

**MR. FRUGE**

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

**TASK FORCE MEETING**

**May 20, 1993**

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING

May 20, 1993

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

**TASK FORCE MEETING  
May 20, 1993**

**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 April 6, 1993 Meeting**
- III. Status of Tasks from April 1993 Meeting Requiring Further Action**
  - A. Status of the State's Conservation Plan--see item V
  - B. Review of the Draft Restoration Plan--see item VII
- IV. Approval of Agreement for Certification of Cultural Resources--Mr. Rowe**
- V. Status of the Development of the State Conservation Plan--Mr. Thomas**
- VI. Authorization for Release of Construction Funds for Pre-project Monitoring**
  - A. Authorization of approved PPL1 projects--Mr. Elguezabal
  - B. Authorization of unapproved PPL1 projects--Mr. Elguezabal
- VII. Discussion of Comments on the Louisiana Coastal Wetlands Restoration Plan**
  - A. Task Force comments
  - B. General comments
- VIII. Additional Agenda Items**
- IX. Date and Location of the Next Task Force Meeting**
- X. Request for Written Questions from the Public**

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. William W. Fox, Jr. Director Office of Protected Resources NOAA, National Marine Fisheries Service Office of Protected Resources, F/PR 1335 East-West Highway, Room 8268 Silver Springs, Maryland 20910 (301) 713-2332; FAX: (301) 588-4967
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

TASK FORCE MEMBERS

Task Force Member \_\_\_\_\_ Member's Representative

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. David Fruge  
Acting Representative  
Field Office Supervisor  
U.S. Fish and Wildlife Service  
U.S. Department of the Interior  
825 Kaliste Saloom Road  
Building 2, Suite 102  
Lafayette, Louisiana 70508  
(318) 264-6630; FAX: (318) 264-4684

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 April 6, 1993

### 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 9:45 a.m., April 6, 1993, 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. Rhoades, who were represented by Mr. Ric Ruebsamen, and Mr. Norm Thomas, respectively, all were in attendance. Also in attendance was Ms. Jeanne Richardson from Senator J. Bennett Johnston's office.

Dr. Len Bahr, State of Louisiana  
Mr. Russell Rhoades, Environmental Protection Agency  
Mr. David Fruge, U.S. Department of the Interior (Acting)  
Mr. Donald W. Gohmert, 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 October 19, 1992, were reviewed. A revision to the previous edition to include a 50 percent design review of the West Bay Sediment Diversion project was noted. A motion to accept the minutes of the previous meeting was made by Mr. Ruebsamen and seconded by Mr. Fruge. The minutes (Enclosure 3) were unanimously approved by the Task Force members. [1/157] \*

### IV. TASK FORCE DECISIONS

The Task Force voted on and passed the following motions:

- A. Mr. Robert Schroeder (Chairman, Technical Committee) explained to the Task Force the Technical Committee's recommendation to limit the total expenditure on demonstration projects to \$2,000,000 annually, with an exemption for the Isle Dernieres project, and to waive the cap on monitoring costs for demonstration projects. A lengthy discussion on the \$2,000,000 cap and the exemption of the Isle Dernieres ensued. Col. Diffley suggested that demonstration projects are projects which "have merit for showing things [about restoring coastal Louisiana] but do not compete effectively using the WVA and have to be treated separately."<sup>1</sup> Mr. Fruge did not support the exemption, emphasizing the funding of two phases of the Isle Dernieres as demonstrations when neither phase has yet been constructed. Col. Diffley suggested that the Task Force has not guaranteed the future funding of the Isle Dernieres restoration, but will support the project if it demonstrates different approaches that have technical merit to demonstrate how we can do things less expensively and apply these technologies to barrier island restoration along the coast.<sup>3</sup> Col. Diffley moved, with a second from Mr. Fruge, that "The Task Force direct the Technical Committee to limit spending on demonstration projects to \$2,000,000 annually. The Task Force will entertain exceptions to this guidance for projects that the Technical Committee determines merit special consideration. The Task Force waives the cap on monitoring cost for demonstration projects."<sup>4</sup> The motion passed with 4 yeas and 2 nays (Mr. Norm Thomas and Dr. Len Bahr).<sup>5</sup> [1/337<sup>1</sup>, 1/304<sup>2</sup>, 2/631<sup>3</sup>, 1/659<sup>4</sup> & 1/831<sup>5</sup>]

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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.

- B. The Soil Conservation Service discussed the BA-2 (GIWW to Clovelly) Unit 1 and the Vegetative Plantings (West Hackberry, Dewitt/Rollover) projects and requested construction approval from the Task Force. The USFWS discussed the Cameron Creole Watershed and Cameron-Prairie Shore Protection Projects and also requested construction approval by the Task Force. Letters discussing the status of the four projects are attached as enclosures 4 and 5. Col. Diffley moved with a second by Mr. Fruge that construction approval be given for the four projects (BA-2 Unit 1, Vegetative Plantings, Cameron Creole, and Cameron-Prairie) pending execution of Cost Share Agreements between the Lead Federal Agencies and the State of Louisiana. The Task Force unanimously approved the motion. [2/210]
- C. Mr. Oscar Rowe (Chairman, Planning and Evaluation Subcommittee) discussed the addition to the 1st Priority Project List projects of the monitoring protocol established by the monitoring work group and previously approved by the Task Force (October 19, 1992, meeting). Mr. Rowe explained that the majority of projects on the list contained either insufficient or no monitoring funds. An additional \$1,615,000 will be necessary to adequately fund the monitoring. Mr. Rowe also recommended that the funds be appropriated from future priority lists' budgets. Col. Diffley moved to accept Mr. Rowe's recommendation (Apply the monitoring protocol to the 1st Priority Project List projects with the additional \$1,615,000 coming from future priority list funds). The motion was seconded by Mr. Fruge and passed unanimously. [2/281]

#### V. INFORMATIONAL AGENDA ITEMS

Each agency gave a brief overview of the status of the Cost Share Agreements that their agencies are currently negotiating with the State of Louisiana, Department of Natural Resources.<sup>1</sup> Secretary John Ales sent a letter addressed to Col. Diffley (enclosure 6) discussing the Cost Share Agreements from the State perspective. Mr. Rick Ruebsamen inquired as to the status of the escrow agreement between the Corps of Engineers and the State of Louisiana and whether the agreement has impacted any project schedules.<sup>2</sup> Ms. Beth Cottone of the Corps informed the Task Force that the escrow agreement negotiations with the State were proceeding and no delays to project schedules were anticipated. Mr. Norm Thomas informed the Task Force that the 1st and 2nd Priority List Isle Dernieres projects will be combined into a single agreement. Mr. Robert Schroeder requested that the EPA track the cost of the two phases separately. Mr. Thomas agreed.<sup>3</sup> [2/292<sup>1</sup>, 2/322<sup>2</sup>, & 2/378<sup>3</sup>]

## **VI. TASKS REQUIRING FURTHER ACTION**

- A. Mr. Oscar Rowe (Chairman, Planning and Evaluation Subcommittee) discussed the status of the state's Conservation Plan under Section 304 of the Coastal Wetlands Planning, Protection and Restoration Act. Under Section 304, the EPA, through a grant, can make available to the State up to \$2,500,000 annually from the construction portion of annual appropriations with a total amount not to exceed \$10,000,000 for development of the State Conservation Plan. The State offered a resolution (enclosure 7) regarding annual funding of the Conservation Plan which was not acted upon by the Task Force. Col. Diffley inquired whether the \$2,500,000 includes the Federal cost for developing the plan and whether the \$2,500,000 includes the State's 25 percent cost share. Col. Diffley asked the EPA and the State to develop the framework of the plan and coordinate with the P&E Subcommittee and the Technical Committee and discuss this item at the next Task Force meeting.<sup>1</sup> Mr. Thomas informed the Task Force that the EPA and State were developing a Memorandum of Understanding and the agreement would be reached by July 15, 1993, in time for the 1994 budget. Col. Diffley stated that because the funding for the plan would come from construction funds the State need not wait until FY '94 to start implementation of the plan.<sup>2</sup> [2/520<sup>1</sup>, & 2/019, 2/119<sup>2</sup>]
- B. Mr. Stan Green discussed the schedule for preparation of the Restoration Plan. The draft plan is scheduled for completion at the end of April. Upon completion of the review period, a conference will be held (tentatively scheduled for the week of May 14) to gather agency comments that need to be addressed. Col. Diffley requested that each agency be represented at this review conference, and recommended that each agency invite any agency higher authorities they felt should be involved. This review conference will be the next Task Force meeting. Dr. Len Bahr requested that the public meetings to be held this summer for the Restoration Plan and the 3rd Priority Project List be combined with the public meetings the State is required to hold under Act 6. Col. Diffley agreed and charged the Technical Committee with exploring the possibility of synchronizing the Federal and State meetings but keeping within the Federal schedule. [2/390]

## **VII. ADDITIONAL AGENDA ITEMS**

- A. Dr. Bahr expressed concerns that the Restoration Plan being developed has an overemphasis on projects rather than the big picture or linchpin strategies.<sup>1</sup> Col. Diffley did not agree and said that through his meetings with the basin captains he was satisfied they were considering bold schemes<sup>2</sup>. [2/446<sup>1</sup>, & 2/467<sup>2</sup>]

**VII. Cont.**

- B. Mr. Fruge informed the Task Force that the USFWS has not spent \$81,000 in FY '92 for a model contract. The USFWS requested a letter from the Corps of Engineers giving the USFWS authority to expend carryover funds from FY 92.<sup>1</sup> Ms. Cottone stated that MIPRs were valid until revoked. Col. Diffley asked Ms. Cottone to provide the USFWS any documentation required for them to expended the FY '92 carry over funds.<sup>2</sup> [2/550<sup>1</sup> & 2/590<sup>2</sup>]
- C. Mr. Ruebsamen discussed a letter (enclosure 8) sent to the Task Force expressing the NMFS position on marsh management projects on Priority Project Lists and in the Restoration Plan. Col. Diffley stated that he felt the NMFS position is clear; however, he would like NMFS to stay involved in project development so that each project can be the best possible project, from a NMFS perceptive.[2/590]

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

The date for the next Task Force meeting is May 20, 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.

**IX. Questions from the Public**

No written questions or comments were received from the public.

**X. Adjournment**

The Task Force meeting was adjourned at 12:00 noon.

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

**TASK FORCE MEETING  
April 6, 1993**

**ENCLOSURE 1**

**AGENDA**

**Encl 1**

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING

April 6, 1993

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 October 19, 1992 Meeting**
- III. **Status of Tasks from October 1992 Meeting Requiring Further Action**
  - A. Recommendation of Technical Committee concerning demonstration projects for future priority project lists--Mr. Schroeder
  - B. Discussion and action by Task Force
  - C. Technical review conferences on projects nearing construction--see item IV
  - D. Progress on cost sharing agreement for Isles Dernieres--see item VI
- IV. **Approval for Construction of the Following Projects**

A. BA-2 (GIWW to Clovelly), Unit 1	SCS
B. Vegetative Plantings: West Hackberry and Dewitt/Rollover	SCS
C. Cameron Creole Canal Plugs	FWS
D. Cameron Prairie Shore Protection	FWS
- V. **Monitoring Costs for 1st Priority Project List Projects**
  - A. Recommendation of Planning and Evaluation Subcommittee--Mr. Rowe
  - B. Discussion and Action by Task Force
- VI. **Status of Cost Sharing Agreements--Mr. Elguezabal**
- VII. **Development of a Conservation Plan by the State--Mr. Rowe**
- VIII. **Status of Restoration Plan Report--Mr. Green**
- IX. **Additional Agenda Items**
- X. **Date and Location of the Next Task Force Meeting**
- XI. **Request for Written Questions from the Public**

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

**TASK FORCE MEETING  
April 6, 1993**

**ENCLOSURE 2  
ATTENDANCE RECORDS**

**Encl 2**





**ATTENDANCE RECORD**



<b>DATE(S)</b> 6 APRIL 1993	<b>SPONSORING ORGANIZATION</b> PLANNING DIVISION	<b>LOCATION</b> DISTRICT ASSEMBLY ROOM
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**PURPOSE** Louisiana Coastal Wetlands Planning, Protection and Restoration Act Task Force Meeting

**PARTICIPANT REGISTER \***

NAME	ORGANIZATION	TELEPHONE NUMBER
CARIZOL CLARK	DNR/CRD	504 342 9418
BILL SAVANT	" "	" 342 9420
Benny Landreman	USDA - SCS	318-473-7768
David Fudge	USDI/FWS	318-264-6630
Paul J. Lippzack	USDI/FWS - Division of Refuges	318-598-2216
Sue Hawes	COE	504-862-2518
Jerry Monier	LAF. Panel/Coalition of Coastal Panel	1146-8427
Benny Bodin	Fish + Wildlife Service	318-264-6630
Gerald A. Grau	National Wetland Research Center	38-266-8501
Norm Thomas	USEPA	(214) 655-2460
Heanene Peckham	EPA	214-655-8330
Greg Steyer	DNR/CRD	504-342-9435
John Turner	NMRC	524-317-4281
Chin Kirda	LDR	504 342-7591
Don Hohmert	USDA - SCS	318-473-7751
Rich Ruetsamen	DOC/NOAA/NMFS	504-389-0508
Peggy Jones	"	"
Stan Green	COE, Plng Dir	(504) 862-1486
Philip C. Sawman	DEPT. WILDLIFE & FISHERIES	(504) 765-2956
Oscar Lowe	COE, Plng Dir	(504) 862-2512
John Rowland	DOI, MMS	(703) 787-1297
Sam Richardson	Sen. Bernard Johnston	504 7389-0395
NEIL ARNINGEDON	LAKE FRONT FOUNDATION	(504) 836-2215

\* If you wish to be furnished a copy of the attendance record, please indicate so next to your name.





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

**TASK FORCE MEETING  
April 6, 1993**

**ENCLOSURE 3**

**MINUTES FROM THE OCTOBER 19, 1992, TASK FORCE MEETING**

**Encl 3**

# 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]

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING  
April 6, 1993

ENCLOSURE 4

CONSTRUCTION APPROVAL

U.S. DEPARTMENT OF AGRICULTURE,

SOIL CONSERVATION SERVICE:

BA-2 UNIT 1

VEGETATIVE PLANTINGS, WEST HACKBERRY & DEWITT-ROLLOVER



United States  
Department of  
Agriculture

Soil  
Conservation  
Service

3737 Government Street  
Alexandria, Louisiana  
71302

April 1, 1993

Mr. Oscar Rowe, Chairman  
Planning and Evaluation Subcommittee  
PD-FE  
U.S. Army Corps of Engineers  
P.O. Box 60267  
New Orleans, Louisiana 70160-0267

Dear Oscar:

Subject: Construction Approval Process

In response to your request by FAX on March 25, 1993, we are submitting the following status data:

1. BA-2 GIWW to Clovelly Hydrologic Restoration, Contract Number 1.
2. West Hackberry Vegetative Planting Demonstration Project
3. Dewitt-Rollover Vegetative Planting Demonstration Project

BA-2 GIWW to Clovelly Hydrologic Restoration,  
Contract Number 1

- a. The cost estimate is within 25 percent of the original estimate and benefits remain unchanged.
- b. NEPA compliance has been obtained.
- c. The cost share agreement with the State of Louisiana has been signed.
- d. Cultural resource clearance has been obtained.
- e. Easements for this first contract have not been signed as of this date.

West Hackberry Vegetative Planting Demonstration Project

- a. The cost estimate is within 25 percent of the original estimate and benefits remain unchanged.
- b. NEPA compliance has been obtained.
- c. The cost share agreement with the State of Louisiana is expected to be signed soon.
- d. Cultural resource clearance has been obtained.
- e. The easement signature from the landowner is also expected soon.



The Soil Conservation Service  
is an agency of the  
Department of Agriculture

Page 2  
March 30, 1993

Dewitt-Rollover Vegetative Planting Demonstration Project

- a. The cost estimate is within 25 percent of the original estimate and benefits remain unchanged.
- b. NEPA compliance has been obtained.
- c. The cost share agreement with the State of Louisiana is expected to be signed soon.
- d. Cultural resource is expected soon.
- e. The easement signature from the landowner is also expected soon.

A copy of a blank easement form is enclosed to illustrate the easement language for the project.

Sincerely,



Edward W. Hickey  
Supervisory Civil Engineer

Enclosures

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

**TASK FORCE MEETING  
April 6, 1993**

**ENCLOSURE 5**

**CONSTRUCTION APPROVAL**

**DEPARTMENT OF INTERIOR,**

**U.S. FISH AND WILDLIFE SERVICE:**

**CAMERON CREOLE WATERSHED BORROW CANAL PLUGS**

**CAMERON-PRAIRIE NATIONAL WILDLIFE REFUGE SHORELINE PROTECTION**

**Encl 5**



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Cameron Prairie National Wildlife Refuge  
Route 1 Box 643  
Bell City, LA 70630  
(318) 598-2216

April 1, 1993

Mr. Oscar Rowe, Chairman  
CWPPRA Planning and Evaluation Subcommittee  
U.S. Army Corps of Engineers  
P.O. Box 60267  
New Orleans, LA 70616-0267

Dear Mr. Rowe:

Please reference your March 25, 1993, memorandum regarding the CWPPRA Construction Approval Process for the Cameron-Creole Watershed Borrow Canal Plugs. The engineering and design cost for the project is \$44,000; the current construction estimate is \$365,620; the construction management cost is \$22,310. The total current construction cost estimate is \$431,930 therefore, this figure falls within the 125 percent allowed by the Task Force, exclusive of price level increases.

National Environmental Policy Act compliance for this project was accomplished prior to the issuance of the Corps of Engineers permit, LMNOD-SP (Calcasieu Lake)382, for the construction of the Cameron-Creole Watershed Project. The Environmental Assessment and Statement of Findings prepared by the Corps of Engineers for that permit are on file with your District's Regulatory Functions Branch. In a letter dated February 21, 1992, Mr. Ron Ventola, Chief of your Regulatory Functions Branch, stated that the proposed work is authorized by the original permit. We are in the process of providing final engineering plans to that office so they can be made a part of the record for that permit file. In the Service's opinion, the design of the proposed plugs will provide greater environmental benefits than those authorized in the original permit. They will facilitate boat access, provide increased opportunity for ingress and egress by estuarine fish and shellfish, and reduce the potential for water quality problems.

A cultural resources clearance was provided in a letter dated July 7, 1992, from the Louisiana State Historic Preservation Officer. Recently, the Louisiana Department of Natural Resources' (LA DNR) Coastal Management Division was requested to provide a letter stating that this project is consistent with their Coastal Zone Management Program. We expect a favorable response from that agency in the near future.

The Local Cooperation Agreement between the State of Louisiana and the Service is currently being negotiated. We expect to have a final agreement in the near future.

LA DNR will acquire the necessary real estate easements for that portion of this project located on non-Federal land; copies are attached.

Should you have any questions regarding this matter, don't hesitate to call me at (318) 598-2216.

Sincerely yours,

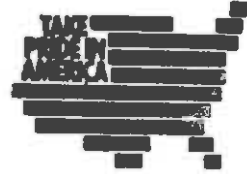


PAUL M. YAKUPZACK  
CWPPRA Implementation Coordinator  
and Refuge Manager

cc: David Frugé, FWS, Lafayette, LA  
B. Landreneaux, SCS, Alexandria, LA  
FWS, Atlanta, GA (ARW)



United States Department of the Interior  
FISH AND WILDLIFE SERVICE



Cameron Prairie National Wildlife Refuge  
Route 1 Box 643  
Bell City, LA 70630  
(318) 698-2216

April 5, 1993

Mr. Oscar Rowe, Chairman  
CWPPRA Planning and Evaluation Subcommittee  
U.S. Army Corps of Engineers  
P.O. Box 60267  
New Orleans, LA 70160-0267

Dear Mr. Rowe:

Please reference your March 25, 1993, memorandum regarding the CWPPRA Construction Approval Process for the Cameron Prairie National Wildlife Refuge Shoreline Protection Project. The current construction cost estimate is \$1,030,340.00. This figure combined with the \$50,000 engineering and design costs; \$66,616 monitoring cost; and \$304,000 for operations and maintenance total \$1,451,100 in fully funded costs over the 20 year life of the project. Excluding monitoring costs, these present cost estimates will not exceed the original approved project costs by more than 25%. Our current estimates include operation and maintenance costs that were not included in the original costs approved by the Task Force.

The National Environment Policy Act compliance for this project was accomplished in early 1992, prior to the issuance of the Corps of Engineers permit (L.T.M.C.) 63, dated August 17, 1992. An Environmental Action Memorandum was completed by the Fish and Wildlife Service on March 3, 1992. It states that this project "does not have significant environmental effects as determined by the Environmental Assessment and Finding of No Significant Impact."

A cultural resource clearance was provided in a letter dated January 16, 1992, from the Deputy State Historic Preservation Officer. The Louisiana Department of Natural Resources (LA DNR) provided a letter signed by Terry W. Howey, dated June 22, 1992, that stated that this project was found to be consistent with the Coastal Zone Management Act of 1972.

The Local Cooperation Agreement between the State of Louisiana and the Service is currently being negotiated. We expect to have a final agreement in the near future.



Page -2-  
April 5, 1993

LA DNR will acquire the necessary real estate rights for that portion of this project located on non-Federal lands. Copies of the draft easement language are attached.

Should you have any questions regarding this matter, don't hesitate to call me at (318) 598-2216.

Sincerely yours,



PAUL M. YAKUPZACK  
CWPPRA Implementation Coordinator  
and Refuge Manager

cc: David Frugé, FWS, Lafayette, LA  
B. Landreneaux, SCS, Alexandria, LA  
FWS, Atlanta, GA (ARW)

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING  
April 6, 1993

ENCLOSURE 6

STATE OF LOUISIANA  
DEPARTMENT OF NATURAL RESOURCES  
STATUS OF COOPERATIVE AGREEMENT  
LETTER FROM SECRETARY JOHN F. ALES

Encl 6



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, 1993**

**ENCLOSURE 7**

**STATE OF LOUISIANA**

**RESOLUTION TO DEVELOP A COASTAL WETLANDS CONSERVATION PLAN**

**Encl 7**



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.





DWIN 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;

ol. 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

# State of Louisiana



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,

A handwritten signature in dark ink, appearing to read "David M. Soileau".

David M. Soileau  
Assistant Secretary

cc: Colonel Michael Duffley, 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**

**ENCLOSURE 8**

**NATIONAL MARINE FISHERIES SERVICE  
POSITION ON MARSH MANAGEMENT PROJECTS**

**Encl 8**



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Habitat Conservation Division  
c/o Louisiana State University  
Baton Rouge, Louisiana 70803-7535

March 26, 1993

F/SEO24/RR:jk  
504/389-0508

Colonel Michael Diffley  
District Engineer, New Orleans District  
Department of the Army, Corps of Engineers  
Post Office Box 60267  
New Orleans, Louisiana 70160

Dear Colonel Diffley:

By letter of February 18, 1993, I alerted you of my request to National Marine Fisheries Service (NMFS) Headquarters for policy guidance concerning the inclusion of marsh management projects in Coastal Wetland Planning, Protection, and Restoration Act (CWPPRA) priority lists and the restoration plan. This guidance was needed to provide a foundation for the NMFS's evaluation of planning documents proposing marsh management as a possible remedy for marsh loss.

The requested guidance dated March 19, 1993, has been received and is attached for your information. The guidance advises that NMFS support of marsh management projects within CWPPRA would be inconsistent with positions established previously (e.g., within your regulatory programs) and would be incompatible with our overall stewardship responsibilities. Consequently, as a Task Force agency, the NMFS will not likely support plans or projects that include impounding or semi-impounding wetland habitats that support estuarine-dependent fishery resources. Examples of CWPPRA projects we would consider objectionable include management plans similar to those currently configured for Brown's Lake and Mud Lake in Cameron Parish. Conversely, I anticipate that we would have no objection to the inclusion of well-designed hydrologic restoration projects or the maintenance of existing management areas (e.g., the BA-2 or the Bayou Sauvage and Sabine Refuge projects).

If you have any questions regarding this issue, please contact me at your convenience.

Sincerely,

Rickey N. Ruebsamen  
Branch Chief

Enclosure







UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
1335 East-West Highway  
Silver Spring, MD 20910  
THE DIRECTOR

MAR 19 1993

MEMORANDUM FOR: F/SE - Andrew Kemmerer

FROM:

*Nancy Foster*  
Nancy Foster  
(Acting)

SUBJECT:

Marsh Management Projects within the Coastal Wetlands  
Planning, Protection, and Restoration Act Program

Pursuant to the Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA), NOAA serves as a principal member of the Task Force, and NMFS serves on several technical committees. NMFS has received funding to restore five sites amounting to over 15,000 acres of important coastal wetlands. Under CWPPRA, a comprehensive plan to restore wetlands in Louisiana is to be developed and funds are to be awarded annually for priority restoration projects. Included in the process is the potential inclusion of marsh management projects.

The Task Force has considered providing programmatic and financial support to marsh management projects within CWPPRA. Because marsh management requires impoundment or semi-impoundment of wetlands, NMFS frequently has recommended that an environmental impact statement for such projects be prepared for the State of Louisiana. To date, more than 200 square miles of coastal wetlands have been placed under marsh management over the past decade without development of this important document. The Corps of Engineers (COE) began a programmatic marsh management EIS, but has stopped work on the effort.

We believe that there is significant regional and scientific concern over the inclusion of marsh management projects within the CWPPRA program, especially since NMFS trustee resources are clearly subject to potentially severe adverse impact. NMFS support of such projects within CWPPRA would be inconsistent with positions established previously with regard to the COE's regulatory program and incompatible with our overall stewardship responsibilities.

THE ASSISTANT ADMINISTRATOR  
FOR FISHERIES



COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING  
MAY 20, 1993

**APPROVAL OF THE AGREEMENT FOR THE CERTIFICATION  
OF CULTURAL RESOURCES**

**Recommendation of the Planning and Evaluation Sub-committee :**

That the Task Force adopt the procedures for management of cultural resources as presented in the draft agreement. Also, that the suggestion of Mr. Ruebsamen, as approved by the P&E sub-committee, that Colonel Diffley execute the agreement with the appropriate state agencies on behalf of the Task Force be adopted.

# DRAFT

## MEMORANDUM OF UNDERSTANDING

### Management of Cultural Resources for Coastal Wetlands Planning, Protection and Restoration Act Projects

#### I. Introduction

Federal agencies are responsible for protecting and preserving historic properties that are significant to the heritage of the United States. The National Historic Preservation Act requires a Federal agency with jurisdiction over a Federal, federally assisted, or federally licensed undertaking to take into account the effects of the undertaking on properties listed, or eligible for inclusion in the National Register of Historic Places. Federal agencies are required to consider alternatives to avoid, mitigate or minimize adverse impacts on historic properties (any prehistoric or historic district, site, building, structure or object eligible for inclusion in the National Register). Under Section 106 of the National Historic Preservation Act, Federal undertakings are subject to review by the Louisiana State Historic Preservation Officer (SHPO) within the Department of Culture, Recreation, and Tourism (CRT), and, if significant sites will be impacted, by the Advisory Council on Historic Preservation.

This agreement governs cultural resources investigations associated with all Coastal Wetlands Planning, Protection and Restoration Act projects (PL 101-646, Title III). The act establishes a Louisiana Coastal Wetlands Conservation and Restoration Task Force whose members are: the Secretary of the Army, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, and the Governor of the State of Louisiana. The act requires that for each project undertaken, one of the Federal agencies must be identified as the lead agency, with responsibility for implementation of that project.

#### II. Guidance

Under this agreement state and federal agencies are responsible for compliance with the following historic preservation and cultural resources laws and regulations:

- National Historic Preservation Act of 1966 as amended;
- Archeological Resource Protection Act of 1979;

- Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation as published in the Federal Register on September 29, 1983;
- 36 CFR 79 "Curation of Federally-Owned and Administered Archeological Collections";
- Louisiana's Comprehensive Archeological Plan dated October 1, 1983;
- The Advisory Council on Historic Preservation's regulation 36 CFR Part 800 entitled, "Protection of Historic Properties";
- Native American Grave Protection and Repatriation Act;
- Cultural Resources Code of Louisiana; and
- Louisiana Unmarked Human Burial Sites Preservation Act.

### **III. Procedures**

#### **A. General**

Procedures to accomplish cultural resources management and historic preservation responsibilities will depend on the inhouse professional archeological capabilities of each lead agency. Whenever possible, lead agencies will cooperate with other members of the Task Force to achieve compliance with historic preservation laws and regulations. Agencies without professional archeologists should use the professional archeological services of other Task Force agencies whenever possible. This will allow for the development of a consistent and cost effective method to meet Federal requirements and project schedules.

Projects will follow one of the following three procedures:

- Procedure A for lead agencies with professional archeologists on staff,
- Procedure B for lead agencies using the services of other Task Force member agencies with professional archeologists on staff, or
- Procedure C for lead agencies lacking professional archeologists on staff and not using the services of other Task Force members.

#### **B. Procedure A: Agencies with archeologists on staff**

##### **(1) Responsibilities of the lead agency**

- A lead agency with professional archeologists on staff will identify and evaluate historic properties and develop methods to minimize adverse impacts on these properties. The lead agency will recommend the level of investigation following accepted scientific procedures. This may require a variety of studies including but not limited to archeological survey and testing, architectural surveys, historical research, and underwater investigations. When no cultural resources investigations are recommended for a project, the SHPO will be notified in writing. Project maps and a description of

the proposed project will be provided and the SHPO will comment on the recommendation.

- When the lead agency recommends cultural resources investigations, the agency will complete the necessary work and submit management summaries, and draft and final reports to the SHPO for review and comment. Reports will meet the standards of the Cultural Resources Code of Louisiana, Chapter 3. Final reports will be submitted to the SHPO within four months of receiving the review comments on the draft report.

## **(2) Responsibilities of the SHPO**

- For these lead agencies, the SHPO will review and provide comments on all reports within ten working days. A management summary will be an adequate document for review by the SHPO. A management summary is an interim report based on a cultural resources investigation of a project area. It will summarize the methodology and results of the investigation and include either recommendations for additional work or a conclusion that no further work is necessary. Requirements for a management summary are in Appendix A.
- The SHPO will review all recommendations that historic properties are eligible for the National Register of Historic Places. Mitigation plans for National Register sites will be coordinated with the SHPO.

## **C. Procedure B: Lead agencies without archeologists utilizing archeological services of Task Force agencies**

### **(1) General**

- Lead agencies without archeologists on staff will insure that each project is in compliance with historic preservation laws and regulations. Section 106 compliance and required cultural resources investigations can most effectively be accomplished by entering into a cooperative agreement with a Task Force agency capable of offering professional archeological services.
- Identification and evaluation of historic properties may require a variety of studies including but not limited to archeological surveys, architectural surveys, historical research, and underwater archeology.

### **(2) Responsibilities of the lead agency**

- The lead agency will be responsible for funding cultural resources investigations and Section 106 coordination with the SHPO and the Advisory Council on Historic Preservation. The lead agency will initiate coordination with a Task Force agency with inhouse

archeological capabilities, oversee completion of archeological investigations, and provide current information on plan formulation, real estate requirements, and project scheduling.

- The lead agency will ensure that necessary cultural resources investigations are completed and will submit management summaries, and draft and final reports to the SHPO for review. Reports will meet the standards of the Cultural Resources Code of Louisiana, Chapter 3. Final reports will be submitted to the SHPO within four months of receiving the review comments on the draft report.
- When no cultural resources investigations are recommended for a project, the SHPO will be notified in writing. Project maps and a description of the proposed project will be provided, and the SHPO will comment on the recommendation.

### **(3) Responsibilities of the agency providing archeological services**

- The Federal agency providing archeological services will identify, evaluate, and make recommendations for avoidance of adverse impacts on significant historic properties. This may require a variety of studies including but not limited to archeological surveys, architectural surveys, historical research, and underwater archeology. This agency will complete the necessary work and submit management summaries, and draft and final reports to the lead agency.
- The agency providing archeological services will provide technical assistance for each step of the cultural resources process (evaluate the need for cultural resources investigations, develop scopes of work, review proposals, review reports and recommendations). This agency will be responsible for administration of contracts, including development of cost estimates, negotiation with contractors, monitoring of contractor efforts in the field and production of the final report on each project.

### **(4) Responsibilities of the SHPO**

- For these lead agencies, the SHPO will review and provide comments on all reports within ten working days. A management summary will be an adequate document for review by the SHPO.

The SHPO will review all recommendations that historic properties are eligible for the National Register of Historic Places. Mitigation plans for National Register sites will be coordinated with the SHPO.

**D. Procedure C: Lead agencies without archeologists and not utilizing archeological services of Task Force agencies**

**(1) General**

- Lead agencies without professional archeologists on staff generally lack the capability to provide adequate technical review before draft reports are submitted to the SHPO. Lead agencies will be required to identify a qualified individual or firm specializing in cultural resources investigations and enter into a contract to provide necessary services. The lead agency will contract with a firm either on the SHPO's list of Contracting Archaeologists or able to meet the National Park Service professional qualification standards in 36 CFR Part 61, Appendix A.
- For the SHPO to adequately review recommendations and findings of cultural resources investigations a full report will be required. Management summaries are not acceptable.

**(2) Responsibilities of the lead agency**

- All projects will be submitted to the SHPO for review as early in the planning process as possible. Project maps and a description of the proposed project will be provided and the SHPO will recommend whatever cultural resources investigations are necessary.
- The lead agency will be responsible for funding cultural resources investigations and Section 106 coordination with the SHPO.
- The lead agency will be responsible for administration of contracts including funding, development of cost estimates, negotiation with contractors, monitoring of contractor efforts in the field, curation of collections, and production of the final report on each project. The agency will be responsible for coordination with project planners and engineers.
- Upon determination of the need for cultural resources investigations, the lead agency will supervise the production and delivery of draft and final reports to the SHPO for review and comment. Reports are required to meet the standards of the Cultural Resources Code of Louisiana, Chapter 3. Final reports will be submitted to the SHPO within four months of receiving the review comments.

**(3) Responsibilities of SHPO**

- For those lead agencies without a full-time professional archeologist and not utilizing the services of a Task Force member, the staff of the SHPO will provide technical assistance for each step

of the cultural resources process (evaluate the need for cultural resources investigations, develop scopes of work, review proposals, review reports and recommendations).

- The SHPO will review all recommendations that historic properties are eligible for the National Register of Historic Places. Mitigation plans for National Register sites will be coordinated with the SHPO.

#### **IV. Information Needs**

- For lead agencies to effectively manage the historic resources under their jurisdiction, it is necessary to have a complete understanding of the resources that are present. This requires that archeologists have access to current data on the location of archeological sites, standing structures and areas previously surveyed.
- CRT will work with agencies to provide access to data necessary for planning purposes, including site forms, the Louisiana Computerized Archeological Database (L-CAD), archeological survey maps, site location maps, and standing structure survey data.
- Agencies will protect sensitive data on the location of the cultural resources of Louisiana. These data contain confidential information about the location and character of historic properties and could result in destruction of sites if disclosed to the public. This information will be restricted to professional archeologists within agencies and will not be released to others in the agency or outside the agency.
- Federal agencies will work with CRT to investigate methods to automate the information housed at CRT and federal agencies to more effectively manage historic properties.



**Appendix A**  
**DIVISION OF ARCHAEOLOGY**  
**MANAGEMENT SUMMARY GUIDELINES**  
**FOR REVIEW AND COMPLIANCE PROJECTS**

The topics listed below are to be included in each management summary. Each topic should be addressed briefly but in sufficient depth that a reader unfamiliar with the project could assess its impact on cultural resources. It is expected that a more detailed treatment of these topics will be made in a final report. These guidelines are to be regarded as minimum requirements. The management summary is not to be viewed as a substitute for a final report.

At the least, the management summary must include:

- 1) Project Description
  - type of project
  - map of project area
  - dates of fieldwork
- 2) Methodology
  - Description of
  - archival sources reviewed
  - archeological techniques used
  - sampling strategy employed
- 3) Results
  - Number, size, and location of all sites and test units
  - brief description of each site and unit
  - at least one line drawing of a representative unit or a shovel test profile from each site
  - preliminary artifact analyses including counts and types of artifacts, for example, number of Coles Creek Incised sherds
  - preliminary assessment of cultural/temporal affiliation of each site
  - preliminary site interpretations
- 4) Direction of Research
  - Description of analytical techniques to be used in the full analyses
  - location where the artifacts and associated records will be deposited upon completion of the final report
  - indication of when the final report will be completed
- 5) Recommendations
  - any recommendations for additional work will require detailed justifications



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
 NATIONAL MARINE FISHERIES SERVICE  
 Habitat Conservation Division  
 c/o Louisiana State University  
 Baton Rouge, Louisiana 70803-7535

April 30, 1993

F/SEO24/RR:jk  
504/389-0508

Mr. Oscar Rowe  
 Planning Division, New Orleans District  
 Department of the Army, Corps of Engineers  
 Post Office Box 80287  
 New Orleans, Louisiana 70160-0287

Dear Mr. Rowe:

The Baton Rouge Field Branch of the National Marine Fisheries Service has received your April 20, 1993, transmittal of a draft memorandum of understanding (MOU) for Management of Cultural Resources for Coastal Wetlands Planning, Protection, and Restoration Act Projects.

We believe that the MOU adequately identifies agency responsibilities to ensure the protection of cultural resources and outlines reasonable procedures to expedite reviews and clearances for cultural resource management. I am concerned, however, that the structure of the MOU, requiring signature by all Task Force agencies and the Louisiana Departments of Natural Resources and Culture, Recreation, and Tourism, would complicate and delay implementation. To avoid such problems, I suggest that the Task Force adopt the essence of the MOU as a guidance document to be employed by each agency. Once approved, Colonel Diffley representing the Task Force, could execute necessary agreements with appropriate state agencies.

Thank you for your consideration of these comments. If I can be of further assistance, please advise me.

Sincerely,

Rickey N. Ruebsamen  
 Branch Chief

Original in mail

Jet-It™ brand fax transmittal memo 7671		# of pages ▶
To	Oscar Rowe	From Ric Ruebsamen
Co.	Planning Div	Co. NMFS, BR
Bapt.		Phone 504/389-0508
Fax #	2572	Fax # 8460



COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING

MAY 20, 1993

STATUS OF THE DEVELOPMENT OF STATE CONSERVATION PLAN

Mr. Thomas will discuss the status of the Conservation Plan being developed by the State as outlined under section 304 of the CWPPRA.

*Norm:*

*Feds need to help State by defining "no net loss of wetlands" and "development activities" for purposes of the Act.*

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING  
MAY 20, 1993

REQUEST FOR FUNDING OF PRE-PROJECT MONITORING  
FOR PPL1 PROJECTS

Mr. Elguezabal will present a request, by the Nation Wetlands Research Center, to approve the release of funds for the acquisition of pre-project aerial photography of Priority List One projects.

↳ needed for establishment of base line conditions  
limit to those projects with signed LCA (see attached listing)

## Use of Federal Funds Prior to Execution of Cost Sharing Agreements

In February 1992, the Task Force approved the use of Federal funds for engineering and design prior to the execution of the project cost sharing agreement between the Federal lead agency and the State.

Project monitoring is a critical item for each project, and aerial photographs will provide visual baseline conditions of the wetlands and help determine the impact each project has had. Some 1st Priority Project List (PPL1) projects have an executed cost sharing agreement that allows the expenditure of funds for monitoring purposes. However, other projects could have the agreement executed later this year, with construction to start soon after.

The National Wetlands Research center is ready to award a contract for the aerial photography. An estimate of the cost to perform the photography for all PPL1 projects has been established (see attachment). To forego the aerial photography at this time could result in an increase in cost due to a reduction in the scope of work. The Task Force is requested to grant permission for expenditure of Federal funds for this aerial photography in advance of the execution of the cost sharing agreements on PPL1 projects.

POC: Dom Elguezabal, Corps of Engineers, (504) 862-2599

Photo Acquisition Costs  
for 1st Priority Project List Projects

<u>Project</u>	<u>Cost (\$)</u>
Projects with Executed Cost Sharing Agreements	
GIWW to Clovelly	17,850
Cameron Prairie	630
Vegetative Plantings	2,520
Cameron-Creole	18,060
Sabine Refuge	7,980
Bayou Sauvage	1,890
Bayou LaCache	2,310
Vermilion River Cutoff	630
Bayou La Branche	630
Eastern Isles Dernieres	<u>630</u>
Subtotal	53,130
Projects without Executed Cost Sharing Agreements	
Fourchon	1,050
West Bay Sediment Diversion	7,140
Barataria Bay Waterway	<u>840</u>
Subtotal	<u>9,030</u>
Total	62,160

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

**TASK FORCE MEETING  
MAY 20, 1993**

**COMMENTS ON THE RESTORATION PLAN REPORT  
AND APPENDICES**

The Task Force members will discuss their comments on the draft Restoration Plan Report and appendices. Following this discussion additional comments will be received from the floor.

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

**TASK FORCE MEETING  
MAY 20, 1993**

**REPORT ON STATUS OF PRIORITY PROJECT LISTS**

A one page status report on each of the Priority Project Lists is included for the Task Force's review.



## Coastal Wetlands Planning, Protection and Restoration Act

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

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

**EXAMPLE:** OS,IP

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

### Coastal Wetlands Planning, Protection and Restoration Act

20 May 93

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

**STATUS:** OS = On Schedule    EXAMPLE: OS,IP    NOTES:  
 BS = Behind Schedule    \* Post-hurricane work by port being evaluated by NMFS.  
 IP = In Progress    \*\* Increase reflects DNR revision of estimated monitoring costs.  
 IS = Issue Surfaced    † Project redesign required.  
 TC = Task Complete

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

**TASK FORCE MEETING  
MAY 20, 1993**

**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.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING  
MAY 20, 1993

**DATE AND LOCATION OF THE NEXT TASK FORCE MEETING**

**Recommendation for Task Force Approval:**

DATE: August 18, 1993 (Week of August 16)  
TIME: 9:30 a.m.  
LOCATION: District Assembly Room  
New Orleans District, U.S. Army Corps of Engineers  
Foot of Prytania Street  
New Orleans, Louisiana

*3rd list  
Budget (FY 94)  
update on Comp Rest Plan*

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

**TASK FORCE MEETING  
MAY 20, 1993**

**REQUEST FOR WRITTEN QUESTIONS FROM THE PUBLIC**

All Task Force meetings are open to the public. Interested parties may submit a completed "Question Submittal Card" to the Task Force Chairman at this time. Questions and comments will be addressed at the next regularly scheduled Task Force meeting.

**COASTAL WETLANDS PLANNING, PROTECTION, & RESTORATION ACT**  
(Public Law 101-646, Title III)

**SECTION 303. Priority Louisiana Coastal Wetlands Restoration Projects.**

- Section 303a. Priority Project List.
  - NLT 13 Jan 91, Sec. of the Army (Secretary) will convene a Task Force.
    - Secretary
    - Administrator, EPA
    - Governor, Louisiana
    - Secretary, Interior
    - Secretary, Agriculture
    - Secretary, Commerce
  - NLT 28 Nov 91, Task Force will prepare and transmit to Congress a Priority List of wetland restoration projects based on cost effectiveness and wetland quality.
  - Priority List is revised and submitted annually as part of President's budget.
- Section 303b. Federal and State Project Planning.
  - NLT 28 Nov 93, Task Force will prepare a comprehensive coastal wetlands Restoration Plan for Louisiana.
  - Restoration Plan will consist of a list of wetland projects, ranked by cost effectiveness and wetland quality.
  - Completed Restoration Plan will become Priority List.
  - Secretary will ensure that navigation and flood control projects are consistent with the purpose of the Restoration Plan.
  - Upon submission of the Restoration Plan to Congress, the Task Force will conduct a scientific evaluation of the completed wetland restoration projects every 3 years and report the findings to Congress.

**SECTION 304. Louisiana Coastal Wetlands Conservation Planning.**

- Secretary; Administrator, EPA; and Director, USFWS will:
  - Sign an agreement with the Governor specifying how Louisiana will develop and implement the Conservation Plan.
  - Approve the Conservation Plan.
  - Provide Congress with periodic status reports on Plan implementation.
- NLT 3 years after agreement is signed, Louisiana will develop a Wetland Conservation Plan to achieve no net loss of wetlands resulting from development.

**SECTION 305. National Coastal Wetlands Conservation Grants.**

- Director, USFWS, will make matching grants to any coastal state to implement Wetland Conservation Projects (projects to acquire, restore, manage, and enhance real property interest in coastal lands and waters).
- Cost sharing is 50% Federal / 50% State \*

**SECTION 306. Distribution of Appropriations.**

- 70% of annual appropriations not to exceed (NTE) \$70 million used as follows:
  - NTE \$15 million to fund Task Force completion of Priority List and Restoration Plan -- Secretary disburses funds.
  - NTE \$10 million to fund 75% of Louisiana's cost to complete Conservation Plan -- Administrator disburses funds.
  - Balance to fund wetland restoration projects at 75% Federal/ 25% Louisiana \*\* -- Secretary disburses funds.
- 15% of annual appropriations, NTE \$15 million for Wetland Conservation Grants - Director, USFWS disburses funds.
- 15% of annual appropriations, NTE \$15 million for projects authorized by the North American Wetlands Conservation Act - Secretary, Interior disburses funds.

**SECTION 307. Additional Authority for the Corps of Engineers.**

- Section 307a. Secretary authorized to:
  - Carry out projects to protect, restore, and enhance wetlands and aquatic/coastal ecosystems.
- Section 307b. Secretary authorized and directed to study feasibility of modifying the MR&T to increase flows and sediment to the Atchafalaya River for land building and wetland nourishment.

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\* 25% if the state has dedicated trust fund from which principal is not spent.

\*\* 15% when Louisiana's Conservation Plan is approved.

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.”.

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

**TITLE III—WETLANDS****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. 303. PRIORITY LOUISIANA COASTAL WETLANDS RESTORATION PROJECTS.** 16 USC 3952.

**(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.

Texas.

(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.

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. 307. GENERAL PROVISIONS.

16 USC 3956.

(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.

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. 308. CONFORMING AMENDMENT.

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



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

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.

