which has required maintenance repairs several times since completion of the project in 2000.

Mr. Hartman asked if any work has been done on the Jug Lake rim since construction. Mr. Burkholder answered that a number of minor in-kind maintenance events have been conducted by Apache and Conoco Philips under a three-party agreement, but nothing has been conducted by CWPPRA.

Mr. Clark pointed out that it is good that the oil companies are participating in maintenance. He also stated that the shoreline on Jug Lake is about to become very difficult to maintain because there is water on both sides for most of the area of the Lake.

Mr. Holden asked if this is part of the anticipated routine O&M or if a FEMA hurricane damage claim had been made. Mr. Burkholder responded that this was routine O&M, but that the damages have been accelerated. He also stated that the original O&M budget most likely focused only on repairs to the weir structures and rock embankments; however, there is a natural feature that requires maintenance to keep the project working, but money to maintain the natural feature was not included in the original O&M budget. He also stated that no FEMA claim has been made on this project.

Mr. Hartman asked about project benefits, pointing out that the analysis shows little project performance. Mr. Clark agreed regarding concern over the project benefits. Mr. Todd Folsie, OCPR, replied that other projects in the area are nearing completion and when finished, these projects will allow more freshwater in the area so that the effects of the Jug Lake embankment will soon be more apparent. He stated that more data should be available next year and that the O&M needs to be conducted.

Mr. Hartman asked if closing the breaches in the northern section would stop freshwater from infiltrating. Mr. Folsie responded no, that sheet flow would continue through the marsh, but that it is a floating marsh so lot of energy is not desirable. Mr. Folsie also added that originally, the project premise was for the northern structure to be constructed and it was not, but that with recent modifications to the Penchant Basin Project, the project should now function as intended.

Mr. Paul clarified that the Penchant Basin Project will be advertised for bid before the end of the year so construction will happen soon.

Mr. Holden opened the floor to comments from the public.

Mr. Allan Ensminger, Point au Fer and St. Charles Parish Land Manager, suggested that the 1964 earthquake in Alaska had some influence on the marsh in that area and that the Committee should look at fault movement publications moving forward on the project.

DECISION: Mr. Hartman moved to approve the request for budget increase and incremental funding in the amounts of \$1,929,063 and \$1,212,572, respectively. Mr. Crawford seconded. All Technical Committee members voted in favor and the motion passed.

iv. **Cote Blanche Hydrologic Restoration (TV-04)** – In order to reduce tidal amplitudes, seven low level weirs were constructed in canals throughout the project area. Approximately 3,500 linear feet of PVC wall was also constructed along the northern bank of Cote Blanche Bay to stabilize the shoreline. Hurricanes have caused some minor sign and rail damage at some of the structures. The foreshore dike constructed as part of the School Bus Bayou maintenance event has settled, as expected, and needs to be brought back to original constructed elevation to remain effective at stabilizing the shoreline.

Mr. Hartman asked if there was any input as to how the project is performing in comparison to adjacent areas. Ms. Donna Weifenbach, OCPR Lafayette office, answered that salinities and vegetation in the interior of the project are pretty much stable and that the shoreline protection is important to maintain that stability. She stated that there has been improvement since Hurricane Lili in 2002 and that the shoreline protection is believed to have helped recovery in the area.

Mr. Holden asked if there have been any damages in the area since Hurricane Lili or if the erosion represented normal degradation from hydrologic activity. Ms. Weifenbach answered that the damage was from normal erosion and there has been no damage since Hurricane Lili.

Mr. Clark asked about previous funding requests to raise the rock at School Bus Bayou. Mr. Burkholder clarified that the construction price for School Bus Bayou increased and the previous funds ran out so the previous raising did not take place. However, additional funds are now being requested to raise the rock to the original constructed elevation. He also stated that if the shoreline breaches, it will create a hydrologic connection and that the rock already in place has been successful in preventing that connection.

Mr. Holden opened the floor to comments from the public.

Mr. Garrett Broussard, OCPR, clarified that the FEMA appeals have not yet been entered into the official process.

Mr. Holden stated that the USACE is sympathetic to these projects and that they will work to resolve the dual compensation issue.

DECISION: Mr. Clark moved to approve the request for budget increase and incremental funding in the amounts of \$1,442,100 and \$441,528, respectively. Mr. Crawford seconded. All Technical Committee members voted in favor and the motion passed.

- c. *PPL 11 Project requesting approval for an O&M budget increase and FY12 incremental funding:*
- *Holly Beach Sand Management (CS-31), PPL-11, NRCS – Budget increase amount: \$466,948, Incremental funding amount: \$370,241*

Mr. Burkholder presented an overview of the one PPL 11 project requesting an O&M budget increase and FY12 incremental funding.

- i. **Holly Beach Sand Management (CS-31)** – Approximately 1.7 million cubic yards (MCY) of high quality sand was placed on the existing beach to reestablish a more historical shoreline as well as improve the effectiveness of the existing segmented breakwaters. Beach erosion, sand fencing damage, and vegetative plant damage has occurred due to the Hurricane Ike storm surge in 2008. Preliminary post-Ike surveys indicate 1.2 MCY of sand has been displaced since construction was completed. Mr. Burkholder stated that they have filed a claim with FEMA and that FEMA paid for repairs after Hurricane Rita. He also stated that it is important to maintain the sand in place and that the repairs need to be made as soon as possible.

Mr. Hartman asked about the effectiveness of the project. Ms. Weifenbach replied that the shoreline took a major hit during Hurricane Rita. Much of the sand that had accumulated afterwards was moved westward toward Johnson's Bayou by Hurricane Ike, but that the project was working well prior to both of the storms.

Mr. Holden opened the floor to comments from the public. There were no public comments.

DECISION: Mr. Hartman moved to approve the request for budget increase and incremental funding in the amounts of \$466,948 and \$370,241, respectively. Mr. Rhinehart seconded. All Technical Committee members voted in favor and the motion passed.

8. Agenda Item 6. Decision: Request to Change the Project Scope to Remove a Water Control Structure at the Lake Chapeau Hydrologic Restoration and Marsh Creation Project (TE-26) (David Burkholder, OCPR). NMFS and OCPR are requesting to use existing O&M funds on the Lake Chapeau Hydrologic Restoration and Marsh Creation Project (TE-26) to remove a water control structure. On previous funding requests for the TE-26 project, the project sponsors proposed repairing structure #3, which had been breached. However, the breach has expanded

to such an extent that the project sponsors deemed the planned repairs to be cost prohibitive. Also, the project sponsors are requesting that any remaining funds approved for breach repair be rolled into the project future O&M budget. Following a presentation by David Burkholder, the Technical Committee will consider the request to use the existing obligated funds in the O&M budget to remove TE-26 project structure #3. The Technical Committee will also consider the request to adjust the current O&M budget to roll remaining funds into future TE-26 O&M events.

Mr. Hartman explained that the project has a structure that is no longer functional and is a danger to navigation. In lieu of replacing the structure, the project sponsors (NMFS and OCPR) are proposing to degrade the structure in place using money that has already been approved to repair the structure.

Mr. Burkholder clarified that a budget request had been made in the past to repair some erosion damage around the ends of Structure Number 3 and then again after Hurricane Katrina. However, before the repairs after Hurricane Katrina could be made, Hurricane Gustav hit. After Hurricane Gustav, an evaluation of three alternatives was conducted. The three alternatives included repairing the erosion around the end of the structures, moving the structure inland to account for future erosion, and abandoning the structure and degrading it to below the water level as not to impede navigation. A cost-benefit analysis showed that degrading the structure was the best alternative.

Mr. Clark stated that USFWS had no problem with the request and sometimes projects or features need to be abandoned. He also stated that there will be reef in the area for awhile until sediment from Four League Bay covers the structure.

Mr. Holden stated that the USACE supports this project and asked if the project would still meet the benefits forecasted after loss of the structure.

Mr. Hartman answered that the project was still within the 25% window of cost effectiveness and that the potential liability and damages need to be reduced by degrading the structure.

Mr. Holden opened the floor to comments from the public.

Mr. Allan Ensminger, Point au Fer and St. Charles Parish Land Manager, spoke in favor of removing the structure and agreed that a reef would be created until silt covered the structure.

DECISION: Mr. Clark moved to approve the request and leave the remaining money in the project's O&M budget. Mr. Crawford seconded. All Technical Committee members voted in favor and the motion passed.

9. Additional Agenda Item. Decision: Request to Change the Project Scope to West Belle Pass Barrier Headland Project (TE-52), request for project scope change approval due to project cost increase over 25% (Richard Hartman, NMFS). Mr. Kenneth Litzenberger, USFWS, Project Leader for the Southeast Louisiana National Wildlife Refuge, reported that a letter had been submitted stating the reasons for the scoping increase over 25%. He stated that the original

budget was around \$23 million and that the revised budget is around \$35 million. He explained that the primary reason for the increase is that the landscape of the project has changed. He stated that six model alternatives were analyzed. The projected budgets for the alternatives ranged from \$20 million to in excess of \$40 million, so the \$35 million budget is a happy medium.

Mr. Litzenberger also explained that the budget increased because dredging unit rates, fuel costs and mobilization costs have risen since the Phase Zero budget estimate. The increased cost estimate provides for a more robust project than at Phase Zero.

Mr. Hartman commented that two reasons for the cost increase are a borrow site farther away than originally planned and the decision to pay on fill versus cut, which results in a better product, but also higher prices. He also stated that the Environmental Work Group has not approved the change and that the secondary benefits are still under review. He clarified that the request is just a change in understanding of the scope and no more money was being requested.

Mr. Litzenberger confirmed that the new borrow area is 11 miles away and that the original borrow area, Back Bay, has accessibility and existing pipeline infrastructure issues.

Mr. Clark asked if the Engineering Work Group had reviewed the changes. Mr. Litzenberger answered that a cost estimate was sent to the Engineering Work Group last week.

Mr. Hartman stated that an evaluation will be done as part of the 95% design review, which is scheduled for November.

Mr. Holden opened the floor to comments from the public. There were no public comments.

DECISION: Mr. Rhinehart moved to approve the request for project scope change. Mr. Hartman seconded. All Technical Committee members voted in favor and the motion passed.

Mr. Clark asked if there should be a vote on approval to move to the 95% design. Mr. Hartman stated that no additional action was required according to the Technical Committee's Standard Operating Procedures (SOP). Ms. Goodman read from the SOP that the Technical Committee "may" make a recommendation on whether to move to 95% design.

Mr. Hartman explained that the wording was to allow the Technical Committee to prevent a project from moving forward, but did not require an affirmative approval from the Technical Committee to move forward to the 95% design.

10. Additional Agenda Item. Decision: Request for a Scope Change for the South Grand Chenier Hydrologic Restoration Project (ME-20) (Darryl Clark, USFWS, Kirk Rhinehart, OCPR). The FWS and OCPR request Technical Committee approval for a South Grand Chenier Hydrologic Restoration Project scope change to increase the budget over 25%. The original fully funded cost estimate was \$20,998,000. The fully funded revised budget will exceed that original budget by greater than 25%. The estimate is the revised fully funded budget will be close to \$29 million or 38% over the original budget. The exact amount will be presented before the October Task

Force meeting. Mr. Clark stated that the original budget was \$20.9 million and the revised budget will most likely be \$27.8 million instead of the \$29 million reported in the meeting documentation binder; the increase is 33% instead of 38%. He explained that the reduced amount was due to removing the BP Plant Freshwater Introduction section because the hydrodynamic model indicated that the BP Plant Alternative at Area A would not likely reduce salinity.

Mr. Holden opened the floor to comments from the public. There were no public comments.

DECISION: Mr. Hartman moved to approve the request for project scope change. Mr. Rhinehart seconded. All Technical Committee members voted in favor and the motion passed.

11. Agenda Item 7. Decision: Request for O&M Budget Increases and Funding to Temporarily Remove the Bayou Sauvage National Wildlife Refuge Hydrologic Restoration Phase I (PO-16) and Phase II (PO-18) Pump Discharge Pipes in Preparation for the Lake Pontchartrain and Vicinity Hurricane Protection Levee Enlargement (Darryl Clark, Kenneth Litzenberger, USFWS; Kirk Rhinehart, OCPR). The USFWS is requesting an O&M Budget increase for the Bayou Sauvage National Wildlife Refuge Hydrologic Restoration Phase I (PO-16) and Phase II (PO-18). The USACE is proceeding to elevate the hurricane protection levee forming the eastern boundaries of the PO-16 and PO-18 projects. As part of these hurricane protection levee activities, the USACE is requiring that the USFWS remove three 48-inch diameter discharge pipes associated with the projects pumping stations, to elevate and widen the Pontchartrain and Vicinity Hurricane Protection Levee. In turn, the USACE has agreed to relocate and refurbish the two pumping stations and install new discharge pipes through the elevated levee. The cost estimate for removing the three discharge pipes is \$100,000. Following a presentation by Darryl Clark, the Technical Committee will consider the following request for O&M budget increases totaling \$100,000 and FY12 incremental funding in the amount of \$100,000, for the following projects:

- *Bayou Sauvage National Wildlife Refuge Hydrologic Restoration, Phase I (PO-16), PPL-1 – Budget increase amount: \$70,000, Incremental funding amount: \$70,000*
- *Bayou Sauvage National Wildlife Refuge Hydrologic Restoration, Phase II (PO-18), PPL-2 – Budget increase amount: \$30,000, Incremental funding amount: \$30,000*

Mr. Holden clarified that the agenda should read “Risk Reduction Levee Enlargement” and not “Protection Levee Enlargement”.

Mr. Clark and Mr. Litzenberger explained that the request for O&M budget increase is to remove three discharge pipes that are located within the hurricane protection levee. The USACE is proceeding to elevate the levee and is asking the USFWS to remove the three discharge pipes associated with the project’s pumping stations. The USACE has agreed to relocate and refurbish the two pumping stations and install new discharge pipes through the elevated levee.

Mr. Hartman stated that he has no problem with the request.

Mr. Rhinehart asked if there was any data or logs regarding the pump operation frequency and drawdowns achieved. Mr. Litzenberger answered that there is not very much data; the pumps were not operated this year due to the drought. The pumps are normally only operated three or four times a year. He added that they were used for several weeks after Hurricane Katrina.

Mr. Clark stated that there are DNR monitoring reports from 1998 and 1999 that indicate the pumps were successful in reducing water levels in the area and that gravity drainage would not be sufficient. He also clarified that after the new pumps are installed, operation logs will be kept.

Mr. Holden stated that the USACE appreciates the support given on this effort and that unfortunately the USACE cannot cover the costs requested today because of the footprint location. After the project is completed, the USACE will incorporate the pump stations into the project right-of-way.

Mr. Litzenberger agreed that the USACE has been very supportive of the project.

Mr. Clark stated that he has requested an exact breakdown of project costs to remove each discharge pipe from the USACE, but has not received this information. Mr. Holden responded that until the construction bids are in, only cost estimates are available, but that the USACE would get that information for the Task Force meeting.

Mr. Holden opened the floor to comments from the public. There were no public comments.

DECISION: Mr. Paul moved to approve the request for O&M budget increases. Mr. Clark seconded. All Technical Committee members voted in favor and the motion passed.

12. Agenda Item 8. Decision: Request to Change the Project Scope due to an Estimated Budget Increase and Phase I Funding for the Shoreline Protection Feature (Construction Unit #2) of the Lake Portage Land Bridge Project (TV-17, PPL 8) (Britt Paul, NRCS). NRCS and OCPR are requesting an estimated budget increase in the amount of \$6,888,802 and Phase I funding in the amount of \$707,297 to proceed with developing Construction Unit #2 of the TV-17 project. The current approved estimate is \$1,181,129. Construction Unit #2 would consist of 3,630 linear feet of Gulf shoreline protection. When TV-17 was approved on PPL8, the Task Force opted to fund only a portion of the project in the amount of \$1,013,820, which included backfilling an existing pipeline canal. At that time, the Task Force indicated that additional funds would be made available in the future to complete the second phase of the project if studies showed it was necessary. NRCS and OCPR have determined that Construction Unit #2 is needed based on continued shoreline retreat and threat to the integrity of the constructed portion of the project. The Technical Committee will consider and vote to make a recommendation to the Task Force on the request for a scope change to increase the estimated total project budget by \$6,888,802 for a total estimate of \$8,069,931 and for Construction Unit #2, Phase I funding in the amount of \$707,297.

Mr. Paul gave an overview of the project. The project is located immediately north and south of Lake Portage within the Paul J. Rainey Wildlife Sanctuary and the Louisiana State Wildlife Refuge, in the southwest portion of Vermilion Bay in Vermilion Parish. The main intent of the

TV-17 Project is to establish shoreline protection along the Gulf coast shoreline in the vicinity of the Sea Robin Pipeline and to minimize the possibility of a tidal channel forming between the Gulf of Mexico and Vermilion Bay during a storm event. Project features include placement of a foreshore rock dike approximately 100 feet offshore and 5,280 linear feet along the Gulf shoreline and then backfilling from the dike shoreward with dredged material obtained from Lake Portage. The pipeline canal would also be backfilled to marsh level with bay bottom material beginning with the canal's confluence with Vermilion Bay on the north end and ending at the armored plug on the Gulf shoreline at the south end (4,500 linear feet). No dredged material is to be placed in Lake Portage itself.

Mr. Paul stated that the NRCS and OCPR are requesting an estimated budget increase in the amount of \$6,888,802 and Phase I funding in the amount of \$707,297 to proceed with developing Construction Unit #2 of the TV-17 project. The current approved estimate is \$1,181,129. Construction Unit #2 would consist of 3,630 linear feet of Gulf shoreline protection. When TV-17 was approved on PPL 8, the Task Force opted to fund only a portion of the project in the amount of \$1,013,820, which included backfilling an existing pipeline canal. At that time, the Task Force indicated that additional funds would be made available in the future to complete the second phase of the project if studies showed it was necessary. NRCS and OCPR have determined that Construction Unit #2 is needed based on continued shoreline retreat and threat to the integrity of the constructed portion of the project.

Mr. Clark asked if any surveying has been completed. Mr. Paul responded that some surveying has been performed. He clarified that the budget request represents a maximum and may be reduced.

Mr. Hartman voiced his concern regarding going from 30% design to 95% design on projects that are unlikely to be invested in.

Mr. Paul responded that shoreline protection projects typically do not provide many benefits, but that lost acreage needs to be protected. He stated that the project would be a benefit as a barrier headland to provide protection and broader benefits to interior areas.

Mr. Hartman pointed out that the loss rate in the project area is only 10 feet per year whereas other places in the Chenier Plain have much higher loss rates.

Mr. Clark agreed that the estimated cost comes to nearly half a million dollars per acre and that other areas are losing up to 100 feet per year. He suggested that cheaper alternatives be evaluated, such as revetment or pumping material onto the beach.

Mr. Paul responded that the current cost is based on rock and that other alternatives could be investigated, but the funding request is needed to continue to the next phase of the project.

Mr. Clark referred to previous meeting minutes in which the project task was to determine if adding rocks to the bank was necessary.

Mr. Paul stated that there is continual erosion in this area that needs protection. He also stated that members of the public and landowners in the area could give a better description of what is actually happening in the project area.

Mr. Rhinehart asked about the presence of connectivity with some tidal creeks and trenasses in the area. Mr. Paul responded that the landowners could also address the connectivity issue.

Mr. Holden opened the floor to comments from the public.

Mr. Paul Kemp, Vice President of the National Audubon Society, stated that the Gulf side of the project is on the Paul J. Rainey Wildlife Sanctuary and the portion to the immediate north is a state wildlife management area.

Mr. Timmy Vincent, Sanctuary Manager at the Paul J. Rainey Wildlife Sanctuary, stated that the original project did not dredge all the way to the Gulf, but stopped at the Sanctuary/state property line. He explained that a trenass is forming on top of a pipeline in that area and is circumventing the project by allowing water through. He stated that as an alternative to shoreline protection, the Sanctuary would like to see the trenass backfilled to stop tidal flow from Lake Portage to the Gulf since the goal of the project was to stop tidal flow and the problem is only worsening.

Mr. Clark asked if the pipeline canal was filled and if silt has filled part of the trenass. Mr. Vincent responded that the pipeline canal was only filled to the State property line, but not all the way to the Gulf. He clarified that the pipeline was filled in and the trenass has formed on top of the pipeline.

Mr. Kemp suggested that there may be a less expensive alternative to rock work to remedy the circumvention problem.

Mr. Clark asked for clarification as to why the pipeline was not filled to the Gulf since it was included with the project. Mr. Loland Broussard, NRCS, explained that at project design, an earthen plug existed at the start of the trenass and that little overflow actually went into the trenass at that time. The trenass remained as is because at the time, it was felt the project objective had been reached since three quarters of the length of the pipeline canal was backfilled. He also stated that the actual dredge work stopped at the earthen plug because the pipeline had been previously backfilled when installed. Mr. Broussard further explained that the pipeline had been backfilled from the Gulf to the earthen plug and that the project backfilled the rest of the distance, but that now there is a trenass forming that is connecting those two areas.

Mr. Holden asked if the new approach is to close off the crevasses versus shoreline work and whether there was a similar problem in the area to the west. Mr. Broussard answered that the project was intended to have shoreline protection added as a second increment at a later date, but that now alternatives are being considered other than what was originally approved because of the high cost of shoreline protection. Mr. Broussard also stated that comparing the price to build shoreline protection in the Gulf versus inland is not reasonable because the cost of shoreline protection in the Gulf is more expensive.

Mr. Hartman suggested tabling the discussion and having the Engineering Work Group evaluate the situation.

Mr. Paul explained that there is no money for an investigation and that some of the \$700,000 would have to be approved for Phase I to look at different design options.

Mr. Kemp stated that the Audubon Society would be happy to help with any logistical or survey work necessary and hopes the problem is addressed before it becomes a multi-million dollar project.

Mr. Clark asked if a weir in the trenass or plug was being suggested. Mr. Kemp replied that he was not sure of the solution, but thought that a lower cost alternative may be available to solve the problem.

Mr. Holden suggested that the Technical Committee approve a lesser amount than requested to allow the project team to investigate and develop alternative solutions. Mr. Clark agreed that a lesser amount of \$50,000 or \$100,000 may be a better solution for now. Mr. Paul stated that \$100,000 would probably be a good amount to evaluate alternative solutions. Mr. Holden agreed that was reasonable.

Mr. Hartman expressed concern about setting a precedent of approving funds before the Engineering Work Group has investigated the problem. Mr. Holden agreed. Mr. Clark agreed that the Engineering Work Group should investigate the site and report back without spending a lot of money.

Mr. Kemp suggested that, because it is an existing project, this task would essentially be maintenance which could be another approach to funding. Mr. Hartman agreed that this is a maintenance issue.

Mr. Kemp stated that the Audubon Society would welcome anyone who wants to come investigate the site.

Mr. W.P. Edwards, III, president of Vermilion Corporation and Chairman of the Vermilion Parish Coastal Restoration Advisory Committee, stated that Vermilion Parish has a deep seated fear that this area could open up as a second southwest pass into the Acadiana Bay complex which would change the salinity regime. He stated that rice farming in the area is already struggling with not enough fresh water to use for crops and that if salinities were to increase, it would become a much larger economic problem. He asked the Technical Committee to look past the 9 feet per year loss and consider the future problems that could result by not addressing the issue now.

Mr. Crawford stated the likelihood that the project would receive Phase II funding needed to be considered, but he agreed with Mr. Hartman that the Environmental Work Group should investigate.

Mr. Hartman clarified that he was suggesting to task the Engineering Work Group to evaluate and recommend some low-cost alternatives to maintain the purpose of the project, which is to limit or block flow between Lake Portage and the Gulf of Mexico in the pipeline right-of-way.

Mr. Clark recommended that both the Engineering and Environmental Work Groups investigate.

DECISION: Mr. Hartman made a motion to task the Engineering and Environmental Work Groups to investigate the site and develop low-cost alternatives to maintain the purpose of the project, which is to maintain the integrity of the land bridge between Lake Portage and the Gulf of Mexico and arrest the salinity regime intrusion, and to report at the spring Technical Committee meeting. Mr. Clark seconded. All Technical Committee members voted in favor and the motion passed.

13. Agenda Item 9. Decision: Request for a Change in the Project Scope for the Bio-Engineered Oyster Reef Demonstration Project (LA-08) Due to an Estimated Budget Increase (Richard Hartman, NMFS). The NMFS and OCPR are requesting a change in the project scope due to an estimated budget increase of \$1,383,897. The Bio-Engineered Oyster Reef Demonstration Project was approved on PPL 17. The original approved total project cost is \$1,981,822. Following a presentation by John Foret, the Technical Committee will consider and vote to make a recommendation to the Task Force to approve the change in scope for the budget increase in the amount of \$1,383,897 resulting in a total project estimate of \$3,365,719.

Dr. John Foret, with NOAA's NMFS, explained that the goal of the Bio-Engineered Oyster Reef Demonstration Project is to evaluate the Oysterbreak™ system's capability to reduce and/or prevent shoreline retreat and wetland loss on the open coast of Louisiana in areas with soils that have poor load-bearing capacities. Projected construction costs have increased from \$1,315,709 to \$2,600,554, and monitoring for the project has increased by \$99,052.

Dr. Foret explained that day to day waves and extra tropical storms can result in a shoreline loss of up to 100 feet per event in this area. He stated that the NMFS conducted an evaluation on six design alternatives to identify the alternative that was most cost effective to construct and maintain and would achieve the goals for the shoreline. Based on this analysis, alternative six was chosen which consists of two offshore breakwaters with a 145-foot gap between the two. Dr. Foret also stated that all alternatives included a monitoring plan to track project performance and oyster growth. These changes in design since Phase Zero have increased the costs. In addition, soil conditions were found to be extremely soft while mobilizing on another project. Dr. Foret stated that he does not have the fully funded cost estimate approval from the Engineering or Economic Work Groups yet, so is not asking for a formal request at this time. Dr. Foret only wanted to give the Technical Committee an overview of the project status.

Mr. Hartman stated that some people have questioned the feasibility of this project due to the high cost per linear foot. He asked if there is anything to be learned from this demonstration project that will reduce costs in the future. Dr. Foret answered that currently there exists a very stout design and that through review and tests the size of the project has been upgraded. However, he believes that possibly the scale of the project units and prep work can be downsized in the future, such as reducing the gravel under the mats. Dr. Foret also stated that he believes

there are ways within the current design, that once tested, can be made cheaper in the future. He also clarified that once the forms are manufactured, they will be reusable in the future and that the forms represent a higher initial cost.

Mr. Clark stated that the Engineering Work Group has been looking at the numbers and that the fully funded cost of the project could reach \$6,333 per linear foot. Mr. Clark expressed concern that in the present form, the project is never going to be funded because no program will be able to afford to build a project at \$30 million per mile. He recommended that the design be evaluated to reduce the width and length and decrease costs.

Dr. Foret answered that he was not comfortable changing the design too much because the analysis has already been completed, but that the width and depth could be revisited. He stated that because nothing like this has ever been built, costs were unsure. He also added that details have not been worked out yet, but are expected to be more streamlined in the future. Dr. Foret stated that he would come back to make a formal presentation when he had a better idea of the cost estimate.

Mr. Rhinehart asked if the success of the oyster reef is a part of the project. Dr. Foret answered that establishment of an oyster reef on the Chenier Plain is vital and that the project does have a biological side. He stated that the concrete mix is designed at the correct pH for animals to settle on and that oyster growth is needed because there is not enough material in the system to rebuild beaches. He stated that the rate is higher for reef creation with an agricultural byproduct, as now designed, than if stone is used.

Mr. Rhinehart asked about salinity and freshwater input in the area. Dr. Foret answered that average salinity is approximately 24 parts per thousand and freshwater input from the White Lake/Grand Lake Sub-basin is periodic.

Mr. Holden reinforced that the USACE would like to see about half the cost of what the numbers are starting to look like for this project. He also asked if Dr. Foret was looking at the density level or rate of development of oysters. Dr. Foret answered yes.

Mr. Holden opened the floor to comments from the public. There were no public comments.

14. Agenda Item 10. Decision: Submittal of Final Design Report and Request for Construction Approval for the PPL 17 Sediment Containment Demonstration Project (LA-09) (Britt Paul, NRCS). The NRCS and OCPR are requesting construction approval. The Sediment Containment Demonstration project (LA-09) was approved on the PPL 17 to implement a demonstration project using the Net Gains, LLC product as an alternative means to contain dredge sediment and as a passive sediment trapping system. Mr. Ron Boustany will provide a presentation on the LA-09 project. The Technical Committee will consider and vote to make a recommendation to the Task Force on the request for construction approval to the LA-09 project. Mr. Paul gave an overview of the final design on the LA-09 project. This is a demonstration project to look at a type of sediment containment material. It is split into two areas, the South Shore of the Pen Shoreline Protection and Marsh Creation Project and the

Hanson Marsh Hydrologic Restoration Project. The NRCS is seeking formal construction approval.

Mr. Holden opened the floor to discussion from the Technical Committee.

Mr. Clark stated that the project is a good project and that it will be piggybacking on other projects, such as the South Shore of the Pen Project and a project in the Mandalay National Wildlife Refuge.

Mr. Holden opened the floor to comments from the public. No public comments were made.

DECISION: Mr. Paul made the motion to recommend that the Task Force approve the request for construction for the PPL 17 Sediment Containment Demonstration Project (LA-09). Mr. Rhinehart seconded. All Technical Committee members voted in favor and the motion passed.

15. Agenda Item 11. Discussion/Decision: Status of Unconstructed Projects (Travis Creel, USACE). The Technical Committee will vote to make a recommendation to the Task Force for final deauthorization on the following projects:

- *Mississippi River Sediment Trap (MR-12), PPL-12, USACE – The purpose of the project is to create a sediment trap in the bed of the Mississippi River by dredging an area that would force sediment deposition. The sediment deposited into the trap would then be mined to create marsh.*
- *Castille Pass Channel Sediment Delivery (AT-04), PPL-9, NMFS – The purpose of the project is to re-establish sedimentation processes that would promote sub-delta and marsh development in the area by dredging a system of distributary channels through Castille Pass.*

Mr. Creel stated that the USACE is asking for approval for final deauthorization on these two projects. Deauthorization letters were submitted on September 8, 2009 and require a 30-day notice period. He stated that the USACE is currently waiting to receive comments back.

Mr. Holden opened the floor to discussion from the Technical Committee. There was no discussion.

Mr. Holden opened the floor to comments from the public.

Mr. Sean Duffy with the Gulf States Maritime Association asked if the Sediment Trapping Project location is near the Pilottown Anchorage area. Mr. Holden answered that the Sediment Trapping Project goes up to Mile 5, is 4 miles long, and is located south of the anchorage and rotates from the right descending bank to the left descending bank.

DECISION: Mr. Hartman made the motion to approve the final deauthorization of the Mississippi River Sediment Trap Project (MR-12) and the Castille Pass Channel Sediment

Delivery Project (AT-04) pending no substantive comments are received during the 30-day notice period. Mr. Clark seconded. All Technical Committee members voted in favor and the motion passed.

Mr. Rhinehart gave an overview of the Brown Lake Project. He stated that the State is asking for deauthorization because the majority landowner on this project has requested that the effort be canceled. The landowner no longer wishes to proceed with the terrace alternative in lieu of the hydrologic control project that was initially proposed.

Ms. Goodman recommended that the State submit a request of deauthorization to the USACE in writing in accordance with the SOP in lieu of the P&E Subcommittee recommending deauthorization.

DECISION: Mr. Rhinehart made the motion to approve the deauthorization procedure for the Brown Lake Project. Mr. Paul seconded. All Technical Committee members voted in favor and the motion passed.

16. Agenda Item 12. Discussion/Decision: Proposed Revision of CWPPRA Standard Operating Procedure Requirement for 30 % and 95% Design review requirements (Travis Creel, USACE/Darryl Clark, USFWS). The Technical Committee will consider and vote to modify the CWPPRA Standard Operating Procedures (SOP) as follows:

- a. *Require project sponsors to respond to written comments within 45 days following 30% Design Review Conferences. Comments and responses shall be provided to the Technical Committee along with notification to proceed to 95% design. Section 8(1) of the CWPPRA SOP only requires that response to the 30% Design be included in the Final Design Report. It is recommended that the following be added to the second paragraph of SOP Section 6(e)(2) (30% Design Review): “Agencies shall have 15 days after the 30% Design Review meeting to submit comments. Project sponsors shall provide a written response to 30% Design Review comments within 30 days following the end of the commenting period. These responses shall be included in the sponsoring agency’s concurrence letter sent to the Technical Committee after the design review meeting.”*

Mr. Clark explained that this change to the SOP addresses the deadline to submit responses to comments.

Mr. Holden opened the floor to discussion from the Technical Committee.

Mr. Holden stated that the proposed review and response to comment periods are a reasonable approach.

Mr. Rhinehart clarified that the deadline is only for a response to comment and that an acceptable response would be that further information is necessary or that the response is in progress.

Mr. Hartman agreed that it will be helpful to at least know the status of the comment response within the new timeframe.

Mr. Holden opened the floor to comments from the public. No public comments were made.

DECISION: Mr. Clark made the motion to approve the recommended language change to Standard Operating Procedure Section 6(e)(2) (30% Design Review). Mr. Rhinehart seconded. All Technical Committee members voted in favor and the motion passed.

*b. Modify Section 6(g)(2)(6) to direct all requests for Section 303(e) approvals to be sent to:
ATTN: CEMVN-PM-OR
CWPPRA Program Manager*

Mr. Creel explained that this modification to the SOP changes the address for Section 303 (e) approval requests. This change is needed in order to better track the requests.

Mr. Clark commented that they would like to get 303(e) approvals within 45 days from the USACE. Mr. Holden responded that the USACE will do their best.

Mr. Holden opened the floor to comments from the public. No public comments were made.

DECISION: Mr. Holden made the motion to approve the recommended address change to Standard Operating Procedure Section 6(g)(2)(6). Mr. Hartman seconded. All Technical Committee members voted in favor and the motion passed.

17. Agenda Item 13. Report/Discussion: Status of the PPL 1 – West Bay Sediment Diversion Project (MR-03) (Melanie Goodman, USACE). Ms. Melanie Goodman with the USACE will provide a status on the West Bay Work Plan and dredging in the Pilottown Anchorage Area. Ms. Goodman stated that all work plan efforts are on schedule and that monthly reports are being sent to the Technical Committee and peer reviewers. Peer review comments should have been received and the comments are currently being addressed. A webinar will be held on October 20, 2009 and the report is expected to be on schedule for the November 7, 2009 submittal date. She also stated that an email was sent on September 9, 2009 to the Technical Committee and the Peer Review Team notifying them of the December 1, 2009 special Technical Committee meeting to review the work plan. She further stated that dredging in the Pilottown Anchorage Area began September 20, 2009.

Mr. Holden clarified that formal transmittal will be made by November 24, 2009, at the latest, to the Task Force members and that the intent is to allow for a 30-day external review in time for the Task Force to be informed at their first meeting in 2010.

Mr. Clark asked when the Pilottown dredging would be completed. Mr. Holden responded that he does not know when the dredging is expected to be complete, but that the USACE will compile that information and disseminate.

Mr. Holden opened the floor to comments from the public.

Mr. Sean Duffy stated that he had no comment on the West Bay Project at this time.

18. Agenda Item 14. Report: Central and Eastern Terrebonne Complex Project Report (Ronny Paille, USFWS). Mr. Paille with the USFWS will present a final report on the results of the Central and Eastern Terrebonne complex project. Mr. Paille gave an overview of the project. The project initially identified four potential receiving areas in East Terrebonne. The focus was narrowed to the Grand Bayou System since it is shorter and more effective. Four alternatives were then evaluated for channel sizes and flow versus costs, also considering freshwater inflow and wetland loss rate reduction, to determine the maximum benefits and therefore best alternative. Salinity modeling was also conducted for the alternatives to evaluate saltwater intrusion impacts. The LCA is going to redo the modeling and will hopefully obtain the same results.

Mr. Paille said that the project is being transferred from USFWS to the LCA. The LCA will be conducting a more expansive project that runs to the Atchafalaya River and is looking to use the preferred alternative from the CWPPRA project due to time constraints. The USFWS is returning remaining funds (an estimated \$145,000 will go back into the planning budget). This project was at a Phase Zero and never reached the PPL level, so no action is needed by the Technical Committee to officially deauthorize the project.

Mr. Hartman stated that this project is a good start to the LCA project. Mr. Clark agreed that this is a situation where CWPPRA is helping another program. Mr. Clark also asked if the LCA was intending to incorporate the CWPPRA project model.

Mr. Paille answered that the LCA project extends much farther than the CWPPRA project and that because of time constraints in running the model, he believes that the LCA intends to pick up the CWPPRA preferred alternative, although LCA may also consider other measures.

Mr. Holden agreed that the LCA project is much more extensive and that it will incorporate the work already done on the CWPPRA project due to time constraints.

Mr. Clark commented that no Technical Committee action is needed at this time.

Ms. Browning stated that approximately \$144,000 would go back into the planning budget.

Mr. Holden opened the floor to comments from the public. No public comments were made.

19. Agenda Item 15. Report: Donaldsonville to the Gulf (Virginia Brisely, USACE). Ms. Brisely with the USACE will provide an update on the progress and findings to date from the Donaldsonville to the Gulf Feasibility Study and Environmental Impact Statement. Ms. Brisely and Mr. Bob Esenwein, USACE, gave an overview of the Donaldsonville to Gulf Feasibility Study and Environmental Impact Statement (EIS). The project is currently in the feasibility study stage. The project is bounded on the west by Bayou Lafourche and on the east and north by the west bank of the Mississippi River, from Donaldsonville to the Gulf of Mexico. The study area is over 2,400 square miles and includes portions of nine southeast Louisiana parishes.

The basin is subject to heavy rainfall and tidal surges from the Gulf of Mexico and hurricane flooding resulting in structural, agricultural, and environmental damages. The study area has been declared a Federal Disaster area eight times since 1985 (including the aftermath of Hurricanes Ike and Gustav) and has experienced additional storms causing FEMA to provide disaster assistance in 2008. The area lacks effective interior drainage and is increasingly vulnerable to the multiple effects of hurricane storm surges.

The following technical analyses are in progress: Environmental, Economics, and Engineering Division review of levee system structures and levee design. A hydrodynamic/salinity modeling of water circulation for all future with project alternatives is in progress. Information gained from the hydrodynamic/salinity model will provide a basis for evaluating impacts of cross-basin levee systems. An agricultural damages analysis is also in progress.

The salinity model will be finalized and will include Davis Pond, Myrtle Grove and two small siphons in the upper basin. The project schedule will be maintained, and an evaluation of recently submitted engineering design of levee systems will be completed. Outreach to communities, agencies, stakeholders, and local governments will continue. Additional outreach to inform public on the USACE feasibility process to describe the necessary steps to move a project to completion will be performed.

A schedule of major milestones was provided as follows:

- Executed FCSEA amendment No.1 – June 29, 2009
- Feasibility AFB – June 30, 2010
- Draft FS/Environmental Public Notice – October 29, 2010
- Feasibility Report Approval – March 31, 2011
- Chief's Report to ASA – December 30, 2011

Mr. Hartman asked a question regarding other projects and how the Donaldsonville project takes into account future projects in terms of diversions and accretion.

Ms. Brisely responded that the USACE is currently considering five structural and one non-structural alternative. She explained that the USACE wanted to inform the Technical Committee of how this project may affect other projects. A meeting will be held Friday, October 2, 2009 regarding alternative alignments for the project and concerns regarding the alternative alignments and how they may impact ecosystems.

Mr. Hartman pointed out that there is concern regarding the two southern alignments and the resource agencies are working with the USACE to make sure that those concerns are addressed. He stated that the resource agencies are not against hurricane protection, but want to ensure that the protection is located in the right places.

Mr. Esenwein gave an overview of the hydrodynamic model and input information being used. The USACE expects the modeling effort to be complete by June 2010 and anticipates that between now and June, the USACE will give the Project Delivery Team (PDT) and the agencies

that sit on PDT a look at the model output and will allow an opportunity for questions, so that the USACE can move forward with the EIS.

Ms. Brisely stated that Mr. Paille and other on-the-ground team members have been instrumental in providing information to use in the modeling. She also stated that the plan is to continue outreach efforts to agencies, the scientific community, and parishes. She explained that the path forward is to finalize the salinity model, complete the engineering design evaluations and reach an October 2010 milestone for the draft feasibility study on the EIS going out for public notice.

Mr. Holden opened the floor to comments from the public. No public comments were made.

20. Agenda Item 16. Additional Agenda Items (Thomas Holden, USACE). The additional agenda items were discussed earlier in the meeting as noted in the meeting minutes.

21. Agenda Item 17. Request for Public Comments (Thomas Holden, USACE). There were no public comments.

22. Agenda Item 18. Announcement: Date of Upcoming CWPPRA Program Meeting (Travis Creel, USACE). *The Task Force meeting will be held October 28, 2009 at 9:30 a.m. at the USACE, 7400 Leake Ave., New Orleans, Louisiana in the District Assembly Room (DARM).* Mr. Creel announced the next Task Force Meeting will be held October 28, 2009 at 9:30 a.m. at the USACE office in New Orleans. Mr. Creel also announced that the next Technical Committee meeting will be held December 2, 2009 at 9:30 a.m. in Baton Rouge. The next two public meetings are for PPL 19 and will be held at the Abbeville courthouse on November 17, 2009 at 7:00 p.m. and at the New Orleans USACE office on November 18, 2009 at 7:00 p.m. Mr. Creel stated that the remaining 2010 meetings are as listed in the agenda and pointed out that the Region III Planning Meeting will be held in Houma instead of Morgan City this year.

Mr. Hartman asked that the West Bay Technical Committee meeting on December 1, 2009 be added to the list.

Mr. Paul asked when the voting meeting or virtual voting will be held. Mr. Creel responded that the voting will be held after the other meetings sometime around the end of March 2010 and that a submittal cut-off date can be set for the virtual voting.

23. Agenda Item 19. Announcement: Scheduled Dates of Future Program Meeting (Travis Creel, USACE). *The Task Force meeting will be held October 28, 2009 at 9:30 a.m. at the USACE, 7400 Leake Ave., New Orleans, Louisiana in the District Assembly Room (DARM).* Dates and locations of future program meetings through December 2010 can be found on the agenda (Encl 1).

24. Agenda Item 20. Decision: Adjourn. Mr. Holden adjourned the meeting at approximately 3:49 p.m.