

**MR. FRUGE**

**COASTAL WETLANDS PLANNING,  
PROTECTION AND RESTORATION ACT**

**TASK FORCE MEETING**

**April 6, 1993**



EDWIN W. EDWARDS  
GOVERNOR

State of Louisiana

OFFICE OF THE GOVERNOR

Baton Rouge

70804-9004

POST OFFICE BOX 94004  
(504) 342-7015

**RESOLUTION**

Submitted to the P.L. 101-646 Task Force

April 6, 1993

Whereas, Section 304 of P.L. 101-646 provides that the Secretary of the Army (Secretary), the Director of the U.S. Fish and Wildlife Service (Director), and the Administrator of the Environmental Protection Agency (Administrator) may enter into an agreement with the State of Louisiana, which would set forth a process by which the State would develop a Coastal Wetlands Conservation Plan (Plan); and

Whereas, the goal of that Plan would be to achieve "no net loss of wetlands in the coastal areas of Louisiana as a result of development activities initiated subsequent to approval of the Plan, exclusive of any wetlands gains achieved through implementation of ..." Section 303 of P.L. 101-646; and

Whereas, P.L. 101-646, Section 306 (a) (4) provides that \$2,500,000 annually, not to exceed \$10,000,000 total, may be granted to assist the State in development of the Plan; and

Whereas, the Louisiana Department of Natural Resources (which has been designated as the single agency of the State for developing the Plan) has formally initiated development of the agreement between the Secretary, the Director, the Administrator, and the State (see attached letters and draft agreement); and

Whereas, the Louisiana Department of Natural Resources has formally requested that federal funds in the sum of \$2,500,000 be made available for the State's first year (Federal Fiscal Year 1994) of Plan development; and

Whereas, the State anticipates requesting a similar sum of money for Federal Fiscal Years 1995, 1996, and 1997; and

Whereas, failure to designate the possible expenditure of \$10,000,000 prior to additional budget planning for P.L. 101-646 may result in a budget deficit for a given Federal Fiscal Year,

Therefore, be it resolved that the P.L. 101-646 Task Force agrees to designate \$3,333,333.00 for each of the Federal Fiscal Years 1994, 1995, and 1996 for the purpose of granting to the State, upon development of an annual Agreement between the Secretary, Director, Administrator, and the State of Louisiana, up to \$2,500,000 in Federal Fiscal Years 1994, 1995, 1996, and 1997 to assist the State in development of the Plan, and

Be it further resolved that, upon completion and approval of the Plan, any funds not granted to the State for Plan development shall be made available for funding other aspects of P.L. 101-646.



EDWIN W. EDWARDS  
GOVERNOR

State of Louisiana

OFFICE OF THE GOVERNOR

Baton Rouge

70804-9004

POST OFFICE BOX 94004  
(504) 342-7015

January 5, 1993

Colonel Michael Diffley  
District Engineer  
U.S. Army Engineer District  
P.O. Box 60267  
New Orleans, LA 70160-0267

Mr. Russell F. Rhoades  
Division Director  
Environmental Services Division  
Region VI  
Environmental Protection Agency  
1445 Ross Avenue  
Dallas, TX 75202

Mr. S. Scott Sewell  
Principal Deputy Assistant Secretary  
for Fish, Wildlife and Parks,  
U.S. Department of the Interior  
Mail Stop: 3153 M.I.B.  
1849 C street, NW, Office #3153  
Washington, DC 20240

Dear Col. Diffley, Mr. Rhoades and Mr. Sewell:

It has come to my attention that Section 304 of the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA, P.L. 101-646) provides for a reduction in Louisiana's cost share of CWPPRA projects if the State of Louisiana develops a coastal wetlands conservation plan satisfactory to congress. We are anxious to commence the process of developing such a plan.

Therefore, this letter constitutes the official notice of my willingness, as Governor of the State of Louisiana, to undertake an agreement with the Secretary, the Director and the Administrator.

In accordance with CWPPRA Section 304 (a) (B) this agreement will:

- (i) set forth a process by which the State agrees to develop a coastal wetlands conservation plan;
- (ii) designate a single agency of the State to develop the conservation plan;

Col. Diffley, Mr. Rhoades and Mr. Sewell  
Jan. 5, 1993  
Page two

- (iii) assure an opportunity for participation in the development of the conservation plan, during the planning period, by the public and by Federal and State agencies;
- (iv) obligate the State, not later than three years after the date of signing the agreement, unless extended by the parties thereto, to submit the conservation plan to the Secretary, the Director, and the Administrator for their approval; and
- (v) upon approval of the conservation plan, obligate the State to implement the conservation plan.

I hereby designate the Louisiana Department of Natural Resources (LDNR) as the state agency with primary responsibility for developing the Louisiana Coastal Wetlands Conservation Plan. LDNR will be responsible for filing the necessary application materials and applying for necessary funding to underwrite the drafting of this plan.

I further stipulate that all state agencies that are members of the Louisiana Coastal Wetlands Task Force will participate in the development of the Conservation Plan and that my Executive Assistant for Coastal Activities will coordinate, assist and provide oversight as necessary and keep me apprised of the progress of the plan.

If my staff can provide additional information or assistance please call Len Bahr, Executive Assistant for Coastal Activities, at 504-922-3244.

Sincerely,

Edwin W. Edwards

c: Louisiana Coastal Wetlands Task Force Members



EDWIN W. EDWARDS  
GOVERNOR

JOHN F. ALES  
SECRETARY

DEPARTMENT OF NATURAL RESOURCES

February 17, 1993

Mr. Russell Rhoades  
U.S. Environmental Protection Agency  
1445 Ross Avenue  
Dallas, Texas

Subject: P.L. 101-646 Coastal Wetlands Conservation Plan  
Application for Funds

Dear Mr. Rhoades:

In accordance with Section 304 of P.L. 101-646, the Department of Natural Resources (DNR) is formally requesting that funds be made available to assist in the development the above referenced plan. Attached is a grant application for the first year's activities envisioned by DNR. I have also included a draft Memorandum of Understanding to initiate the negotiation process.

As discussed at our meeting of February 4, 1993, I recommend that a meeting of all agencies involved to discuss the application be held on March 9, 1993, at a time convenient to all parties. Please call me to finalize arrangements for that meeting.

Sincerely,

David M. Soileau  
Assistant Secretary

cc: Colonel Michael Diffley, U.S. Army Corps of Engineers  
David Fruge', U.S. Fish and Wildlife Service

**Memorandum of Understanding**  
**between the**  
**State of Louisiana**  
**and the**  
**Department of the Army**  
**Corps of Engineers,**  
**Department of Interior**  
**U.S. Fish and Wildlife Service,**  
**and the**  
**Environmental Protection Agency**

Whereas the Secretary, the Director and the Administrator may enter into an agreement with the Governor of the State of Louisiana as set forth by Section 304 of Public Law 101-646.

The parties agree to the following:

I. The State of Louisiana shall develop, in accordance with Section 304 of P.L. 101-646, and after receiving necessary funding pursuant to that law, a coastal wetlands conservation plan (Plan). The goal of that Plan shall be to achieve "no net loss of wetlands in the coastal areas of Louisiana as a result of development activities initiated subsequent to the approval of the plan, exclusive of any wetlands gains achieved through implementation of the preceding section of this title [P.L. 101-646]".

II. The Governor of the State of Louisiana has designated the Department of Natural Resources as the single agency of the State to develop the Plan.



III. The parties shall assure an opportunity for public, federal and State participation in the development of the Plan.

IV. The State of Louisiana, contingent upon receiving the necessary funding, shall submit the Plan, not later than three years after the signing of this agreement, to the Secretary, the Director, and the Administrator. This time period may be extended by the signatories to this agreement.

V. After approval of the Plan by the Secretary, the Director, and the Administrator, the State shall implement the Plan.

VI. Nothing in this agreement shall require any signatory to expend funds that have not been appropriated and administratively allocated for the purposes set forth herein.

VII. This agreement shall remain in effect for 4 years from the date of the last approval signature, and can be extended thereafter, in one year increments, by amendments approved by all signatories.

State of Louisiana

Secretary John F. Ales

Date: \_\_\_\_\_

Department of the Army

Secretary

Date: \_\_\_\_\_

Department of the Interior

Secretary

Date: \_\_\_\_\_

Environmental Protection Agency

Administrator

Date: \_\_\_\_\_

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING  
April 6, 1993

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COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEMBERS

<u>Task Force Member</u>	<u>Member's Representative</u>
Governor, State of Louisiana	Dr. Len Bahr Executive Assistant for Coastal Activities Office of the Governor P. O. Box 94004 Baton Rouge, LA 70804-9004 (504) 922-3244; fax: (504) 922-3251
Administrator, EPA	Mr. Russell F. Rhoades Division Director Environmental Services Division Region VI Environmental Protection Agency 1445 Ross Ave. Dallas, Texas 75202 (214) 655-2210; fax: (214) 655-7446
Secretary, Department of the Interior	Mr. S. Scott Sewell Director Minerals Management Service U.S. Department of the Interior Mail Stop: 4230 M.I.B. 1849 C Street, NW, Office #4210 Washington, D.C. 20240 (202) 208-3500; fax: (202) 208-4684

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEMBERS (cont.)

<u>Task Force Member</u>	<u>Member's Representative</u>
Secretary, Department of Agriculture	Mr. Donald W. Gohmert State Conservationist Soil Conservation Service 3737 Government Street Alexandria, Louisiana 71302 (318) 473-7751; fax: (318) 473-7771
Secretary, Department of Commerce	Dr. Clement Lewsey Gulf Regional Manager Coastal Programs Division Office of Ocean and Coastal Resource Management U.S. Department of Commerce Room 721, Universal Bldg. 1825 Connecticut Avenue, N.W. Washington, D.C. 20235 (202) 673-5138; fax: (202) 606-4329
Secretary of the Army (Chairman)	Col. Michael Diffley District Engineer U.S. Army Engineer District, N.O. P.O. Box 60267 New Orleans, LA 70160-0267 (504) 862-2204; fax: (504) 862-2492

COASTAL WETLANDS PLANNING, PROTECTION, AND  
RESTORATION ACT

IMPLEMENTATION PLAN

TASK FORCE PROCEDURES

I. Task Force Meetings and Attendance

A. Scheduling/Location

The Task Force will hold regular meetings quarterly, or more often if necessary to carry out its responsibilities. When possible, regular meetings will be scheduled as to time and location prior to the adjournment of any preceding regular meeting.

Special meetings may be called upon request and with the concurrence of a majority of the Task Force members, in which case, the Chairperson will schedule a meeting as soon as possible.

Emergency meetings may be called upon request and with the unanimous concurrence of all members of the Task Force at the call of the Chairperson. When deemed necessary by the Chairperson, such meetings can be held via telephone conference call provided that a record of the meeting is made and that any actions taken are affirmed at the next regular or special meeting.

B. Delegation of Attendance

The appointed members of the Task Force may delegate authority to participate and actively vote on the Task Force to a substitute of their choice. Notice of such delegation shall be provided in writing to the Task Force Chairperson prior to the opening of the meeting.

C. Staff Participation

Each member of the Task Force may bring colleagues, staff or other assistants/advisors to the meetings. These individuals may participate fully in the meeting discussions but will not be allowed to vote.

D. Public Participation (see Public Involvement Program)

All Task Force meetings will be open to the public. Interested parties may submit written questions or comments that will be addressed at the next regular meeting.

## II. Administrative Procedures

### A. Quorum

A quorum of the Task Force shall be a simple majority of the appointed members of the Task Force, or their designated representatives.

### B. Voting

Whenever possible, the Task Force shall resolve issues by consensus. Otherwise, issues will be decided by a simple majority vote, with each member of the Task Force having one vote. The Task Force Chairperson may vote on any issue, but must vote to break a tie. All votes shall be via voice and individual votes shall be recorded in the minutes, which shall be public documents.

### C. Agenda Development/Approval

The agenda will be developed by the Chairperson's staff. Task Force members or Technical Committee Chairpersons may submit agenda items to the Chairperson in advance. The agenda will be distributed to each Task Force member (and others on an distribution list maintained by the Chairperson's staff) within two weeks prior to the scheduled meeting date. Additional agenda items may be added by any Task Force member at the beginning of a meeting.

### D. Minutes

The Chairperson will arrange for minutes of all meetings to be taken and distributed within two weeks after a meeting is held to all Task Force members and others on the distribution list.

### E. Distribution of Information/Products

All information and products developed by the Task Force members or their staffs will be distributed to all Task Force members normally within two weeks in advance of any proposed action in order to allow adequate time for review and comment, unless the information/product is developed at the meeting or an emergency situation occurs.



### III. Miscellaneous

#### A. Liability Disclaimer

To the extent permitted by the law of the State of Louisiana and Federal regulations, neither the Task Force nor any of its members individually shall be liable for the negligent acts or omissions of an employee, agent or representative selected with reasonable care, nor for anything the Task Force may do or refrain from doing in good faith, including the following: errors in judgement, acts done or committed on advice of counsel, or mistakes of fact or law.

#### B. Conflict of Interest

No member of the Task Force (or designated representative) shall participate in any decision or vote which would constitute a conflict of interest under Federal or State law. Any potential conflicts of interest must clearly be stated by the member prior to any discussion on the agenda item.

COASTAL WETLANDS PLANNING, PROTECTION, AND RESTORATION ACT

TASK FORCE MEETING  
October 19, 1992

MINUTES

**I. INTRODUCTION**

Colonel Michael Diffley, representing the Secretary of the Army, convened the eighth meeting of the Louisiana Coastal Wetlands Conservation and Restoration Task Force at 10:15 a.m., October 19, 1992, in the District Assembly Room of the New Orleans District, U.S. Army Corps of Engineers. The Agenda is attached as Enclosure 1. The Task Force was created by the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA), which was signed into law (PL 101-646, Title III) by President Bush on November 29, 1990.

**II. ATTENDEES**

The Attendance Records for the Task Force meeting are attached as Enclosure 2. Listed below are the six Task Force members. With the exception of Dr. Lewsey and Mr. Sewell, who were represented by Mr. Ric Ruebsamen and Mr. David Fruge, respectively, all were in attendance.

Dr. Len Bahr, State of Louisiana  
Mr. Russell Rhoades, Environmental Protection Agency  
Mr. S. Scott Sewell, U.S. Department of the Interior  
Mr. Horace Austin, U.S. Department of Agriculture  
Dr. Clement Lewsey, U.S. Department of Commerce  
Col. Michael Diffley, U.S. Department of the Army, Chairman

### III. APPROVAL OF MINUTES FROM PREVIOUS MEETING

The minutes from the Task Force meeting held on September 1, 1992, were reviewed. A motion to accept the minutes of the previous meeting was made by Mr. Ruebsamen and seconded by Mr. Rhoades. The minutes (Enclosure 3) were unanimously approved by the Task Force members. [1/171] \*

### IV. TASK FORCE DECISIONS

The Task Force voted on and passed the following motions:

- A. Mr. Steyer presented the Monitoring Work Group's proposed plan for CWPPRA project monitoring (Enclosure 4). As a result of the ensuing discussion, Mr. Steyer agreed that under the paragraph titled "Monitoring Responsibilities" in the sentence "The P & E Subcommittee may direct the Monitoring Work Group to provide a technical review of the project reports," the word "may" will be amended to read "shall."<sup>1</sup> Mr. Ruebsamen moved, with a second from Mr. Rhoades, that the last sentence of the paragraph titled "Limits on Monitoring Variables" be amended to read "To reduce monitoring costs, full use will be made of existing research findings regarding the effects of water control structures."<sup>2</sup> Col. Diffley then moved that the proposal be accepted with the previous amendments; the motion was seconded by Mr. Austin. The Task Force unanimously approved the motion.<sup>3</sup> [2/417<sup>1</sup>, 3/254<sup>2</sup> & 3/285<sup>3</sup>]
- B. Dr. Joseph Suhayda presented an overview of a hydraulic model he was proposing to use to assist the Task Force in developing the comprehensive plan and screening project alternatives. Col. Diffley noted, with concern, that the Technical Committee had returned this item to the Task Force with no recommendation. He also pointed out that the proposal was incomplete, as no source of available funds had been identified nor had the specific products to be supplied. He noted that the FY 93 budget, approved by the Task Force, included no contingencies and that funding of proposals of this type would depend on the

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\* The Task Force meeting was recorded on audio tape. These bracketed figures represent the Tape#/Counter# for the discussion of this item.

1,2,3... Numbered footnotes in the text of these minutes refer to multiple tape/counter numbers for that item of discussion.

#### IV. B. Cont.

availability of carry-over funds. He then asked if any agency was willing to volunteer any of their budgeted funds to support this proposal. After receiving no response, the Colonel also suggested that proposals needed to compete against one another for funding based on relative merit rather than simply be funded by virtue of their own merit. Since no source of funding was identified by the Technical Committee and none was offered at that time, no action was taken on the proposal. [3/600]

C. The recommendation of the Technical Committee and Citizen Participation Group for the Second Priority Project list (Enclosure 5) was presented to the Task Force. A lengthy discussion concerning the make up of the list, and the method used to arrive at that point, was held. This discussion included possible adjustments to the procedures for use in developing the next priority list. Mr. Austin moved that the list be accepted with the *caveat* that the East Mud Lake and Browns Lake projects be subject to a 50 percent design review.<sup>1</sup> Col. Diffley requested that the Isle Dernieres Barrier Island Restoration project be subject to this stipulation and Dr. Good of LDNR-CRD requested that the First Priority List project, West Bay Sediment Diversion, also be subject to this review.<sup>2</sup> The motion was seconded, after some discussion, by Mr. Ruebsamen.<sup>3</sup> Mr. Fruge' then moved that the project list presented by the Technical Committee be amended to include the Atchafalaya Sediment Delivery project based on projections of cost savings on three previously listed projects. This motion was also seconded by Mr. Ruebsamen.<sup>4</sup> Col. Diffley restated the motion and amendments, which were approved unanimously by the Task Force.<sup>5</sup> [5/367<sup>1</sup>, 457<sup>2</sup>, 632<sup>3</sup>, 654<sup>4</sup> & 6/028<sup>5</sup>]

#### V. TASKS REQUIRING FURTHER ACTION

A. Dr. Bahr presented a strawman proposal from the State concerning limits of funding to be set aside for the inclusion of R & D type demonstration projects on future priority project lists. Col. Diffley directed the Technical Committee to develop specific procedures for these types of project. This procedure is to define not only the means of funding these projects but also the method for ranking and selecting them. A manner of establishing practical limits for these types projects is also to be addressed. [4/753, 5/011]

V. Cont.

- B. Col. Diffley stated that he felt that a number of projects on the first priority list had reached the point of being ready for construction approval by the Task Force at its next meeting. He noted that lead agencies needed to take the initiative in calling for project technical review conferences. Once a review conference has been held for a project, the Task Force's approval could be delivered at their next scheduled meeting or by a telephone vote if necessary. [6/168]
- C. Col Diffley commented to the Task Force on a letter he had received from Senator Johnston, concerning the Isles Dernieres restoration project approved for PPL1. The Colonel echoed Senator Johnston's concerns and urged EPA, as the lead agency, and the State to come to terms on the Cost Sharing Agreement as soon as possible. If this matter is not soon resolved, action by the Task Force to bring about a resolution will be unavoidable. [6/050, 237]

**VI. ADDITIONAL AGENDA ITEMS**

- A. Mr. Fruge' announced that the USFWS National Wetlands Research Center had completed habitat mapping based on 1988-89 infrared photography. He stated that index maps of this data were available. [6/452]

**VII. DATE/LOCATION OF THE NEXT TASK FORCE MEETING**

The date for the next Task Force meeting is January 12, 1993. The site of the meeting will be the U.S. Army Corps of Engineers New Orleans District. The meeting will be held in the New Orleans District Assembly Room. [6/466]

Col. Diffley also requested that Mr. Schroeder schedule an executive session for the Task Force and select members of the Technical Committee. This meeting is to be scheduled prior to the next regular Task Force meeting with the date to be determined. [6/473]

### **VIII. Questions from the Public**

No written questions or comments were received from the public.  
[6/500]

### **IX. Adjournment**

The Task Force meeting was adjourned at 3:30 p.m. [6/509]

Encl 1

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING  
October 19, 1992

ENCLOSURE 1

AGENDA

Encl 1

**COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT**

**TASK FORCE MEETING**

October 19, 1992

**AGENDA**

- I. Introductions**
  - A. Task Force Members or Alternates
  - B. Other Attendees
  - C. Opening Remarks by Task Force Members
- II. Adoption of Minutes from the September 1, 1992 Meeting**
- III. Status of Tasks from September 1992 Meeting Requiring Further Action**
  - A. Recommendation of Technical Committee Regarding a Proposal for Monitoring of Priority Project List Projects--Mr. Schroeder
  - B. Proposal for Development of a Hydraulic Model of the Coastal Zone--Mr. Schroeder
- IV. 2nd Priority Project List**
  - A. Recommendation of Technical Committee and Citizens Participation Group--Mr. Schroeder
  - B. Discussion and Action by Task Force
- V. Additional Agenda Items**
- VI. Date and Location of the Next Task Force Meeting**
- VII. Request for Written Questions from the Public**



Encl 2

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING  
October 19, 1992

**ENCLOSURE 2**  
ATTENDANCE RECORDS

Encl 2



## ATTENDANCE RECORD



DATE(S)	SPONSORING ORGANIZATION	LOCATION
10/19/92	Planning Division	District Assembly Room

PURPOSE: Louisiana Coastal Wetlands Planning, Protection and Restoration Act Task Force Meeting

## PARTICIPANT REGISTER \*

NAME	ORGANIZATION	TELEPHONE NUMBER
David Fugé	USDI/Fish & Wildl. Serv.	318/864-6630
BILL GOOD	DNR/CRD	504 342 7308
DAVE SOILEAU	" "	504 342 7308
CAROL CLARK	" "	" " "
GREG STEFFER	" "	" " "
Arnold Robbins	CELMV-PD-C	601-634-5928
LEN OAKR	Gov's office	504-922-3244
Jim Stone	" "	" "
Peggy Jones	US DOC/NMFS	504 389-0508
Bill Swant	DNR/CRD	504-342-9420
Nora Thomas	USEPA	(214) 655 2260
Glenn Engster	USEPA Washington DC	202-260-6045
CPT Jim Duffreik	USACOE New Orleans	504-862-1879
BOB STEWART	FWS/NWRC-LARABITR	318-266-8501
CARL HAKENTAS	GULF INTRACOSTAL CANAL ASSOC.	504-523-5287
Tim Axtman	COE PD-FE	504-862-1921
Jimmy Johnston	USFWS/NWRC	318-266-8556
Philip Breaux	FINA Oil & Chemical	318-478-9673
Stan Green	COE Plan Dir	(504) 862-1486
MARY KINSEY	COE RE	(504) 862-1951
Linda Labure	COE Real Estate	(504) 862-1295
Jeff Williams	USGS, Reston, Va.	703-648-6511
Oscar Rowe	COE	504 862 2512



Encl 3

COASTAL WETLANDS PLANNING, PROTECTION, AND RESTORATION ACT

TASK FORCE MEETING  
October 19, 1992

**ENCLOSURE 3**

MINUTES FROM THE SEPTEMBER 1, 1992 TASK FORCE MEETING

Encl 3

# COASTAL WETLANDS PLANNING, PROTECTION, AND RESTORATION ACT

TASK FORCE MEETING  
September 1, 1992

## MINUTES

### I. INTRODUCTION

Colonel Michael Diffley, representing the Secretary of the Army, convened the fifth meeting of the Louisiana Coastal Wetlands Conservation and Restoration Task Force at 9:40 a.m., September 1, 1992, in the District Assembly Room of the New Orleans District, U.S. Army Corps of Engineers. The Agenda is attached as Enclosure 1. The Task Force was created by the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA), which was signed into law (PL 101-646, Title III) by President Bush on November 29, 1990.

### II. ATTENDEES

The Attendance Records for the Task Force meeting are attached as Enclosure 2. Listed below are the six Task Force members. With the exception of Dr. Lewsey and Mr. Sewell, who were represented by Mr. Ric Ruebsamen and Mr. David Fruge respectively, all were in attendance.

Dr. Len Bahr, State of Louisiana  
Mr. Russell Rhoades, Environmental Protection Agency  
Mr. S. Scott Sewell, U.S. Department of the Interior  
Mr. Horace Austin, U.S. Department of Agriculture  
Dr. Clement Lewsey, U.S. Department of Commerce  
Col. Michael Diffley, U.S. Department of the Army, Chairman

### III. APPROVAL OF MINUTES FROM PREVIOUS MEETING

The minutes from the Task Force meeting held on May 28, 1992, were reviewed, and Mr. Fruge requested that two additions be made. Additional information was inserted into Section V, paragraph C, concerning the management of inter-agency disbursement of CWPPRA funds. Under Section VII an additional paragraph was inserted. Paragraph A concerns the comments made regarding Real Estate compliance with section 303e. The minutes (Enclosure 3) were unanimously approved as amended by the Task Force members. [1/504] \*

### IV. TASK FORCE DECISIONS

The Task Force voted on and passed the following motions:

- A. Mr. Fruge outlined a request by the USFWS for additional FY 92 funding for their GIS effort in support of the CWPPRA to date. An amount of \$37,000 was requested to fund completed and additional requests for GIS support. Mr. Rhoades moved that the funding be approved and was seconded by Mr. Ruebsamen. The Task Force unanimously approved the motion. [2/029]
- B. Mr. Austin requested additional FY 92 funding for a proposed study of flotant marsh development. The SCS study required an additional \$20,000 of planning funds. However, the detailed proposal had not been reviewed at the time of the Task Force meeting. Because the Task Force would not meet again prior to the end of the FY Mr. Austin moved that the funding be approved contingent on the review and approval of the proposal by the Technical Committee. The motion was seconded by Mr. Fruge and approved unanimously by the Task Force. [2/098]
- C. Col. Diffley outlined a summary of the proposed FY 93 budget for the Task Force. (Enclosure 4) It was noted that the entire \$5,000,000 allocated for FY 93 was budgeted with no contingencies. It has been projected that a substantial amount of FY 92 funds will be carried over into FY 93. It is proposed that all FY 92 carry over funds be remanded to the Task Force to reallocate for contingencies in FY 93. Mr. Rhoades moved that the FY 93 budget be adopted as presented and was seconded by Mr. Austin. The motion was approved unanimously by the Task Force. [2/380]

## V. TASKS REQUIRING FURTHER ACTION

- A. Col. Diffley requested that each Basin Captain schedule a meeting with him sometime during the month of September. The intent of these meetings is to exchange detailed information on the status and the direction of the individual basin plans and to provide the Basin Captain guidance. Col. Diffley extended an open invitation to the other members of the Task Force or their representatives to join him for these briefings. [2/396]
- B. Dr. Bahr presented a strawman proposal from the State concerning the management of the monitoring and data collection program for CWPPRA projects. Following a discussion concerning the administration of a monitoring program, Col. Diffley expressed some reservations with portions of the State's proposal. He requested that Dr. Stewart and the Monitoring Work Group also develop a proposal for the administration of the monitoring program. The Colonel outlined 3 elements that should be addressed:
- I. Deciding who defines the data to be collected
  - II. Who does the data collection and storage
  - III. Who does the data analysis
- The task of reviewing any proposals and providing the Task Force a recommendation was remanded to the Technical Committee to be provided by the next Task Force meeting. [6/400-550]
- C. Dr. Bahr introduced a proposal from Dr. Joseph Suhayda to modify an existing hydraulic model of the Louisiana coast developed by FEMA. The enhanced model would be used to evaluate proposed CWPPRA projects. Col. Diffley felt that presentation of the amount of information necessary to adequately evaluate the proposal would be too time consuming. The review and evaluation of the proposal was tasked to the Technical Committee. [7/099]

## VI. STATUS OF FISCAL MATTERS

- B. Mr. Rowe informed the Task Force that the desired cutoff for submission of FY 92 billings will be the end of the first quarter of FY 93. He also stated that he and Ms. Weber of the New Orleans District finance and accounting office would compose a letter to the finance and accounting offices of the other Task Force member agencies. This letter will indicate the desired

deadline for bills and the Task Force's intentions for fiscal 1992 carryover funds. The charging of labor to FY 93 funds should begin as soon after October 1st as possible. This is contingent upon the delivery of FY 93 MIPR's by the Corps and may require some lead time. Col. Diffley indicated that processing of these funds would be expedited as soon as clearance is received from the Corps headquarters finance and accounting office. [2/124]

## VII. INFORMATIONAL AGENDA ITEMS

- A. Mr. Elguezabal informed the Task Force that a draft scope of services for the management of inter-agency disbursement of CWPPRA funds had been supplied to the member agencies. A mid-September meeting was anticipated, as needed, to resolve any comments on the draft scope of work. [1/510]
- B. Mr. Rowe informed the Task Force that the method for continuing involvement of the congressional delegation would include inviting its members or their staffs to Task Force meetings, the sending of the minutes to local offices and invitations to any special briefings. It was noted that all Task Force meetings are open and the attendance of the members of the congressional delegation, or their staffs, would be welcomed. [1/530]
- C. The Task Force did not provide an endorsement, by vote, of the conceptual plans for each of the coastal basins. The members instead requested that the Basin Captains consider the comments provided at the meeting. Col. Diffley noted that additional comments and suggestions might result from the Basin Captains individual briefings he had requested. [7/281]

## VIII. ADDITIONAL AGENDA ITEMS

- A. Dr. Stewart commented on the need to develop a means of administering the monitoring effort. Dr. Bahr responded to these comments by presenting the State's proposal on this topic. The subsequent discussion resulted in the action item outlined in Section V, paragraph B of these minutes. [6/208-624]
- B. Dr. Bahr's presentation of Dr. Suhayda's proposal for developing a model for the Task Force resulted in the action item outlined in Section V, paragraph C of these minutes. [7/031]



**IX. DATE/LOCATION OF THE NEXT TASK FORCE MEETING**

The date for the next Task Force meeting is October 19, 1992. The site of the meeting will be the U.S. Army Corps of Engineers New Orleans District. The meeting will be held in the New Orleans District Assembly Room. [7/333]

**X. Questions from the Public**

No written questions or comments were received from the public. [7/340]

**XI. Adjournment**

The Task Force meeting was adjourned at 2:40 p.m. [7/355]

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\* The Task Force meeting was recorded on audio tape. These bracketed figures represent the Tape#/Counter# for the discussion of this item.

Encl 4

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING  
October 19, 1992

**ENCLOSURE 4**

Proposal for Monitoring of Priority Project List Projects

Encl 4

October 14, 1992

A JOINT MONITORING PROPOSAL BY  
THE LOUISIANA DEPARTMENT OF NATURAL RESOURCES  
AND  
THE USFWS NATIONAL WETLANDS RESEARCH CENTER  
REGARDING MONITORING OF  
COASTAL WETLANDS PLANNING, PROTECTION, AND RESTORATION ACT  
PROJECTS

Background:

Monitoring of projects implemented from the Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA) restoration plan must provide:

- 1) "an evaluation of the effectiveness of each coastal wetlands restoration project in achieving long-term solutions to arresting coastal wetlands loss in Louisiana" PL 101-646 Sec. 303 (b)(4)(L); and
- 2) "a scientific evaluation of the effectiveness of the coastal wetlands restoration projects carried out under the plan in creating, restoring, protecting and enhancing coastal wetlands in Louisiana" PL 101-646 Sec. 303 (b)(7).

In order for the above mandates to be achieved, the monitoring efforts must generate results that can aid in determining the success or failure of existing projects, in the beneficial modification of existing projects, in the design of future projects, and most importantly, support future decisions on selection of projects proposed for creating, restoring, protecting and enhancing Louisiana's coastal wetlands. Comparisons of results among projects of similar type is the only way to determine which projects are most effective in achieving long-term solutions to arresting coastal wetlands loss in Louisiana.

The Monitoring Work Group was tasked by the P & E Subcommittee to resolve two issues essential to achieving the above mandates. The first issue was to develop a standardized monitoring protocol, and the second issue was to determine how this protocol would be implemented in a monitoring program, e.g., who would develop monitoring plans, collect field data, write reports, etc. The protocol was developed and reviewed by representatives from agencies, academia, and consulting firms, and their recommendations were incorporated into a final Monitoring Program Document. This

document is attached as Appendix A to this proposal.

Once the Monitoring Program Document was complete, the representatives of the various committees of the Task Force and the Monitoring Work Group discussed who would implement the monitoring program. Several options presented themselves as follows: 1) all monitoring would be the responsibility of the project sponsor; 2) all monitoring would be the responsibility of a single agency; 3) divide the monitoring among all the sponsoring agencies based upon expertise; 4) contract all monitoring with universities; and 5) contract all monitoring with a private consulting firm. The Monitoring Work Group discussed which options would meet the goals of consistency and technical credibility while at the same time being cost-effective and able to integrate with on-going data collection programs. The result of this discussion was that none of the options fit all of the requirements; therefore, they were all rejected.

During these discussions, the Louisiana Department of Natural Resources proposed that they be responsible for managing the monitoring program. After review and comments by the Monitoring Work Group and P & E Subcommittee, this proposal was refined to insure that the goals of consistency, credibility, and cost would be met. It was accepted and is presented here as a recommendation of the P & E Subcommittee.

#### Monitoring Responsibilities:

The Louisiana Department of Natural Resources, Coastal Restoration Division (LDNR/CRD) will be responsible for management of all monitoring activities of the CWPPRA including monitoring plan development, data collection and storage, statistical analysis, quality control, data interpretation and report generation. The United States Fish and Wildlife Service/National Wetlands Research Center (USFWS/NWRC) will be responsible for habitat mapping and GIS analysis (geographic information systems support) and other related monitoring as deemed appropriate by LDNR/CRD for each project. The LDNR/CRD and the USFWS/NWRC will jointly prepare reports for each CWPPRA project implemented. These reports will be submitted to the P & E Subcommittee, Technical Committee and Task Force for final approval. The P & E Subcommittee may direct the Monitoring Work Group to provide a technical review of the project reports. The implementation of all monitoring plans will follow the protocols developed in the CWPPRA Monitoring Program Document. A Technical Advisory Group consisting of a federal project sponsor representative, state (LDNR/CRD) project sponsor representative, USFWS/NWRC representative, wetland ecologist and biostatistician will assist in the development of project specific monitoring plans. The P & E Subcommittee will be advised of all Technical Advisory Group meetings. Assistance by the other sponsoring agencies in the development of the monitoring plans will be available on a voluntary basis. These plans will be reviewed by the Monitoring Work Group and submitted to the P & E

Subcommittee, Technical Committee and Task Force for final approval (see attached flowchart). The independent wetland ecologist and biostatistician will also provide quality assurance and verification of data interpretations to ensure unbiased determinations of results.

**Justification:**

- As a 25% cost-share partner on all CWPPRA projects, the State of Louisiana is the common denominator across all projects. The LDNR/CRD can provide the consistency needed to evaluate and compare similar project types across the entire coastal zone of Louisiana. In addition, the natural resources affected by CWPPRA projects fall under the domain of the State of Louisiana and, therefore, these resources should be monitored and managed by the State of Louisiana.
- A program within the LDNR/CRD is already established to monitor projects developed within the State of Louisiana's Coastal Wetlands Conservation and Restoration Plans. This monitoring program was used as a template for the development of the CWPPRA Monitoring Program Document and, therefore, would be compatible or easily adaptable to any CWPPRA requirements.
- The USFWS/NWRC currently provides GIS support and mapping assistance to the CWPPRA Task Force and the LDNR/CRD for planning and monitoring. The USFWS/NWRC program provides a mechanism for organizing and distributing GIS data generated for CWPPRA activities. This program, combined with the LDNR/CRD monitoring program will establish a long term mechanism to properly manage, archive, transfer, and distribute information.
- The LDNR/CRD currently develops reports for the Louisiana Legislature one year after project completion and updates these reports yearly. This coincides with the requirement of the Task Force to report to the United States Congress on the effectiveness of all implemented projects not less than three years after the completion and submission of the restoration plan, and at least every three years thereafter. Combined with the graphical, editorial and technical support of the USFWS/NWRC, the LDNR/CRD can complete all reporting requirements as specified in the CWPPRA.

**Limits on Monitoring Variables:**

Monitoring budgets for CWPPRA projects will be developed based on the minimum monitoring variables necessary to provide sufficient information to determine if project goals and objectives are being

met. A mechanism for selecting variables to be monitored is provided in the CWPRA Monitoring Program Document. However, due to the limited availability of funds, all of the highest priority variables cannot be monitored. The Monitoring Work Group determined by project type which variables were essential in judging project success or failure and which variables may need to be monitored based on project objectives and possible impacts. They are as follows:

<u>Project Type</u>	<u>Essential Variables</u>	<u>Additional Variables or Substitutions</u>
Freshwater Diversion	Habitat Mapping Salinity Water Level Vegetation	Fisheries Discharge Precipitation Wind Speed/Direction
Marsh Management	Habitat Mapping Salinity Water Level Vegetation Fisheries*	Sediment Accretion
Hydrologic Restoration	Habitat Mapping Salinity Water Level Vegetation	Fisheries Sediment Accretion Water/Sediment Quality
Sediment Diversion	Habitat Mapping Bathymetry/ Topography	Vegetation Suspended Sediment Discharge
Vegetative Planting	Vegetation Shoreline Markers	Habitat Mapping Salinity
Beneficial Use of Dredge Material	Habitat Mapping Vegetation Bathymetry/ Topography	Shoreline Markers
Barrier Island Restoration	Habitat Mapping Vegetation Bathymetry/ Topography	Shoreline Markers
Sediment/Nutrient Trapping	Habitat Mapping Vegetation	Suspended Sediment Bathymetry Nutrients
Shoreline Protection	Habitat Mapping Shoreline Markers	Vegetation Bathymetry/ Topography

The essential variables illustrate those variables which generally would be measured for each project type. However, project-specific goals and objectives may dictate that some of these variables may be non-essential. This list does not preclude other variables from being monitored, if determined necessary by the Technical Advisory Group. \*Fisheries monitoring will be conducted, provided that, to reduce monitoring costs, full use be made of existing research findings regarding the effects of water control structures on estuarine fish movement.

**Limits on Monitoring Costs:**

The LDNR/CRD has reviewed the goals and objectives of all 18 first priority list projects and developed monitoring cost estimates for each. The monitoring budgets on 20 completed State of Louisiana wetland restoration projects as well as the monitoring priorities and costs identified within the CWPPRA Monitoring Program Document were also reviewed. This review determined that monitoring costs cannot be set at a fixed percentage of project cost, due to varying project goals and objectives and project sizes. It did, however, provide enough information to estimate an average annual cost (below) necessary to adequately monitor each type of wetland restoration project.

Average annual monitoring costs for each project type will not exceed the following:

<u>Project Type</u>	<u>Average Annual Cost</u>
Freshwater Diversion	\$ 25,875
Marsh Management	\$ 25,875
Hydrologic Restoration	\$ 25,875
Sediment Diversion	\$ 8,625
Vegetative Planting	\$ 4,325
Beneficial Use of Dredged Material	\$ 4,325
Barrier Island Restoration	\$ 4,325
Sediment/Nutrient Trapping	\$ 4,325
Shoreline Protection	\$ 2,150

Freshwater diversion, marsh management, and hydrologic restoration project costs can be prorated based on project size as follows:

- less than 1,000 acres = 60%
- 1,000 - 5,000 acres = 70%
- 5,000 - 15,000 acres = 80%
- 15,000 - 60,000 acres = 100%

In addition, those projects that require continuous data recorders for active management will also be funded at 100%, regardless of project size.

Monitoring costs for any given project will not exceed 125% of the original, fully-funded monitoring cost estimate.

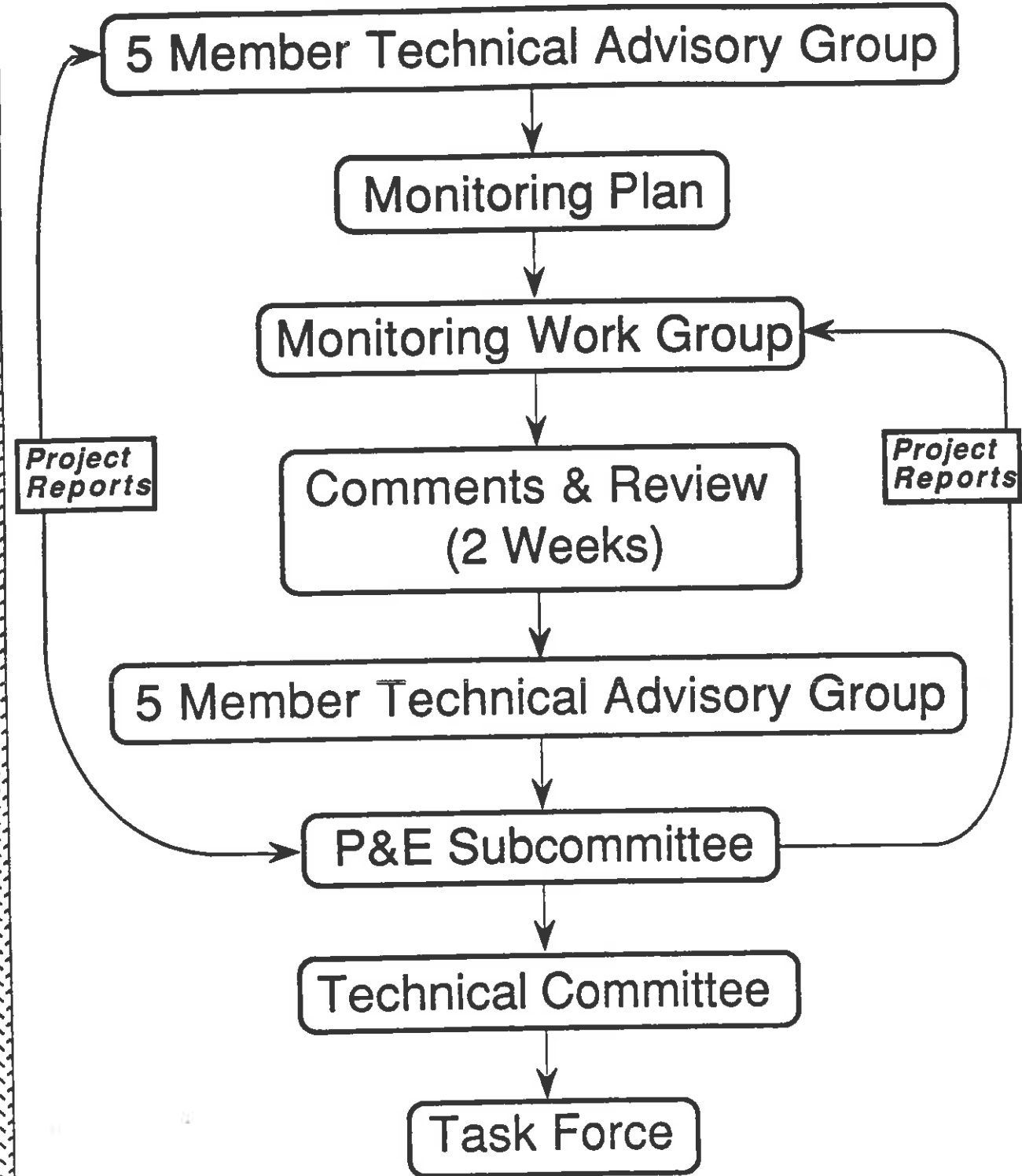
Monitoring costs for any given project will not exceed 50% of the fully-funded project cost.

These costs were derived based on a number of assumptions regarding sample number, sample frequency, project size, and the monitoring protocol utilized. Costs were derived independently and without consideration of existing monitoring stations. Average annual monitoring costs will decrease over time as a greater number of projects are implemented.

Project-specific exemptions to the above monitoring costs will be mutually agreed upon by the State of Louisiana and the Federal cost-share sponsor. Monitoring costs will be included as a component of the fully-funded project cost using the above average annual monitoring cost guidelines. In situations where monitoring costs must be added to a previously approved project, such an addition will not cause the previously approved fully-funded project cost to be exceeded by more than 25%.



# Monitoring Implementation Protocol



Encl 5

COASTAL WETLANDS PLANNING, PROTECTION, AND RESTORATION ACT

TASK FORCE MEETING  
October 19, 1992

**ENCLOSURE 5**

Proposed 2nd Priority Project List

Encl 5

Coastal Wetlands Planning, Protection and Restoration Act

2nd Priority Project List  
As Proposed by the Technical Committee

13 Oct 92

			Avg Annual Cost/AAHU (\$/AAHU)	Fully Funded Cost (\$)	Cumulative Cost (\$)
Freshwater Bayou	Merm	SCS	126	2,643,000	2,643,000
Bayou Sauvage	Pont	FWS	186	1,463,000	4,106,000
Clear Marais	Calc/Sab	SCS	193	1,733,000	5,839,000
Caernarvon Outfall Mgmt	Bret Sd	SCS	414	2,416,000	8,255,000
Mud Lake	Calc/Sab	SCS	463	2,630,000	10,885,000
Point Au Fer	Terr	NMF	697	1,123,000	12,008,000
Big Island Mining (Incrmnt 1)	Atch	NMF	935	4,161,000	16,169,000
Jonathan Davis Wetland	Bar	SCS	886	3,399,000	19,568,000
Fritchie Marsh	Pont	SCS	1,139	2,748,000	22,316,000
Hwy 384	Calc/Sab	SCS	1,225	1,032,000	23,348,000
Boston Canal	Teche/Verm	SCS	1,374	1,363,000	24,711,000
Brown's Lake	Calc/Sab	SCS	2,150	2,949,000	27,660,000
W Belle Pass	Terr	COE	2,327	4,880,000	32,540,000
Isle Dernieres (Ph 1)	Terr	EPA	6,188	6,894,000	39,434,000

Projects Deferred:

Humble Canal	Merm	SCS	89	999,000
Atch Sed Del	Atch	NMF	112	894,000
Hwy 90 to GIWW	Bar	SCS	211	3,819,000
Sawmill Canal	Mermentau	SCS	534	1,174,000
Sediment Mining	Miss Delta	COE	1,096	1,358,000

AAHU: Average Annual Habitat Units

Note: Fully funded costs have not been adjusted for recent changes in monitoring costs for some projects.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING  
APRIL 6, 1992

DISPOSITION OF DEMONSTRATION PROJECTS  
FOR FUTURE PRIORITY LISTS

Technical Committee Recommendation:

That a funding cap of \$2 million be placed on demonstration projects, with an exemption for the Isle Dernieres project. The Technical Committee also recommends waiving the cap on monitoring costs for demonstration projects.

*Non*  
*new not*  
*not start*  
*names for Isle*  
*Dernieres.*  
*Bill Smart:*  
*Use standing criteria*  
*before calling a project*  
*a demo project.*  
*Puffin:* *How many*  
*of these key is*  
*on projects of \$2M limit*  
*qualified.*  
*Some projects need more*

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING  
APRIL 6, 1992

APPROVAL FOR CONSTRUCTION OF PRIORITY LIST ONE PROJECTS

For each of the projects listed below, the appropriate lead agency will discuss: the current scope of the project with respect to costs and benefits; NEPA compliance; cultural resources clearance; and the status of the Cost Sharing Agreement.

- |  |     |
|--|-----|
| a. BA-2 (GIWW to Clovelly), <u>Unit 1</u>                | SCS |
| b. Vegetative Plantings: West Hackberry, Dewitt/Rollover | SCS |
| c. Cameron Creole Canal Plugs                            | FWS |
| d. Cameron Prairie Shore Protection                      | FWS |

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING  
APRIL 6, 1992

FUNDING OF MONITORING FOR PPL1 PROJECTS

Mr. Rowe will discuss the Planning and Evaluation Subcommittee recommendation for funding monitoring of Priority List One projects.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT  
1st PRIORITY PROJECT LIST  
APPLICATION OF MONITORING COST

PROJECT NO.	PROJECT	PROJECT TYPE	ORIGINAL FULLY FUND COST (\$1,000)	ORIGINAL MONITORING COST (\$1,000)	REVISED MONITORING COST (\$1,000)	REVISED FULLY FUND COST (\$1,000)
BA-2	GIWW to Clovelly	HR	8,142	1,434	1,434	8,142
ME-9	Cameron Prairie Refuge	SP	1,111	0	67	1,178
	Vegetative Plantings	VP	848	65	139	922
CS-17	Cameron/Creole Watershed	HR	502	62	220	660
CS-18	Sabine Refuge	SP	4,844	15	67	4,895
PO-16	Bayou Sauvage	HR	1,105	0	553	1,658
TE-19	Bayou La Cache	HR	1,254	124	565	1,695
TV-3	Vermilion River Cutoff	SP	1,523	66	69	1,526
BA-18	Fourchon	HR	252	93	93	252
PO-17	Bayou LaBranche	MC	4,327	0	134	4,461
MR-3	West Bay Sediment Diversion	SD	8,517	1,185	1,185	8,517
TE-20	Eastern Isle Dernieres	BI	6,345	481	481	6,345
BA-19	Barataria Bay Waterway	MC	1,625	0	134	1,759
TOTAL			40,395	3,525	5,141	42,010

Increase of \$1,615,000 to incorporate monitoring protocol established by the Monitoring Work Group to the 1st Priority List Projects.

- BI Barrier Island Restoration
- HR Hydrologic Restoration
- MC Marsh Creation with Dredged Sediments
- SD Marsh Creation with Sediment Diversion
- VP Vegetative Planting
- SP Shoreline Protection

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

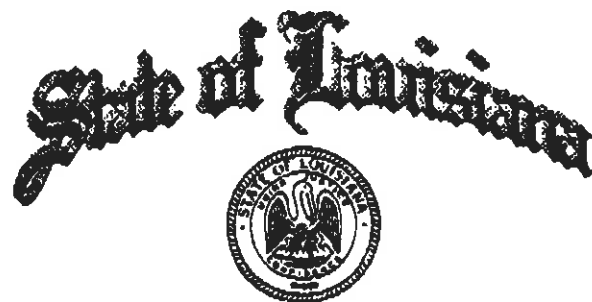
TASK FORCE MEETING  
APRIL 6, 1992

STATUS OF COST SHARING AGREEMENTS

Mr. Elguezabal will discuss the current status of project Cost Sharing Agreements.

*CE / DNR  
Close to agreement*





EDWIN W. EDWARDS  
GOVERNOR

JOHN F. ALES  
SECRETARY

DEPARTMENT OF NATURAL RESOURCES

April 5, 1993

MEMORANDUM

TO: Colonel Michael Diffley  
District Engineer  
U.S. Army Corps of Engineers

FROM: John F. Ales, Secretary  
Department of Natural Resources

RE: Coastal Wetlands Projects' Cooperative Agreements

Because I am meeting in Washington, D.C. today and must prepare a legislative package for the Regular Session tomorrow, I will be unable to attend Tuesday's Task Force meeting. I would, however, ask that you forward this memorandum to members of the Task Force in my absence.

In an effort to speed up the process of concluding the projects for the first priority list, after discussions with EPA and the Corps, it was agreed that we would proceed with the individual contracts with each federal agency and begin work on a standard agreement after completion of these contracts.

Current status of the contracts is:

1. We are awaiting a draft from the Corps in Washington.
2. We have agreed in principle with EPA and are in the process of finalizing the contract, i.e. putting words on paper.
3. U.S. Fish and Wildlife Service agreements are under review in their regional office in Atlanta. The balance of the agreements have been agreed to and are in various stages of review.

MEMORANDUM

Page 2

It appears that there will be three basic standard agreements: one where the federal agency is the lead agency; a second agreement where the state may be the contracting party, and a third where the state and the federal agency will both undertake various parts of projects.

I believe that the contracts with the EPA, Corps and U.S. Fish and Wildlife Service will form the basis for these three types of agreements, therefore, the finalization of a standard form agreement should not entail much more work and should be completed shortly.

If you have any questions, Colonel Diffley and Norm Thomas are familiar with the general overall status and I am sure they can answer any further questions you may have today.

Again I apologize for my inability to attend the meeting. I am sure you understand the necessity for me to be in Baton Rouge today.

JFA/cle

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING  
APRIL 6, 1992

STATUS OF THE DEVELOPMENT OF STATE CONSERVATION PLAN

Mr. Rowe will discuss the status of the Conservation Plan which the State proposes to develop as outlined under section 304 of the CWPPRA.

*CE - # come from  
see 306 Cont. funds  
Mid July Draft Agreement  
did not propose LOR's (via  
Dyer: Can proceed now w/  
see 304 Draft if proposal approved  
LOR work first problem)  
Cons. Plan - Agenda item for  
all upcoming meetings*

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING  
APRIL 6, 1992

STATUS OF THE RESTORATION PLAN REPORT

Mr. Green will discuss the current status of the comprehensive Restoration Plan Report.

Lyn Beth:  
More systematic  
review or big picture

April 30  
TF gets RP (Draft)  
for review  
w/CF May 14 (May 18)  
Be prepared to present, and  
present, what is proposed,  
to other agencies.  
Address agency concerns  
to be addressed in  
Final RP.  
Will change to  
20, 17, or 21  
#1 #2 #3

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING  
APRIL 6, 1992

STATUS OF PROJECTS ON  
1st AND 2nd PRIORITY PROJECT LISTS

Coastal Wetlands Planning, Protection and Restoration Act

6 Apr 93

Status of 1st Priority Project List

Project	Sponsor	CSA			Design			Permits			Construction			Cost (x \$1,000)		Percent Difference	
		Scheduled Completion Feb 93	Status	IS*	Scheduled Completion	Status	contract	Scheduled Completion	Status	TC	Scheduled Completion	Status	Start	Completion	Status		Original
Fourchon	NMFS														252	252	0.0
BA-2/ GIWW - Clovelly	SCS	Mar 92	TC		Aug 92	TC--1st contract		Dec 91	TC			Aug 93	Apr 95	BS	8,145	8,145	0.0
Cameron Creole	USFWS		IP		Aug 92	TC		Apr 92	TC			May 93	Sep 93	BS	502	477	-5.0
Bayou Sauvage	USFWS	Mar 92	BS,IP		May 93	IP,OS			IP			Aug 93	Aug 94		1,105	1,156	4.6
Turtle Cove	USFWS	Removed from list; construction taken over by State of Louisiana.															
Sabine Refuge	USFWS		IP		Jul 93	IP,BS		Apr 92	TC			Sep 93	Sep 94		4,844	4,765	-1.6
Vegetative Plantings	SCS	Apr 93	IP,OS		Apr 92	TC		Oct 92	IP,BS			Jan 93	Sep 95	BS	848	848	0.0
West Bay	COE	Jun 93	IP,OS		Jul 93	IP,OS		Feb 94	IP,BS			Jul 94	Oct 94		8,517	8,517	0.0
Diversion	COE	Oct 93	OS		Feb 94	IP,OS		Oct 93	OS			Jun 94	Aug 94		1,625	1,625	0.0
Barataria Bay WW	NMFS	Apr 93	IP,BS		Jul 93	OS		Jan 94	OS			Nov 94	Jan 95		1,254	1,695 **	35.2
Lower Bayou LaCache**	COE	Apr 93	IP,OS		Feb 93	TC		Jan 93	TC			Nov 93	Feb 94		4,327	4,327	0.0
La Branche	USFWS	Nov 92	IP,BS		Aug 92	TC		Apr 92	TC			May 93	Dec 93	BS	1,111	1,111	0.0
Cameron Prairie	COE	Jun 93	IP,BS		Oct 93	IP,BS		Sep 93	IP,BS			Jul 94	Sep 94		1,523	1,523	0.0
Venulion River Cutoff	EPA	May 92	IS		Sep 92	BS		Nov 92	IP			Jan 93	Nov 93	BS	6,345	6,345	0.0
Eastern Isle Dernieres																	

STATUS:

OS = On Schedule  
 BS = Behind Schedule  
 IP = In Progress  
 IS = Issue Surfaced  
 TC = Task Complete

EXAMPLE:

OS,IP

NOTES:

\* Post-hurricane work by port being evaluated by NMFS.  
 \*\* Increase reflects DNR revision of estimated monitoring costs.  
 † Project redesign required.

Coastal Wetlands Planning, Protection and Restoration Act

6 Apr 93

Status of 2nd Priority Project List

Project	Sponsor	CSA		Design		Permits		Construction		Cost (x \$1,000)		Percent Difference		
		Scheduled Completion	Status	Scheduled Completion	Status	Scheduled Completion	Status	Scheduled Completion	Status	Original	Current			
Archafalaya Sediment Del Freshwater Bayou Bayou Sauvage	NMF	Jun 93	OS	Dec 93	OS	Mar 94	OS	May 94	OS	Jun 94	OS	908	908	0
	SCS	Jun 93	IP	Sep 95	OS	Jun 94	OS	Feb 96	OS	Sep 97	OS	2,770	2,770	0
	FWS			Dec 93	OS			May 94	OS	May 95	OS	1,452	1,452	0
Clear Marais	COE	Aug 93	OS	Mar 94	IP,OS	Apr 94	IP,OS	Oct 94	OS	Apr 95	OS	1,741	1,741	0
Caernarvon	SCS	Jun 93	IP	Aug 95	OS	Oct 94	OS	Jan 96	OS	Sep 97	OS	2,552	2,552	0
Outfall Mgmt. Mud Lake	SCS	Jun 93	IP	May 94	OS	Jun 93	OS	Sep 94	OS	Apr 96	OS	2,904	2,904	0
Jonathan Davis Wetland	SCS	Jun 93	IP	Apr 95	OS	Apr 94	OS	Jun 95	OS	Sep 97	OS	3,399	3,399	0
Point Au Fer	NMF	Jun 93	OS	Oct 93	OS	Jan 94	OS	Apr 94	OS	Sep 94	OS	1,070	1,070	0
Big Island Mining (Incr. 1) Highway 384	NMF	Jun 93	OS	Jan 94	OS	Mar 94	OS	Jun 94	OS	May 95	OS	4,136	4,136	0
	SCS	May 93	IP	Sep 94	OS	Dec 93	OS	Jan 95	OS	Dec 95	OS	701	701	0
Fritchie March	SCS	Jun 93	IP	May 95	OS	Jun 94	OS	Nov 95	OS	Feb 97	OS	3,048	3,048	0
Boston Canal	SCS	May 93	IP	Mar 94	OS	Sep 93	OS	Jun 94	OS	Nov 95	OS	1,009	1,009	0
Brown Lake	SCS	May 93	IP	Mar 95	OS	Mar 94	OS	Jun 95	OS	Nov 96	OS	3,223	3,223	0
West Belle Pass	COE	Oct 93	OS	Mar 94	IP,OS	Mar 94	IP,OS	Sep 94	OS	Mar 95	OS	4,854	4,854	0
Isle Dernieres* (Phase 1)	EPA			Oct 93	OS			Oct 93	OS	Oct 94	OS	6,908	6,908	0

STATUS: OS = On Schedule EXAMPLE: OS/IP NOTES:

BS = Behind Schedule

IP = In Progress

IS = Issue Surfaced

^C = Task Complete

\*This project will be executed in conjunction with the PPL1 Isle Dernieres project.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING  
APRIL 6, 1992

ADDITIONAL AGENDA ITEMS

Each Task Force member has the opportunity at this point to propose additional items or issues for the consideration of the Task Force.

*Admex:  
Public education &  
1st 4 projects needed*

*CE will  
send letter  
acknowledging use  
of EYA - funded by FWS*

*Ric Anderson:  
Letter from Nancy Foster  
Col. Duffley:  
NMFS should stick to their  
guns, don't bend: Make  
projects better.  
NMFS: Threat during  
permit process, referral  
re: NEPA reqs  
Mand Mgmt EIS → CE  
looking for \$*



activities, where appropriate, that would contribute to the restoration or improvement of one or more fish stocks of the Great Lakes Basin; and

"(2) activities undertaken to accomplish the goals stated in section 2006.

16 USC 941g.

**SEC. 2009. AUTHORIZATION OF APPROPRIATIONS.**

"(a) There are authorized to be appropriated to the Director—

"(1) for conducting a study under section 2005 not more than \$4,000,000 for each of fiscal years 1991 through 1994;

"(2) to establish and operate the Great Lakes Coordination Office under section 2008(a) and Upper Great Lakes Fishery Resources Offices under section 2008(c), not more than \$4,000,000 for each of fiscal years 1991 through 1995; and

"(3) to establish and operate the Lower Great Lakes Fishery Resources Offices under section 2008(b), not more than \$2,000,000 for each of fiscal years 1991 through 1995.

"(b) There are authorized to be appropriated to the Secretary to carry out this Act, not more than \$1,500,000 for each of fiscal years 1991 through 1995."

**TITLE III—WETLANDS**

Coastal  
Wetlands  
Planning,  
Protection and  
Restoration Act,  
16 USC 3951  
note.

**SEC. 391. SHORT TITLE.**

This title may be cited as the "Coastal Wetlands Planning, Protection and Restoration Act".

16 USC 3951.

**SEC. 392. DEFINITIONS.**

As used in this title, the term—

(1) "Secretary" means the Secretary of the Army;

(2) "Administrator" means the Administrator of the Environmental Protection Agency;

(3) "development activities" means any activity, including the discharge of dredged or fill material, which results directly in a more than de minimus change in the hydrologic regime, bottom contour, or the type, distribution or diversity of hydrophytic vegetation, or which impairs the flow, reach, or circulation of surface water within wetlands or other waters;

(4) "State" means the State of Louisiana;

(5) "coastal State" means a State of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes; for the purposes of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands, and American Samoa;

(6) "coastal wetlands restoration project" means any technically feasible activity to create, restore, protect, or enhance coastal wetlands through sediment and freshwater diversion, water management, or other measures that the Task Force finds will significantly contribute to the long-term restoration or protection of the physical, chemical and biological integrity of coastal wetlands in the State of Louisiana, and includes any such activity authorized under this title or under any other provision of law, including, but not limited to, new projects, completion or expansion of existing or on-going projects, individ-

ual phases, portions, or components of projects and operation, maintenance and rehabilitation of completed projects; the primary purpose of a "coastal wetlands restoration project" shall not be to provide navigation, irrigation or flood control benefits;

(7) "coastal wetlands conservation project" means—

(A) the obtaining of a real property interest in coastal lands or waters, if the obtaining of such interest is subject to terms and conditions that will ensure that the real property will be administered for the long-term conservation of such lands and waters and the hydrology, water quality and fish and wildlife dependent thereon; and

(B) the restoration, management, or enhancement of coastal wetlands ecosystems if such restoration, management, or enhancement is conducted on coastal lands and waters that are administered for the long-term conservation of such lands and waters and the hydrology, water quality and fish and wildlife dependent thereon;

(8) "Governor" means the Governor of Louisiana;

(9) "Task Force" means the Louisiana Coastal Wetlands Conservation and Restoration Task Force which shall consist of the Secretary, who shall serve as chairman, the Administrator, the Governor, the Secretary of the Interior, the Secretary of Agriculture and the Secretary of Commerce; and

(10) "Director" means the Director of the United States Fish and Wildlife Service.

**SEC. 362. PRIORITY LOUISIANA COASTAL WETLANDS RESTORATION 16 USC 3662. PROJECTS.**

**(a) PRIORITY PROJECT LIST.—**

(1) **PREPARATION OF LIST.**—Within forty-five days after the date of enactment of this title, the Secretary shall convene the Task Force to initiate a process to identify and prepare a list of coastal wetlands restoration projects in Louisiana to provide for the long-term conservation of such wetlands and dependent fish and wildlife populations in order of priority, based on the cost-effectiveness of such projects in creating, restoring, protecting, or enhancing coastal wetlands, taking into account the quality of such coastal wetlands, with due allowance for small-scale projects necessary to demonstrate the use of new techniques or materials for coastal wetlands restoration.

(2) **TASK FORCE PROCEDURES.**—The Secretary shall convene meetings of the Task Force as appropriate to ensure that the list is produced and transmitted annually to the Congress as required by this subsection. If necessary to ensure transmittal of the list on a timely basis, the Task Force shall produce the list by a majority vote of those Task Force members who are present and voting; except that no coastal wetlands restoration project shall be placed on the list without the concurrence of the lead Task Force member that the project is cost effective and sound from an engineering perspective. Those projects which potentially impact navigation or flood control on the lower Mississippi River System shall be constructed consistent with section 304 of this Act.

(3) **TRANSMITTAL OF LIST.**—No later than one year after the date of enactment of this title, the Secretary shall transmit to the Congress the list of priority coastal wetlands restoration projects required by paragraph (1) of this subsection. Thereafter,

## Reports.

the list shall be updated annually by the Task Force members and transmitted by the Secretary to the Congress as part of the President's annual budget submission. Annual transmittals of the list to the Congress shall include a status report on each project and a statement from the Secretary of the Treasury indicating the amounts available for expenditure to carry out this title.

## (4) LIST OF CONTENTS.—

(A) AREA IDENTIFICATION; PROJECT DESCRIPTION.—The list of priority coastal wetlands restoration projects shall include, but not be limited to—

(i) identification, by map or other means, of the coastal area to be covered by the coastal wetlands restoration project; and

(ii) a detailed description of each proposed coastal wetlands restoration project including a justification for including such project on the list, the proposed activities to be carried out pursuant to each coastal wetlands restoration project, the benefits to be realized by such project, the identification of the lead Task Force member to undertake each proposed coastal wetlands restoration project and the responsibilities of each other participating Task Force member, an estimated timetable for the completion of each coastal wetlands restoration project, and the estimated cost of each project.

(B) PRE-PLAN.—Prior to the date on which the plan required by subsection (b) of this section becomes effective, such list shall include only those coastal wetlands restoration projects that can be substantially completed during a five-year period commencing on the date the project is placed on the list.

(C) Subsequent to the date on which the plan required by subsection (b) of this section becomes effective, such list shall include only those coastal wetlands restoration projects that have been identified in such plan.

(5) FUNDING.—The Secretary shall, with the funds made available in accordance with section 306 of this title, allocate funds among the members of the Task Force based on the need for such funds and such other factors as the Task Force deems appropriate to carry out the purposes of this subsection.

## (b) FEDERAL AND STATE PROJECT PLANNING.—

(1) PLAN PREPARATION.—The Task Force shall prepare a plan to identify coastal wetlands restoration projects, in order of priority, based on the cost-effectiveness of such projects in creating, restoring, protecting, or enhancing the long-term conservation of coastal wetlands, taking into account the quality of such coastal wetlands, with due allowance for small-scale projects necessary to demonstrate the use of new techniques or materials for coastal wetlands restoration. Such restoration plan shall be completed within three years from the date of enactment of this title.

(2) PURPOSE OF THE PLAN.—The purpose of the restoration plan is to develop a comprehensive approach to restore and prevent the loss of, coastal wetlands in Louisiana. Such plan shall coordinate and integrate coastal wetlands restoration

projects in a manner that will ensure the long-term conservation of the coastal wetlands of Louisiana.

(3) **INTEGRATION OF EXISTING PLANS.**—In developing the restoration plan, the Task Force shall seek to integrate the "Louisiana Comprehensive Coastal Wetlands Feasibility Study" conducted by the Secretary of the Army and the "Coastal Wetlands Conservation and Restoration Plan" prepared by the State of Louisiana's Wetlands Conservation and Restoration Task Force.

(4) **ELEMENTS OF THE PLAN.**—The restoration plan developed pursuant to this subsection shall include—

(A) identification of the entire area in the State that contains coastal wetlands;

(B) identification, by map or other means, of coastal areas in Louisiana in need of coastal wetlands restoration projects;

(C) identification of high priority coastal wetlands restoration projects in Louisiana needed to address the areas identified in subparagraph (B) and that would provide for the long-term conservation of restored wetlands and dependent fish and wildlife populations;

(D) a listing of such coastal wetlands restoration projects, in order of priority, to be submitted annually, incorporating any project identified previously in lists produced and submitted under subsection (a) of this section;

(E) a detailed description of each proposed coastal wetlands restoration project, including a justification for including such project on the list;

(F) the proposed activities to be carried out pursuant to each coastal wetlands restoration project;

(G) the benefits to be realized by each such project;

(H) an estimated timetable for completion of each coastal wetlands restoration project;

(I) an estimate of the cost of each coastal wetlands restoration project;

(J) identification of a lead Task Force member to undertake each proposed coastal wetlands restoration project listed in the plan;

(K) consultation with the public and provision for public review during development of the plan; and

(L) evaluation of the effectiveness of each coastal wetlands restoration project in achieving long-term solutions to arresting coastal wetlands loss in Louisiana.

(5) **PLAN MODIFICATION.**—The Task Force may modify the restoration plan from time to time as necessary to carry out the purposes of this section.

(6) **PLAN SUBMISSION.**—Upon completion of the restoration plan, the Secretary shall submit the plan to the Congress. The restoration plan shall become effective ninety days after the date of its submission to the Congress.

(7) **PLAN EVALUATION.**—Not less than three years after the completion and submission of the restoration plan required by this subsection and at least every three years thereafter, the Task Force shall provide a report to the Congress containing a scientific evaluation of the effectiveness of the coastal wetlands restoration projects carried out under the plan in crea-

Reports.

ting, restoring, protecting and enhancing coastal wetlands in Louisiana.

(c) **COASTAL WETLANDS RESTORATION PROJECT BENEFITS.**—Where such a determination is required under applicable law, the net ecological, aesthetic, and cultural benefits, together with the economic benefits, shall be deemed to exceed the costs of any coastal wetlands restoration project within the State which the Task Force finds to contribute significantly to wetlands restoration.

(d) **CONSISTENCY.**—(1) In implementing, maintaining, modifying, or rehabilitating navigation, flood control or irrigation projects, other than emergency actions, under other authorities, the Secretary, in consultation with the Director and the Administrator, shall ensure that such actions are consistent with the purposes of the restoration plan submitted pursuant to this section.

(2) At the request of the Governor of the State of Louisiana, the Secretary of Commerce shall approve the plan as an amendment to the State's coastal zone management program approved under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455).

(e) **FUNDING OF WETLANDS RESTORATION PROJECTS.**—The Secretary shall, with the funds made available in accordance with this title, allocate such funds among the members of the Task Force to carry out coastal wetlands restoration projects in accordance with the priorities set forth in the list transmitted in accordance with this section. The Secretary shall not fund a coastal wetlands restoration project unless that project is subject to such terms and conditions as necessary to ensure that wetlands restored, enhanced or managed through that project will be administered for the long-term conservation of such lands and waters and dependent fish and wildlife populations.

(f) **COST-SHARING.**—

(1) **FEDERAL SHARE.**—Amounts made available in accordance with section 306 of this title to carry out coastal wetlands restoration projects under this title shall provide 75 percent of the cost of such projects.

(2) **FEDERAL SHARE UPON CONSERVATION PLAN APPROVAL.**—Notwithstanding the previous paragraph, if the State develops a Coastal Wetlands Conservation Plan pursuant to this title, and such conservation plan is approved pursuant to section 304 of this title, amounts made available in accordance with section 306 of this title for any coastal wetlands restoration project under this section shall be 85 percent of the cost of the project. In the event that the Secretary, the Director, and the Administrator jointly determine that the State is not taking reasonable steps to implement and administer a conservation plan developed and approved pursuant to this title, amounts made available in accordance with section 306 of this title for any coastal wetlands restoration project shall revert to 75 percent of the cost of the project: *Provided, however,* that such reversion to the lower cost share level shall not occur until the Governor has been provided notice of, and opportunity for hearing on, any such determination by the Secretary, the Director, and Administrator, and the State has been given ninety days from such notice or hearing to take corrective action.

(3) **FORM OF STATE SHARE.**—The share of the cost required of the State shall be from a non-Federal source. Such State share shall consist of a cash contribution of not less than 5 percent of

the cost of the project. The balance of such State share may take the form of lands, easements, or right-of-way, or any other form of in-kind contribution determined to be appropriate by the lead Task Force member.

(4) Paragraphs (1), (2), and (3) of this subsection shall not affect the existing cost-sharing agreements for the following projects: Caernarvon Freshwater Diversion, Davis Pond Freshwater Diversion, and Bonnet Carre Freshwater Diversion.

**SEC. 304. LOUISIANA COASTAL WETLANDS CONSERVATION PLANNING.** 16 USC 3953.

**(a) DEVELOPMENT OF CONSERVATION PLAN.—**

(1) **AGREEMENT.**—The Secretary, the Director, and the Administrator are directed to enter into an agreement with the Governor, as set forth in paragraph (2) of this subsection, upon notification of the Governor's willingness to enter into such agreement.

**(2) TERMS OF AGREEMENT.—**

(A) Upon receiving notification pursuant to paragraph (1) of this subsection, the Secretary, the Director, and the Administrator shall promptly enter into an agreement (hereafter in this section referred to as the "agreement") with the State under the terms set forth in subparagraph (B) of this paragraph.

**(B) The agreement shall—**

(i) set forth a process by which the State agrees to develop, in accordance with this section, a coastal wetlands conservation plan (hereafter in this section referred to as the "conservation plan");

(ii) designate a single agency of the State to develop the conservation plan;

(iii) assure an opportunity for participation in the development of the conservation plan, during the planning period, by the public and by Federal and State agencies;

(iv) obligate the State, not later than three years after the date of signing the agreement, unless extended by the parties thereto, to submit the conservation plan to the Secretary, the Director, and the Administrator for their approval; and

(v) upon approval of the conservation plan, obligate the State to implement the conservation plan.

**(3) GRANTS AND ASSISTANCE.—**Upon the date of signing the agreement—

(A) the Administrator shall, in consultation with the Director, with the funds made available in accordance with section 306 of this title, make grants during the development of the conservation plan to assist the designated State agency in developing such plan. Such grants shall not exceed 75 percent of the cost of developing the plan; and

(B) the Secretary, the Director, and the Administrator shall provide technical assistance to the State to assist it in the development of the plan.

**(b) CONSERVATION PLAN GOAL.—**If a conservation plan is developed pursuant to this section, it shall have a goal of achieving no net loss of wetlands in the coastal areas of Louisiana as a result of development activities initiated subsequent to approval of the plan.

exclusive of any wetlands gains achieved through implementation of the preceding section of this title.

(c) **ELEMENTS OF CONSERVATION PLAN.**—The conservation plan authorized by this section shall include—

- (1) identification of the entire coastal area in the State that contains coastal wetlands;
- (2) designation of a single State agency with the responsibility for implementing and enforcing the plan;
- (3) identification of measures that the State shall take in addition to existing Federal authority to achieve a goal of no net loss of wetlands as a result of development activities, exclusive of any wetlands gains achieved through implementation of the preceding section of this title;
- (4) a system that the State shall implement to account for gains and losses of coastal wetlands within coastal areas for purposes of evaluating the degree to which the goal of no net loss of wetlands as a result of development activities in such wetlands or other waters has been attained;
- (5) satisfactory assurances that the State will have adequate personnel, funding, and authority to implement the plan;
- (6) a program to be carried out by the State for the purpose of educating the public concerning the necessity to conserve wetlands;
- (7) a program to encourage the use of technology by persons engaged in development activities that will result in negligible impact on wetlands; and
- (8) a program for the review, evaluation, and identification of regulatory and nonregulatory options that will be adopted by the State to encourage and assist private owners of wetlands to continue to maintain those lands as wetlands.

(d) **APPROVAL OF CONSERVATION PLAN.**—

- (1) **IN GENERAL.**—If the Governor submits a conservation plan to the Secretary, the Director, and the Administrator for their approval, the Secretary, the Director, and the Administrator shall, within one hundred and eighty days following receipt of such plan, approve or disapprove it.
- (2) **APPROVAL CRITERIA.**—The Secretary, the Director, and the Administrator shall approve a conservation plan submitted by the Governor, if they determine that—
  - (A) the State has adequate authority to fully implement all provisions of such a plan;
  - (B) such a plan is adequate to attain the goal of no net loss of coastal wetlands as a result of development activities and complies with the other requirements of this section; and
  - (C) the plan was developed in accordance with terms of the agreement set forth in subsection (a) of this section.

(e) **MODIFICATION OF CONSERVATION PLAN.**—

- (1) **NONCOMPLIANCE.**—If the Secretary, the Director, and the Administrator determine that a conservation plan submitted by the Governor does not comply with the requirements of subsection (d) of this section, they shall submit to the Governor a statement explaining why the plan is not in compliance and how the plan should be changed to be in compliance.
- (2) **RECONSIDERATION.**—If the Governor submits a modified conservation plan to the Secretary, the Director, and the Administrator for their reconsideration, the Secretary, the

Director, and Administrator shall have ninety days to determine whether the modifications are sufficient to bring the plan into compliance with requirements of subsection (d) of this section.

(3) **APPROVAL OF MODIFIED PLAN.**—If the Secretary, the Director, and the Administrator fail to approve or disapprove the conservation plan, as modified, within the ninety-day period following the date on which it was submitted to them by the Governor, such plan, as modified, shall be deemed to be approved effective upon the expiration of such ninety-day period.

(f) **AMENDMENTS TO CONSERVATION PLAN.**—If the Governor amends the conservation plan approved under this section, any such amended plan shall be considered a new plan and shall be subject to the requirements of this section; except that minor changes to such plan shall not be subject to the requirements of this section.

(g) **IMPLEMENTATION OF CONSERVATION PLAN.**—A conservation plan approved under this section shall be implemented as provided therein.

(h) **FEDERAL OVERSIGHT.**—

(1) **INITIAL REPORT TO CONGRESS.**—Within one hundred and eighty days after entering into the agreement required under subsection (a) of this section, the Secretary, the Director, and the Administrator shall report to the Congress as to the status of a conservation plan approved under this section and the progress of the State in carrying out such a plan, including and accounting, as required under subsection (c) of this section, of the gains and losses of coastal wetlands as a result of development activities.

(2) **REPORT TO CONGRESS.**—Twenty-four months after the initial one hundred and eighty day period set forth in paragraph (1), and at the end of each twenty-four-month period thereafter, the Secretary, the Director, and the Administrator shall report to the Congress on the status of the conservation plan and provide an evaluation of the effectiveness of the plan in meeting the goal of this section.

**SEC. 305 NATIONAL COASTAL WETLANDS CONSERVATION GRANTS.**

16 USC 3954.

(a) **MATCHING GRANTS.**—The Director shall, with the funds made available in accordance with the next following section of this title, make matching grants to any coastal State to carry out coastal wetlands conservation projects from funds made available for that purpose.

(b) **PRIORITY.**—Subject to the cost-sharing requirements of this section, the Director may grant or otherwise provide any matching moneys to any coastal State which submits a proposal substantial in character and design to carry out a coastal wetlands conservation project. In awarding such matching grants, the Director shall give priority to coastal wetlands conservation projects that are—

(1) consistent with the National Wetlands Priority Conservation Plan developed under section 301 of the Emergency Wetlands Resources Act (16 U.S.C. 3921); and

(2) in coastal States that have established dedicated funding for programs to acquire coastal wetlands, natural areas and open spaces. In addition, priority consideration shall be given to coastal wetlands conservation projects in maritime forests on coastal barrier islands.



(c) **CONDITIONS.**—The Director may only grant or otherwise provide matching moneys to a coastal State for purposes of carrying out a coastal wetlands conservation project if the grant or provision is subject to terms and conditions that will ensure that any real property interest acquired in whole or in part, or enhanced, managed, or restored with such moneys will be administered for the long-term conservation of such lands and waters and the fish and wildlife dependent thereon.

(d) **COST SHARING.**—

(1) **FEDERAL SHARE.**—Grants to coastal States of matching moneys by the Director for any fiscal year to carry out coastal wetlands conservation projects shall be used for the payment of not to exceed 50 percent of the total costs of such projects: except that such matching moneys may be used for payment of not to exceed 75 percent of the costs of such projects if a coastal State has established a trust fund, from which the principal is not spent, for the purpose of acquiring coastal wetlands, other natural area or open spaces.

(2) **FORM OF STATE SHARE.**—The matching moneys required of a coastal State to carry out a coastal wetlands conservation project shall be derived from a non-Federal source.

(3) **IN-KIND CONTRIBUTIONS.**—In addition to cash outlays and payments, in-kind contributions of property or personnel services by non-Federal interests for activities under this section may be used for the non-Federal share of the cost of those activities.

(e) **PARTIAL PAYMENTS.**—

(1) The Director may from time to time make matching payments to carry out coastal wetlands conservation projects as such projects progress, but such payments, including previous payments, if any, shall not be more than the Federal pro rata share of any such project in conformity with subsection (d) of this section.

(2) The Director may enter into agreements to make matching payments on an initial portion of a coastal wetlands conservation project and to agree to make payments on the remaining Federal share of the costs of such project from subsequent moneys if and when they become available. The liability of the United States under such an agreement is contingent upon the continued availability of funds for the purpose of this section.

(f) **WETLANDS ASSESSMENT.**—The Director shall, with the funds made available in accordance with the next following section of this title, direct the U.S. Fish and Wildlife Service's National Wetland Inventory to update and digitize wetlands maps in the State of Texas and to conduct an assessment of the status, condition, and trends of wetlands in that State.

Texas.

16 USC 3955.

**SEC. 396. DISTRIBUTION OF APPROPRIATIONS.**

(a) **PRIORITY PROJECT AND CONSERVATION PLANNING EXPENDITURES.**—Of the total amount appropriated during a given fiscal year to carry out this title, 70 percent, not to exceed \$70,000,000, shall be available, and shall remain available until expended, for the purposes of making expenditures—

(1) not to exceed the aggregate amount of \$5,000,000 annually to assist the Task Force in the preparation of the list required under this title and the plan required under this title, including preparation of—

- (A) preliminary assessments;
- (B) general or site-specific inventories;
- (C) reconnaissance, engineering or other studies;
- (D) preliminary design work; and
- (E) such other studies as may be necessary to identify and evaluate the feasibility of coastal wetland restoration projects;

(2) to carry out coastal wetlands restoration projects in accordance with the priorities set forth on the list prepared under this title;

(3) to carry out wetlands restoration projects in accordance with the priorities set forth in the restoration plan prepared under this title;

(4) to make grants not to exceed \$2,500,000 annually or \$10,000,000 in total, to assist the agency designated by the State in development of the Coastal Wetlands Conservation Plan pursuant to this title.

(b) COASTAL WETLANDS CONSERVATION GRANTS.—Of the total amount appropriated during a given fiscal year to carry out this title, 15 percent, not to exceed \$15,000,000 shall be available, and shall remain available to the Director, for purposes of making grants—

(1) to any coastal State, except States eligible to receive funding under section 306(a), to carry out coastal wetlands conservation projects in accordance with section 305 of this title; and

(2) in the amount of \$2,500,000 in total for an assessment of the status, condition, and trends of wetlands in the State of Texas.

(c) NORTH AMERICAN WETLANDS CONSERVATION.—Of the total amount appropriated during a given fiscal year to carry out this title, 15 percent, not to exceed \$15,000,000, shall be available to, and shall remain available until expended by, the Secretary of the Interior for allocation to carry out wetlands conservation projects in any coastal State under section 8 of the North American Wetlands Conservation Act (Public Law 101-233, 103 Stat. 1968, December 13, 1989).

SEC. 397. GENERAL PROVISIONS.

(a) ADDITIONAL AUTHORITY FOR THE CORPS OF ENGINEERS.—The Secretary is authorized to carry out projects for the protection, restoration, or enhancement of aquatic and associated ecosystems, including projects for the protection, restoration, or creation of wetlands and coastal ecosystems. In carrying out such projects, the Secretary shall give such projects equal consideration with projects relating to irrigation, navigation, or flood control.

16 USC 3956.

Irrigation.  
Navigation.  
Flood control.

(b) STUDY.—The Secretary is hereby authorized and directed to study the feasibility of modifying the operation of existing navigation and flood control projects to allow for an increase in the share of the Mississippi River flows and sediment sent down the Atchafalaya River for purposes of land building and wetlands nourishment.

SEC. 398. CONFORMING AMENDMENT.

16 U.S.C. 777c is amended by adding the following after the first sentence: "The Secretary shall distribute 18 per centum of each annual appropriation made in accordance with the provisions of

section 777b of this title as provided in the Coastal Wetlands Planning, Protection and Restoration Act: *Provided*, That, notwithstanding the provisions of section 777b, such sums shall remain available to carry out such Act through fiscal year 1999."

Great Lakes Oil Pollution Research and Development Act.

33 USC 2701 note.

Ante, p. 559.

**"TITLE IV—GREAT LAKES OIL POLLUTION RESEARCH AND DEVELOPMENT**

**"SEC. 4001. SHORT TITLE.**

"This title may be cited as the "Great Lakes Oil Pollution Research and Development Act".

**"SEC. 4002. GREAT LAKES OIL POLLUTION RESEARCH AND DEVELOPMENT.**

"Section 7001 of the Oil Pollution Act of 1990 (Public Law 101-380) is amended as follows:

"(1) **GREAT LAKES DEMONSTRATION PROJECT.**—In subsection (c)(6), strike "3" and insert "4", strike "and" after "California," and insert "and (D) ports on the Great Lakes," after "Louisiana,".

"(2) **FUNDING.**—In subsection (f) strike "21,250,000" and insert "22,000,000" and in subsection (f)(2) strike "2,250,000" and insert "3,000,000"."

Approved November 29, 1990.

**LEGISLATIVE HISTORY—H.R. 5390 (S. 2244):**

**SENATE REPORTS:** No. 101-523 accompanying S. 2244 (Comm. on Environment and Public Works).

**CONGRESSIONAL RECORD,** Vol. 136 (1990):

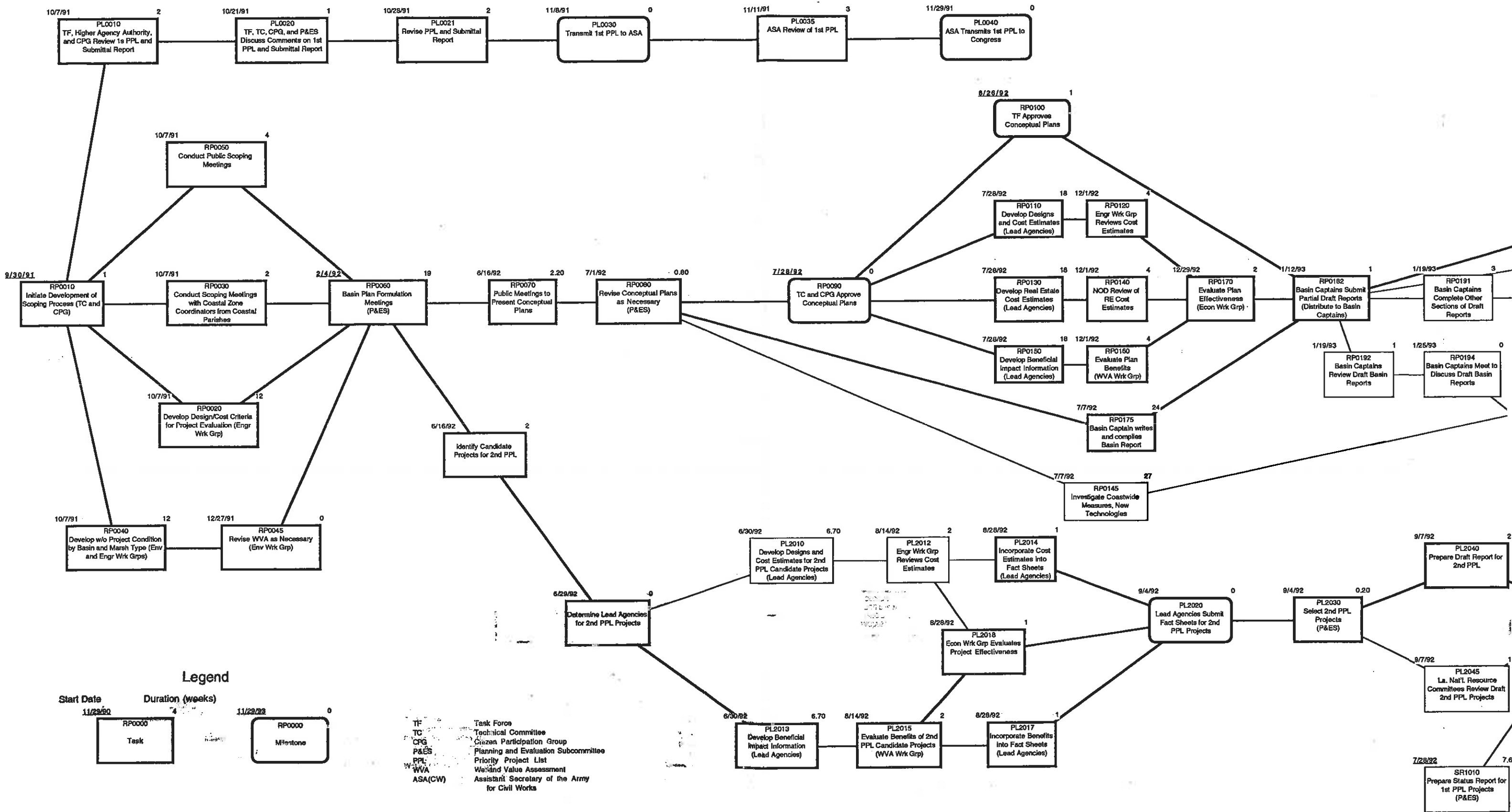
Oct. 1, considered and passed House.

Oct. 26, considered and passed Senate, amended, in lieu of S. 2244.

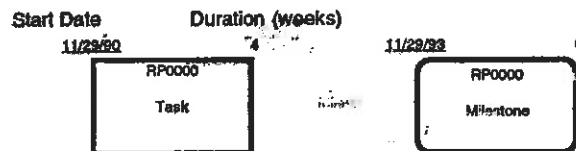
Oct. 27, House concurred in Senate amendment.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS,** Vol. 26 (1990):

Nov. 29, Presidential statement.



**Legend**



- TF Task Force
- TC Technical Committee
- CPG Citizen Participation Group
- P&ES Planning and Evaluation Subcommittee
- PPL Priority Project List
- WVA Wetland Value Assessment
- ASA(CW) Assistant Secretary of the Army for Civil Works

7/28/92      7.60

SRI010  
Prepare Status Report for 1st PPL Projects (P&ES)

# ana Coastal Wetlands Restoration Plan

24 March 1993

