

Coastal Wetlands Planning, Protection and Restoration Act

TASK FORCE MEETING

July 14, 1994

MINUTES

I. INTRODUCTION

Colonel Kenneth Clow, representing the Secretary of the Army, convened the fourteenth meeting of the Louisiana Coastal Wetlands Conservation and Restoration Task Force at 9:35 a.m. on July 14, 1994, 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 Record for the Task Force meeting is attached as enclosure 2. Listed below are the six Task Force members. With the exceptions of Mr. Rhoades and Dr. Fox, who were represented by Mr. Norm Thomas and Mr. Tim Osborn, respectively, all were in attendance.

Dr. Len Bahr, State of Louisiana
Mr. Russell Rhoades, Environmental Protection Agency
Mr. James Pulliam, U.S. Department of the Interior
Mr. Donald Gohmert, U.S. Department of Agriculture
Dr. William Fox, U.S. Department of Commerce
Colonel Kenneth Clow, U.S. Department of the Army, Chairman

III. APPROVAL OF MINUTES FROM PREVIOUS MEETING

The minutes of the Task Force meeting held on April 14, 1994 (enclosure 3) were approved unanimously with no discussion. Mr. Osborn made the motion to approve the minutes and Mr. Thomas seconded it. [1/86]¹

IV. TASK FORCE DECISIONS

A. Mr. Robert Schroeder, chief of the New Orleans District's Planning Division, presented the following Technical Committee recommendation to the the Task Force: That the Corps of Engineers manage the Mississippi River

¹ The Task Force meeting was recorded on audio tape. The bracketed figures represent the tape no./counter no. for the discussion of this item. Multiple tape/counter numbers are used when an item is discussed more than once during the meeting.

Comprehensive Diversion study and the Louisiana Department of Natural Resources (LDNR) manage the Louisiana Barrier Island study generally in accordance with each agency's proposal as submitted to the Technical Committee, subject to refinement by a work group to be convened in early August 1994. [1/239-460]

Mr. Tim Axtman presented an overview of the Mississippi River Comprehensive Diversion study as prepared by the USACE to the Task Force. A copy of the proposal is attached as enclosure 4. [1/278] After the presentation Dr. Bahr questioned whether the study would include both the Mississippi and Atchafalaya Rivers and to what extent the distribution of flow at Old River would be investigated. Mr. Dom Elguezabal, Mr. Schroeder, and Mr. Axtman responded that the study would include both rivers, but changing the 70/30 distribution at Old River would not be considered. [1/476] Mr. Schroeder explained that although the CWPPRA authorizes the Corps to study the feasibility of changing the flow distribution at Old River (Section 307 (b)), the current study would consider only the water and sediment as presently distributed. A study of changing the flow distribution at Old River would be beyond the funding and time limits of the proposed CWPPRA feasibility study process. [1/500]

Ms. Rachel Wilson presented an overview of the Barrier Island study as prepared by LDNR to the Task Force. A copy of the proposal is attached as enclosure 5. [1/570]

Motion by Mr. Thomas: That the Corps of Engineers take the lead in managing the Mississippi River Comprehensive Diversion study, and LDNR take the lead in managing the Louisiana Barrier Island study. [2/118]

Second: Dr. Bahr. [2/124]

A lengthy discussion followed; the major topics of discussion expressed by Task Force members are given below.

- The Task Force will have an oversight role in each of the studies. [Clow, 2/380 & 2/553] Specific milestones and items which will require Task Force review or action needs to be identified early in the study process, including the key issue of selecting the study manager. [Osborn, 1/542 & 2/315; Bahr, 2/370] In addition, Task Force involvement in both studies should be consistent with schedules and standardized milestones. [Osborn, 2/343]

- Both studies within their respective scopes and methodology should be flexible and open in order to bring in the expertise of the Federal and state agencies, the academic community, and private consultant firms. [Thomas, 2/20; Bahr, 3/36; Davis, 2/248] The need for good science and the public involvement in the scoping of each study is critical. [Bahr, 2/408; Gohmert, 2/510]

- The availability of funds is critical. Preliminary estimates for the combined cost of the two feasibility studies are approximately \$6 million over a 3-year period. Over that same 3-year period the Task Force will be funding Priority Project Lists and the CWPPRA program. It may be necessary to fund the studies sequentially. [Osborn, 2/322]

Amendment by Mr. Osborn: That both studies follow the outlines as presented to and recommended by the Technical Committee. The proposals and frameworks that have been developed to this point are to be followed in developing the specifics of each study. When those specifics have been developed the Technical Committee will report back to the Task Force. [2/395]

Second: Mr. Thomas [2/407]

Passed unanimously. [2/551]

Vote on original motion: passed unanimously.

- The work groups along with the Technical Committee will develop the scopes of work, recommend study managers, develop budget amendment requests, etc. and will use input from all interested parties and report back to the Task Force as necessary. [2/615]

- B. Mr. Dom Elguezabal presented to the Task Force the completed Standard Operating Procedure (SOP). He noted that it had been to the other agencies for review and their comments have been incorporated. He also noted that the document will be changed and updated as Task Force procedures dictate. A copy of the SOP is attached as enclosure 6.

Motion by Mr. Osborn: That the Task Force accept the SOP as presented. [4/415]

Second: Mr. Gohmert.

Passed unanimously.

- C. Mr. Osborn informed the Task Force that the Fourchon Hydrologic Restoration project on the 1st Priority Project List has lost landowner support and that portions of the project have been constructed by others (the Greater Lafourche Port Commission). As a result the following motion was adopted by the Task Force. [4/12]

Motion by Clow: The Task Force remove the Fourchon Hydrologic Restoration project from the 1st Priority Project List. [4/94]

Second: Dr. Bahr. [4/102]

Passed unanimously. [4/103]

- D. Mr. Benny Landreneau of the Soil Conservation Service requested construction approval for the Boston Canal/Vermilion Bay Shoreline Protection project. A letter from Mr. Landreneau detailing compliance with Task Force requirements is attached as enclosure 7.

Motion by Mr. Gohmert: That the Task Force approve the Boston Canal/Vermilion Bay Shoreline Protection project for construction. [4/460]
Second: Dr. Bahr
Passed unanimously.

E. Mr. Dave Frugé of the U.S. Fish and Wildlife Service requested construction approval for the Bayou Sauvage National Wildlife Refuge project (Units 3 and 4). A letter from Mr. Paul Yakupzack detailing compliance with Task Force requirements is attached as enclosure 8.

Motion by Mr. Pulliam: That the Task Force approve the Bayou Sauvage National Wildlife Refuge project (Units 3 and 4) for construction. [4/496]
Second: Mr. Gohmert
Passed unanimously.

F. Mr. Schroeder presented to the Task Force the Technical Committee recommendation to increase the LDNR fiscal year '94 budget by \$56,000 from \$437,000 to \$493,000. Mr. David Soileau's letter containing the request is attached as enclosure 9.

Motion by Mr. Gohmert: That the Task Force increase LDNR's fiscal year '94 budget by \$56,000. [4/516]
Second by Mr. Pulliam
Passed unanimously.

V. INFORMATIONAL AGENDA ITEMS

A. Mr. Clyde Sellers, chief to the New Orleans District's Real Estate Division, briefed the Task Force on the requirements necessary to get Corps of Engineers approval on real estate matters for priority list projects. Section 303 (e) of the CWPPRA, states: "The Secretary (of the Army) 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." As outlined in the newly developed Standard Operating Procedures (SOP), the following information will be required by the Corps in order to fulfil Section 303 (e) requirements: a plan showing project limits and type of landrights required, the language of the landrights, certification that land acquisition is in accordance with all applicable Federal and state laws and regulations, a statement that all standard real estate practices will be followed in acquiring landrights, and an overgrazing determination. [1/115] Mr. Sellers also suggested that in order to protect project funds from problems arising from Hazardous, Toxic, and Radioactive Waste (HTRW), each agency should familiarize itself with the Innocent Land Owner's Defense under the Comprehensive Environmental Response, Compensation,

and Liability Act (CERCLA), 42 U.S.C. 9601 (35) (B). Mr. Norm Thomas asked if the Corps would be satisfied that the requirements of Section 303 (e) were met if an agency complied with the requirements presented. Mr. Sellers agreed that the Corps would be satisfied. [1/188]

- B. Dr. S.M. Gagliano announced the formation of the Louisiana Coastal Wetlands Applied Science and Engineering Consortium. This group consists of five entities: Applied Technology Research Corporation, Coastal Engineering and Environmental Consultants; Coastal Environments, Inc.; Louisiana State University Natural Systems Management and Engineering Program (within LSU's Center for Coastal, Energy, and Environmental Resources); and T. Baker Smith and Son, Inc. This group would be available to carry out activities of the CWPPRA. [2/589]
- C. As requested at the April 14, 1994, Task Force meeting, Mr. Dom Elguezabal reported that the Status of Priority List Projects report was furnished to the Task Force members two weeks prior to the meeting. [2/630]
- D. Mr. Norm Thomas briefed the Task Force on the status of the State Conservation Plan. Several attempts have been made by the EPA to meet with the state and the other agencies outlined in the CWPPRA to develop the plan; however, no progress has been made. LDNR had made a proposal for a grant to develop and implement the plan, but this proposal was denied by the Federal agencies. EPA offered a counter proposal to grant the state funds to define the scope of the Conservation Plan. This was the last official action taken. Dr. Bahr offered to approach the Statewide Wetlands Advisory Task Force for help in getting the process moving forward. [2/743-end, 3/275]
- E. Mr. Mervin Morehiser proposed to the Task Force that marsh creation and restoration be done in a manner consistent with the needs of navigation, in particular with the 50-foot channel authorized for the Mississippi River. [4/298]

VI. TASKS REQUIRING FURTHER ACTION

Each agency reviewed the status of its priority list projects. The center of focus was to identify systemic issues and address measures to overcome these problems. [Clow, 3/290] As a result of the status review two issues surfaced which are common to many projects. These issues are described below.

Mr. Dom Elguezabal identified problems with oyster lease holders in the project area of the West Belle Pass Headland Restoration project. The project will impact oyster leases in its marsh creation areas. Language in newer oyster leases states that the lease holder cannot make claims resulting from impacts to the lease caused by coastal restoration projects; however, older leases contain no such provisions. Current

direction on the West Belle pass project is to buy out older leases and pay the cost of finding new leases for those with the newer language. [Elguezabal, 3/330]

Land rights have surfaced as a second systemic issue. Currently, lands eroded and converted to open water become state-owned water bottoms. Disputes may arise over the ownership of these lands when they are reclaimed by a coastal restoration project. This issue has surfaced on two priority list projects: the West Bay Sediment Diversion and the Isles Dernieres Barrier Island Restoration projects. [Elguezabal, 3/300; Thomas, 3/500]

Dr. Bahr suggested that these issues could be addressed at the Coastal Summit which he will be hosting at the request of the Coalition to Restore Coastal Louisiana. [3/387]

Motion by Colonel Clow: That the Task Force send a letter to the Governor of the State of Louisiana identifying these issues. [4/278]

Second: Mr. Gohmert. [4/281]

Passed unanimously. [4/282]

VII. ADDITIONAL AGENDA ITEMS

- A. Mr. Pulliam announced that the Southern Science Center, formerly the National Wetlands Research Center, has completed the report *Land Loss in Coastal Louisiana, 1956-90* which was partially funded by the Task Force. A copy of the report was provided to each Task Force agency. [4/527]
- B. Colonel Clow announced that there will be a briefing on coastal restoration activities and a helicopter tour of coastal Louisiana for the White House Task Force on Ecosystem Management the week of July 25, 1994. Each agency should have been contacted. [4/546]
- C. Mr. Thomas announced that the EPA will be conducting a Marsh Management Workshop on August 16-18, 1994 at the Doubletree Hotel in New Orleans. Everyone is encouraged to attend and participate. [4/632]
- D. Dr. Bahr announced the completion of the W. Alton Jones Foundation, Inc.'s *Scientific Assessment of Coastal Wetlands Loss, Restoration and Management in Louisiana*. Copies were available at the meeting. [4/645]

VIII. DATE AND LOCATION OF THE NEXT TASK FORCE MEETING

The next Task Force meeting will is tentatively scheduled for September 21, 1994. Task Force members will be contacted to confirm the date.

IX. QUESTIONS FROM THE PUBLIC

No written questions or comments were received from the public.

X. ADJOURNMENT

Dr. Bahr moved to adjourn the meeting at 12:45 p.m. Mr. Gohmert seconded the motion, and it was passed unanimously.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING
July 14, 1994

ENCLOSURE 1

AGENDA

Encl 1

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING

14 April 1994

9:30 a.m.

AGENDA

Tab

- I. **Introductions**
 - A. Task Force members or alternates
 - B. Opening remarks by Task Force members
- II. **Adoption of Minutes from the 14 April 1994 Meeting.....D**
- III. **Status of Tasks from the February 1994 Meeting Requiring Further Action**
 - A. Problems concerning USACE approval of real estate agreements--Mr. Sellers..... E
 - B. Technical Committee evaluation of feasibility study proposals--Mr. Schroeder F
 - C. Early submission of status reports for priority list projects--Mr. ElguezabalG
- IV. **Status of Development of the State Conservation Plan--Mr. Thomas..... H**
- V. **Status of Priority List Projects--Lead Agencies..... I**
- VI. **Linking of Navigation and Marsh Creation Interests on the Mississippi River--Mr. Morehiser..... J**
- VII. **Presentation of a Draft Standard Operating Procedure--Mr. Elguezabal.....K**
- VIII. **Request for Approval of the Boston Canal Project--Mr. Landreneau..... L**
- IX. **Request for Approval of the Bayou Sauvage NWR Project--Mr. Frugé.....M**
- X. **Request for FY 94 Budget Amendment--Mr. SchroederN**
- XI. **Additional Agenda Items.....O**
- XII. **Date and Location of the Next Task Force Meeting..... P**
- XIII. **Request for Written Questions from the PublicQ**

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING
July 14, 1994

ENCLOSURE 2
ATTENDANCE RECORD

Encl 2



ATTENDANCE RECORD



DATE(S) July 14, 1994	SPONSORING ORGANIZATION Planning Division	LOCATION District Assembly Room
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PURPOSE Louisiana Coastal Wetlands Conservation and Restoration Task Force

PARTICIPANT REGISTER *

NAME	JOB TITLE AND ORGANIZATION	TELEPHONE NUMBER
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* If you wish to be furnished a copy of the attendance record, please indicate so next to your name.