

# 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.<sup>2</sup> 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



DATE(S) 6 APRIL 1993	SPONSORING ORGANIZATION PLANNING DIVISION	LOCATION 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
Barry Landromer	USDA - SCS	318-473-7768
David Fruge	USDI/FWS	318-264-6630
Paul J. Koppach	USDI/FWS - Division of Refugees	318-598-2216
Sue Hanes	COE	504-862-2518
Jerry Monier	LAF. Panel/Coalition of Coastal Parks	1146-8427
Berry Bodin	Fish + Wildlife Service	318-264-6630
Gerald A. Grace	National Wetland Research Center	38-266-8501
Norm Thomas	U.S. EPA	(214) 655-2260
Maureen Peckham	EPA	214-655-8330
Greg Steyer	DNR/CRD	504-342-9435
John Turner	U.S. EPA	524-317-1270
Kevin Kinder	LDNR	504 342-7541
Don Mohrmet	USDA - SCS	318-473-7757
Rick Kuebsamen	DOC/NOAA/NMFS	504-389-0508
Peggy Jones	"	"
Stan Green	COE, Plng Div	(504) 862-1486
Philip C. Sawman	DEPT. WILDLIFE & FISHERIES	(504) 765-2956
Oscar Lowe	COE, Plng Div	(504) 862-2512
John Rowland	DoI, MMS	(703) 787-1297
Frank Richardson	Sen. Bernard Jabastan	504 7389-0395
NEIL ARNINGEON	LAKE PONT FOUNDATION	(504) 836-2215

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

PARTICIPANT REGISTER (CONTINUED)

NAME	ORGANIZATION	TELEPHONE NUMBER
Paul Kemp	Coalition to Restore Coastal La	(504) 766-0195
Len Bahr	Gov's Office	504-922-3244
Jim Stone	"	"
Tim Axtman	COE PD-FE	504-862-1921
<del>Steve Cottone</del>	COE PROJ MGMT	504-862-2778
Donna K. Brown	COE PD-FE	504-862-2405
Nick Constan	COE PD-E	" 862-1906
Samuel Holder	MMS	" 736-2776
John C. Weber	COE PD-R	" 862-2516
Linda Labure	COE Real Est Div	504-862-1243
Mary Stensley	COE RE	504 862 195
Dennis Clark	MMS	504-736-279
Lowell Giffen	NOAA/OCRM	(504) 606-4018
M. Clavin	LA-ECCM	504/524-5416
Ed Martin	USGS	504 389-0281
Gary Rauber	COE PD-FE	504 862-2543
Ann St. Leger	COE PD-FE	504 862-2499



ATTENDANCE RECORD



DATE(S) 6 APRIL 1993	SPONSORING ORGANIZATION PLANNING DIVISION	LOCATION 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
<i>Robert Long</i> <i>Just</i>	LA DEPT NAT RES., C.R.D	342-9419

\* 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 4

CONSTRUCTION APPROVAL

U.S. DEPARTMENT OF AGRICULTURE,

SOIL CONSERVATION SERVICE:

BA-2 UNIT 1

VEGETATIVE PLANTINGS, WEST HACKBERRY & DEWITT-ROLLOVER

Encl 4



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,



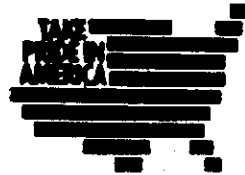
PAUL M. YAKUPZACK  
CWPPRA Implementation Coordinator  
and Refuge Manager

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) 598-2216



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

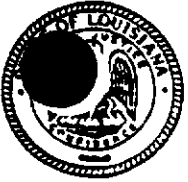
Whereas, the Louisiana Department of Natural Resources has formally requested that federal funds in the sum of \$2,500,000 be made available for the State's first year (Federal Fiscal Year 1994) of Plan development; and

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.



State of Louisiana

OFFICE OF THE GOVERNOR

Baton Rouge

70804-9004

POST OFFICE BOX 94004  
(504) 342-7015

DWIN W. EDWARDS  
GOVERNOR

January 5, 1993

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Edwin W. Edwards

c: Louisiana Coastal Wetlands Task Force Members

# 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 cursive script, appearing to read "David M. Soileau".

David M. Soileau  
Assistant Secretary

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

**Memorandum of Understanding**

**between the**

**State of Louisiana**

**and the**

**Department of the Army  
Corps of Engineers,**

**Department of Interior  
U.S. Fish and Wildlife Service,**

**and the**

**Environmental Protection Agency**

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

The parties agree to the following:

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

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

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

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

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

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

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

State of Louisiana

\_\_\_\_\_  
Secretary John F. Ales

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

Department of the Army

\_\_\_\_\_  
Secretary

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

Department of the Interior

\_\_\_\_\_  
Secretary

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

Environmental Protection Agency

\_\_\_\_\_  
Administrator

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



COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING  
April 6, 1993

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

