

BREAUX ACT
Coastal Wetlands Planning, Protection and Restoration Act
TASK FORCE MEETING
29 January 2020
Minutes

I. INTRODUCTION

Colonel Stephen Murphy convened the 100th meeting of the Louisiana Coastal Wetlands Conservation and Restoration Task Force. The meeting began at 9:38 a.m. on January 29, 2020, in the Louisiana Room of the LA Department of Wildlife and Fisheries, 2000 Quail Drive, Baton Rouge, LA. 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 for the Task Force Meeting is presented as Enclosure 2. The Task Force members introduced themselves as follows:

Col. Stephen Murphy (USACE), Chairperson
Mr. Brian Lezina (CPRA, for the State of Louisiana)
Mr. Charles Maguire (EPA, Region 6)
Mr. Chad Kacir (NRCS, for the U.S. Department of Agriculture)
Mr. Chris Doley (NOAA Fisheries Service, for the U.S. Department of Commerce)
Mr. Jeffery Weller (USFWS, for the U.S. Department of Interior)

III. OPENING REMARKS

Colonel Murphy introduced himself, and remarked upon his six-month tenure as Commander in Chief of the USACE – New Orleans District, during which unprecedented decisions/ actions of the COE utilizing spillways and water diversions have occurred. The colonel described his growing enlightenment of the essential function of coastal wetlands as both Gulf Coast storm protection and down-stream run-off pollutant filtration. He commended all efforts being done to improve coastal wetland conditions for the future.

Col. Murphy invited Task Force members to introduce themselves, which they did as listed above. Members proffered no opening remarks when asked.

Col. Murphy introduced the retirement of Gary Barone a 25-year financial workgroup member of National Marine Fisheries Service, serving CWPPRA since PPL-5. He presented Mr. Barone with a certificate of appreciation and a CWPPRA commemorative coin. Mr. Doley was prompted to offer words of commendation; he described Mr. Barone as a “true friend” and an “unsung hero”, having managed budgetary and financial issues with expertise and integrity for many years. Mr. Malone was invited to comment; a self-described man of few words, he simply expressed his pleasure at having served, and alluded to the possibility that his “brother” would replace him.

IV. AGENDA and MINUTES

Colonel Murphy asked if the Task Force had any changes to make to the agenda; Mr. Maguire, on behalf of EPA and CPRA made a motion to add an item considering an increase of

funding for the construction of the Caminada Headlands Back Barrier Marsh Creation Project. Mr. Doley seconded the motion, which passed unanimously. Col. Murphy declared that the item would be added after Agenda Item 4. No further changes to the agenda were requested.

Colonel Murphy iterated the procedure for public comment, and reminded attendees to sign in on the sheet designated for public record.

Colonel Murphy asked Mr. Inman to present the minutes of the last Task Force meeting (October 2019); Mr. Inman indicated that the minutes had previously been provided to the Task Force for their review, and recommended that the Task Force adopt the minutes. Colonel Murphy asked if the Task Force or the public had any questions regarding or changes to the minutes; none were proffered.

Col. Murphy called for a motion to adopt the minutes. Mr. Maguire made the motion, which Mr. Kacir seconded; the motion passed without dissent.

V: TASK FORCE DECISIONS

Added Agenda Item – Report/ Decision: Request for Additional Funding for the Construction of the Caminada Headland Back Barrier Marsh Creation Project

Renee' Bennett, CPRA, was called upon to report on the project (the modifications and funding of which were approved in an electronic vote April 2019) and present the request. Construction bids were received in January of this year, and came in over budget. In an attempt to obtain an awardable bid, the project footprint was reduced on the west end (Bay Champagne) by 70 acres and on the eastern stretch by 169 acres. Beneficial Use funding in the amount of \$3 million is expected from LDNR; this would allow re-inclusion of the 169 acres along the east portion of the project area, and result in the (new total) construction of 943 acres. Ms. Bennett provided slides with budgetary and project footprint details. She thereby requested \$3 million in contingency funding that might be used to increase the project footprint (if feasible), or returned to the Program (if not).

Col. Murphy called for Task Force comments or questions. Mr. Lezina interjected that such contingency funding is fairly standard, pointing out that when projects receive lower-than-expected bids, the option exists to increase the project footprint or return remaining funds. Mr. Maguire added (as an example) that EPA expects to return \$4.8 million to the Program from the closeout of three projects. He further expressed appreciation of the efforts and quick response of CPRA in their investigation of construction options as fluctuating costs are incurred. Mr. Doley pointed out that the realities of a dynamic coastline require creative, adaptive alternatives, and also commended CPRA for their response. Mr. Maguire and Mr. Doley also opined support of the project as viable and important.

Col. Murphy called for public comment. Harold Schoeffler, Acadian Chapter of the Sierra Club, posed questions regarding tidal flow to support estuarine species, and inquired about baseline ecosystem data in order to gauge project success. Ms. Bennett asserted that once fill material has consolidated, containment dikes would eventually be gapped to facilitate tidal flow. Mr. Lezina offered assurances that habitat creation is a crucial component of all projects within the CWPPRA program, and that baseline data is unequivocally the basis of project assessment. Amanda Phillips, representing the Edward Wisner Donation, pointed out that this project is now

actually a combination of two. Thus, if this funding request is authorized, the project is still less expensive overall.

Note: During a Task Force discussion before the meeting, it was decided that the budget increase for BA-171 would be considered in an electronic vote on Feb 7th.

Col. Murphy called for a motion to defer voting today (to facilitate Task Force consideration) until an electronic vote can be conducted by February 7, 2020. Mr. Maguire made the motion, which Mr. Doley seconded; the motion carried without dissent.

Agenda Item #4 – Decision: Environmental Banking Guidelines (Brad Inman, USACE)

Mr. Inman's presentation began with a history of the regulations (enacted in 2016) requiring CWPPRA Task Force to develop and issue guidelines for Environmental Banking in Louisiana. He presented a brief timeline highlighting activities in development of the guidelines. After much consultation and deliberation, a small workgroup comprised of representatives from each CWPPRA agency was convened. In May 2019 the Task force approved a draft of the Environmental Banking Guidelines. In accordance with regulatory mandates, that draft was published for public review and comment in September 2019. The comment period ended in October 2019; two comments were received, and further revisions (clarifying certain definitions and procedures) were made to the final draft of the guidelines. Mr. Inman stressed that these guidelines are not intended to impinge upon, replace or prevail over existing environmental laws. The CWPPRA Task Force has had an opportunity to review the final draft and is hereby asked to approve the final guidelines to be issued for public use.

Col. Murphy called for Task Force comments or questions. Mr. Doley commended the workgroup for its diligence in research and its ultimate accomplishment in the development of the guidelines. Mr. Weller inquired about comments received from the Congressional delegation; Mr. Inman declared that none had been received. Mr. Maguire commended leadership of the USACE in the course of fulfilling this mandate.

Col. Murphy called for public comments or questions. Mr. Schoeffler inquired about how the process works – i.e. whether or not landowners could set aside lands and make improvements. Mr. Inman responded that landowners would follow the same administrative protocol, beginning with an application to the USACE, and subject to review by relevant agencies. Final approval would establish the number and type of environmental banking credits gained.

Col. Murphy called for a motion to approve the final draft of the Guidelines for Environmental Banking in Louisiana. Mr. Lezina made the motion, which Mr. Doley seconded; the motion carried without dissent.

Agenda Item #8 – Decision: Transfer of the Bayou Grand Cheniere Ridge and Marsh Creation Project (BA-173) from CPRA and FWS to the State

On behalf of CPRA and FWS, Mr. Inman presented the request. The initiation of this transfer was approved at the October 2019 Task Force meeting. A subsequent public and legislative comment period yielded one letter of support, and in December 2019 the Technical Committee voted to recommend final transfer.

Col. Murphy called for questions or comments from the Task Force and the public; none were proffered.

Col. Murphy then called for a motion to finalize the transfer BA-173. Mr. Kacir made a motion to transfer the project as presented; Mr. Lezina seconded the motion, which passed without dissent.

Agenda Item #9 – Decision: Request for a Change in Scope for the Barataria Bay Rim Marsh Creation Project (BA-195) (Quin Kinler, NRCS)

On behalf of NRCS and CPRA, and deferring a full presentation, Mr. Inman requested that the Task Force approve a change in scope for the Barataria Bay Rim Marsh Creation Project (BA-195). The current ratio of total cost per net acres and the current ratio of the Average Annual Cost (AAC) per Average Annual Habitat Unit (AAHU) vary by 36.5% and 33.5%, respectively, from Phase 1 values. A detailed presentation was made at the Technical Committee proceedings in December 2019; at that time the Technical Committee voted to recommend approval of the scope change.

Col. Murphy called for questions or comments from the Task Force and the public; none were proffered.

Col. Murphy then called for a motion to approve the change in scope for BA-195. Mr. Kacir made a motion to transfer the project as presented; Mr. Doley seconded the motion, which passed without dissent.

Agenda Item #10 – Report/Decision: 29th Priority Project List

Kevin Roy (FWS), as Environmental Workgroup Chairman, presented the four (of eleven) candidate projects hereby being recommended by the Technical Committee for PPL 29 Phase I approval. Mr. Roy outlined each project listed below, providing details of each location scope, features, project synergy (if applicable), net acreage, and total costs.

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|---|------|-------------|
| • North Delacroix Marsh Creation and Terracing | NMFS | \$3,714,166 |
| • Phoenix Marsh Creation – East Increment | FWS | \$3,393,064 |
| • East Catfish Lake Marsh Creation and Shoreline Protection | FWS | \$3,376,249 |
| • Bay Raccourci Marsh Creation and Ridge Restoration | FWS | \$3,447,902 |

Col. Murphy called for questions or comments from the Task Force; none were proffered.

Col. Murphy called for questions or comments from the public. Mart Black, Coastal Restoration Director for Terrebonne Parish and representing the Atchafalaya Trace Commission, spoke in support of the Bay Raccourci project, citing its importance culturally and economically, as well its potential to enhance wildlife habitat and storm surge protection. He also spoke in favor of the East Catfish Lake project, and urged the Task Force to approve Phase I funding.

Col. Murphy called for a motion to approve Phase I authorization and funding in the amount of \$13,931,381 for PPL-29 projects. Mr. Doley made a motion to approve the funding; Mr. Kacir seconded the motion, which passed without dissent.

Mr. Inman interjected with a brief discourse on the extensive (agency) staff efforts required and the evaluation matrix utilized for projects to reach the Phase I funding request level.

Agenda Item #11 – Report/Decision: Request for Phase II Authorization and Approval of Phase II Increment 1 Funding (Brad Inman, USACE)

Mr. Inman introduced two projects (of three, as highlighted in the following table) selected at the most recent Technical Committee meeting for Phase II approval. The Task Force will consider the Technical Committee’s recommendation for Phase II Increment 1 funding authorization for the Labranche East Marsh Creation and the West Fourchon Marsh Creation and Nourishment projects totaling \$57,760,219 (which is within the construction program’s available funding limits.)

Agency	Project No.	PPL	Project Name	Phase II, Increment 1 Request	Fully-Funded Phase 1 Cost	Fully-Funded Phase II Cost incl O&M	Total Fully Funded Cost Est.	Net Benefit Acres	Total Cost per Acre
NRCS	PO-75	19	Labranche East Marsh Creation	\$31,440,221	\$2,571,273	\$32,385,939	\$34,957,212	644	\$54,281
NRCS	BA-195	25	Barataria Bay Rim Marsh Creation	\$25,527,081	\$2,693,708	\$26,603,176	\$29,296,884	226	\$129,632
NMFS	TE-134	24	West Fourchon Marsh Creation & Nourishment	\$26,319,998	\$3,201,929	\$27,292,219	\$30,494,148	290	\$105,152

Mike Nichols, NRCS, presented a summary of the Labranche East Marsh Creation project (PO-75), which included location, project history, scope, features, expected net acreage, costs, and rationale for project funding.

Jennifer Smith, NOAA, outlined the West Fourchon Marsh Creation and Nourishment (TE-134), pointing out the area’s potential for success because of shallow conditions therein. She also described project scope, features, net acreage, costs and benefits.

Col. Murphy called for questions or comments from the Task Force; none were proffered.

Col. Murphy called for questions or comments from the public. Amanda Phillips, representing the Edward Wisner Donation, spoke in support of the West Fourchon Marsh Creation and Nourishment project, citing its critical importance to the protection of much of the nation’s oil supply from storm surge, as well its potential to restore nesting bird and marine habitat.

Col. Murphy then called for a motion to authorize the Phase II budgets and approve Phase II Increment I funding in the amount of \$57,760,219 for the above named projects. Mr. Maguire made a motion to approve the funding; Mr. Doley seconded the motion, which passed without dissent.

VI. INFORMATION

Agenda Item #3 – Status of CWPPRA Program Funds and Projects

Ms. Jernice Cheavis, USACE, presented an overview of CWPPRA funds. The fully funded total Program Estimate since its inception to the present (authorized projects from PPLs 1 – 28) is \$3.006 billion. The total funded estimate (received since inception through FY2021) is \$2.122 billion, leaving a potential gap of \$884 million if the Program were to construct all projects to date. Current Task Force-approved funding for projects in Phase I, Phase II, and O&M and Monitoring totals \$2.221 billion. The estimate of authorized funding for each agency as requested currently totals \$1.873 billion.

The CWPPRA Program has \$75,645,919 of funding carried forth from the October Task Force meeting, to which the estimate of DOI funding for FY20 (\$1,291,553) is added. Thus, the total available Program funding to begin today's proceedings is \$76,937,472. The Technical Committee will make two funding recommendations today – four PPL-29 candidate projects for Phase I funding (totaling \$13,931,381), and two projects Phase II Increment I funding (totaling \$57,760,219). If authorized, the remaining balance forward would total \$5,245,872.

CWPPRA has authorized 222 projects. The 140 active projects include 30 in Phase 1 Engineering and Design, 14 in Phase 2 Construction, 96 projects in the O&M and Monitoring phase, and 17 projects that have been completed and closed financially. Additionally, CWPPRA has deauthorized 46 projects, transferred 8 projects, and placed 6 in the inactive category. There are 5 technical support projects, which include Coastwide Reference Monitoring System (CRMS), monitoring contingency, storm recovery, Construction Program technical support, and the wetland conservation plan.

Col. Murphy called for Task Force and Public comments; none were proffered.

Agenda Item #5 – Report: Construction Update (Brad Inman, USACE)

Mr. Inman called upon agency representatives to provide the following construction status reports:

Kevin Roy (USFWS) presented an update for the Northwest Turtle Bay Marsh Creation project (BA-125), beginning with a description of its location and its proximity to a previously constructed CWPPRA project (BA-36). Consisting of two marsh creation cells – one confined, the other semi-confined – the project is expected to restore and/or nourish 791 acres. Construction began in April 2019. The westernmost (semi-confined) cell is completed with about one million cubic yards of dredge material having been placed therein. Construction of the easternmost (fully confined) cell is ongoing; dredge material introduction therein has commenced. Mr. Roy provided a timeline of construction activities; demobilization is anticipated by the end of the summer. He also noted that a request for expansion of the project area is possible, because low bids and (expected) construction costs will likely result in a budgetary surplus.

Mr. Roy then reported on the Cameron-Creole Grand Bayou Marsh Creation (CS-54) project. He described the project location and scope, declaring that low bids and construction costs resulted in a \$500,000 budgetary surplus. Additional funding from LDNR (totaling about \$2.2 million) resulted in an expansion of both cells; as a result, a total of 772 acres were constructed. The project was completed in November 2019.

The floor was opened for public comment. Mr. Schoeffler voiced two concerns: 1) the impact of dredging shallow water bottoms on the benthic systems therein, and 2) the placement of public resources (i.e. dredged material) onto private lands. Mr. Lezina offered assurances that a dredge borrow monitoring program is in effect, which includes the effect one resource may have on another. He also pointed out that if public resources are placed on private lands, they are placed there for an ultimately public benefit. Mr. Roy pointed out that for this particular project, “well over half” of the dredged material was indeed placed on public lands. Mr. Schoeffler finally expressed concern about the poor quality of water released (and subsequent negative impacts) when dredged materials are dewatered. Mr. Lezina asserted that dewatering locations are carefully considered for each project.

Quin Kinler (NRCS) was called to provide an update for the Cameron-Creole Freshwater introduction project (CS-49). He began with a description of project location, cost and scope. Construction of the terrace fields, freshwater introduction structure and breakwater installation is expected to begin by mid-February 2020, as the requisite surveys have been completed.

Jennifer Smith (NOAA Fisheries) presented the update (for Donna Rogers) on the Rockefeller Refuge Gulf Shoreline Stabilization (ME-18) project, the construction of which began in May 2018. Ms. Smith illustrated the location, design and costs (\$28.2 million) of the project. The original 3-mile design (subsequently expanded by one-mile) also incorporates three demonstration areas of LWAC breakwater, rock breakwater and Oyster Ring (LA-08); the actual construction alignment had to be adjusted because of ongoing erosion. Unsuccessful tie-in to the rock breakwater demo area resulted in its deconstruction; the rock was repurposed for use as armor stone. Problems of armor stone acquisition and transport down-river (because of high-water conditions) have resulted in sporadic construction, which is now expected to continue through the spring of 2020. Ms. Smith concluded by presenting statistics regarding type and quantities of materials used thus far, and what materials remain to be placed.

Col. Murphy called for Task Force and public questions or comments; none were proffered.

Agenda Item #6 – Report: Public Outreach Committee Report (Jennifer Guidry, USGS)

Jennifer Guidry, Outreach Coordinator, presented the Public Outreach Committee report highlighting the following:

The committee has been working closely with colleagues within USACE to develop an interactive “how-to guide” for submitting projects for CWPPRA consideration. Upcoming RPT meetings will provide an opportunity to test the format; revisions will be made to refine its usability.

Outreach members attended a four-day 4-H Camp, where hands-on Coastal Wetland education for 500+ students was conducted.

The committee developed a Story Map for the website for informational purposes regarding the CWPPRA program and projects; feedback/ suggestions for more comprehensive content is being incorporated.

Also available (officially today) for public consumption is a new podcast trailer – the first full episode of Coastal Connections will air on February 11, 2020. Subsequent episodes will air

on the second and fourth Tuesdays of each month; viewing is available through I-Tunes®, GooglePlay®, the LACoast.gov website, and the AOC community media network. Ms. Guidry invited suggestions for interview subjects and topics.

Ms. Guidry illustrated results of social media and electronic outreach, emphasizing the response to the CRMS program, to positive news stories, and to an increase in *Newsflash* subscriptions.

She continued with an extensive list of activities and events at which the committee participated since October 2019 – opportunities for students, for professional partnership, and public awareness.

With regards to product development, Ms. Guidry noted that *Watermark* subscriptions have increased; she mentioned the subject focus of upcoming issues.

Ms. Guidry went on to iterate the committee’s involvement in cultural organizations, specifically the Gulf of Mexico Alliance and Louisiana CRT’s Bayou Culture Collaborative.

She spoke briefly of a You Tube® video series that will be out soon, and in conclusion, quickly reviewed a list of upcoming events.

Task Force comments from Mr. Doley, Mr. Lezina and Mr. Maguire were complimentary and appreciative of the CWPPRA exposure.

Public comments from Mr. Schoeffler were also positive, although he wondered about outreach to commercial fishermen. Ms. Guidry and Mr. Lezina responded assuredly with examples of the committee’s attendance at pertinent events.

Agenda Item #7 – Report: Coastwide Reference Monitoring System (CRMS) Report

Ms. Sarai Piazza (USGS) initiated the report with an update on the 2018 aerial photography obtained for purposes of land/water classification for all 392 CRMS sites; final QA/QC analysis and data will be released in June 2020. The imagery is also utilized to determine land/water composition in all CWPPRA projects; its provision is on schedule for two specific projects mentioned. Ms. Piazza further reported that a publication has recently been released on the CRMS website regarding the analysis of twelve years of hydrologic data; the purpose of the analysis was to refine maintenance intervals of CRMS equipment in order to insure data quality. She provided a graph to illustrate that scheduled maintenance intervals could be extended from forty to seventy days without compromising data.

Tommy McGinnis (CPRA) continued with the status of various basin-wide reports, which utilize CRMS data, and which are conducted on an ad hoc basis. Focusing on the Cal-Sab basin, Mr. McGinnis gave an historical account of hydrologic conditions, along with more recent hydrologic modifications (engineered), and the subsequent impacts thereof. He described how CRMS data has been used to identify areas of environmental similarity or variance within the basin. Providing CRMS data evidence, he surmised that flooding is currently more of a stressor within the basin than is salinity, although salinity is still a factor in impounded marsh areas. Restoration suggestions include raising marsh elevation through marsh creation and nourishment, clearing debris from existing drainage infrastructure, including more drainage

structures along lake rims to facilitate drainage whenever optimal weather conditions prevail, explore alternative drainage pathways to the Gulf of Mexico (other than through lakes), and managing high water from the Sabine River.

Col. Murphy called for Task Force and public questions or comments; none were proffered.

Agenda Item #12 -- Additional Agenda Items

Colonel Murphy deferred this item, as changes were previously proposed.

VII. REQUEST FOR PUBLIC COMMENTS

Colonel Murphy called for any additional public comments. Jennifer Guidry with CWPPRA Outreach corrected the date of the Queen Bess Event – it is to be held February 3, 2020. More details can be obtained through CPRA.

VIII. CLOSING

Mr. Inman was called upon to iterate the following schedule of meetings:

A. Priority Project List 30 Regional Planning Team Meetings

February 4, 2020	10:00 a.m.	Region IV Planning Team Meeting	Lake Charles
February 5, 2020	9:30 a.m.	Region III Planning Team Meeting	Morgan City
February 6, 2020	10:00 a.m.	Region I & II Planning Team Meeting	Lacombe
February 20, 2020	10:30 a.m.	Coastwide Electronic Voting	<i>(via email, no meeting)</i>

B. The Technical Committee meeting will be held April 2, 2020 at 9:30 a.m. at a location to be determined.

C. Future Program Meetings*

April 2, 2020	9:30 a.m.	Technical Committee Meeting	Baton Rouge
May 6, 2020	9:30 a.m.	Task Force	Lafayette
September 3, 2020	9:30 a.m.	Technical Committee Meeting	Baton Rouge
October 29, 2020	9:30 a.m.	Task Force	New Orleans
December 3, 2020	9:30 a.m.	Technical Committee Meeting	Baton Rouge

*subject to change

C

Colonel Murphy interjected a reminder that the electronic vote regarding BA-193 will be held February 7, 2020; Mr. Inman confirmed that date, with assurances that the necessary correspondence would be sent to the Task Force in advance.

IX. Adjournment

Colonel Murphy called for a motion to adjourn today's proceedings. Mr. Doley made the motion, which Mr. Lezina seconded. The motion carried without dissent and the meeting was adjourned at 11:23a.m.