

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING

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Mineral Board Room
Department of Natural Resources
625 N. Fourth St, Baton Rouge, Louisiana

April 14, 1998
9:30 a.m.

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**PROGRAM STATUS
ADDITIONAL KNOWN INCREASES**

	<u>Total Costs</u>	<u>Federal Costs</u>	<u>Cumulative Federal Funding Status</u>
Starting Point (16 Mar 98 Spreadsheet)			\$1,610,100
1. Adjustments (Uses 85-15 Cost Sharing)			
a. Fully-Funded Cost of Cheniere Au Tigre increase	\$348,073	\$295,862	\$1,314,238
b. Fully-Funded Cost of Grand Bayou Expansion (Adjustment)	\$1,164,532	\$989,852	\$324,386
c. Fully-Funded Cost of Approved Monitoring Plans	\$3,000,000	\$2,550,000	(\$2,225,614)
d. Fully-Funded Cost of Unapproved Monitoring Plans	\$0	\$0	(\$2,225,614)
e. Anticipated Oyster Lease Impacts	\$625,000	\$531,250	(\$2,756,864)
f. Anticipated O&M Increases	\$8,821,559	\$7,498,325	(\$10,255,189)
g. Anticipated Bayou Lafourche Siphon Increases (Potentially \$15-\$20 million)			UNKNOWN*
2. Additional Potential Deauthorizations			
None	\$0	\$0	
3. Deferrals	<u>Total Deferred</u>	<u>Fed. Share of Deferred Amt</u>	<u>Cumulative Federal Funding Status</u>
a. Delta-Wide Crevasses	\$2,736,950	\$2,326,408	(\$12,581,597)
b. Penchant Basin Plan	\$7,051,550	\$5,993,818	(\$18,575,414)
c. Lake Boudreaux Basin	\$4,915,650	\$4,178,303	(\$22,753,717)
d. Nutria Harvest Demo	\$1,100,000	\$935,000	(\$23,688,717)
e. Bayou Lafourche Siphon	\$7,500,000	\$6,375,000	(\$30,063,717)
f. Myrtle Grove Siphon	\$5,000,000	\$4,250,000	(\$35,063,717)
Subtotal	\$ 28,304,150	\$24,058,528	
4. Other Adjustments		<u>Amount</u>	
a. Estimated FY 99 Federal Allotment		\$42,100,000	\$7,036,283
5. Federal Funds Available for New Projects on 8th List		<u>Amount</u>	
Non-Federal Matching Share		\$7,036,283	
Total Funds Available for New Projects On 8th List**		\$1,241,686	
		\$8,277,969	

* Estimate provided by the Environmental Protection Agency

** Excludes Funds for DNR's Proposed 20 % O&M Contingency for Storms and Vandalism (\$9 million)

Coastal Wetlands Planning, Protection and Restoration Act

TASK FORCE MEETING

April 14, 1998

Draft Minutes

I. INTRODUCTION

Colonel William L. Conner, representing the Secretary of the Army, convened the thirtieth meeting of the Louisiana Coastal Wetlands Conservation and Restoration Task Force at 9:35 a.m. on April 14, 1998, at the Louisiana Department of Natural Resources office in Baton Rouge. The agenda is enclosure 1. The Task Force was created by the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA, commonly known as the Breaux Act), which was signed into law (PL 101-646, Title III) by President Bush on November 29, 1990.

II. ATTENDEES

The attendance record for the Task Force meeting is enclosure 2. Listed below are the six Task Force members. All members were in attendance.

Dr. Len Bahr, State of Louisiana
Mr. William Hathaway, Environmental Protection Agency
(Ms. Beverly Ethridge represented EPA for part of the meeting)
Mr. David Frugé, U.S. Department of the Interior
Mr. Donald Gohmert, U.S. Department of Agriculture
Mr. Thomas Bigford, U.S. Department of Commerce
Colonel William Conner, U.S. Department of the Army,
Chairman

III. APPROVAL OF MINUTES FROM PREVIOUS MEETING

The minutes for the meeting held on January 16, 1998, were discussed. Mr. Hathaway observed that his statements on the need to revise the project development, selection, and funding process might not have been clearly depicted in the January 16 meeting minutes. In addition to developing guidance for the Needs List, he recommended that guidance on selecting future lists be more clearly defined than it has been for past lists. Colonel Conner agreed that it was beneficial to clear up the discussion on the selection process related to the Needs List, Coast 2050, and both funded and unfunded priority list projects. After Mr. Hathaway was satisfied that further discussion would be directed to this item, he made the motion to approve the minutes, and Mr. Frugé seconded it. The minutes of the Task Force meeting held on January 16, 1998 (enclosure 3), were then approved unanimously.

IV. TASK FORCE DECISIONS

A. Discussion of Fully Funded Monitoring Plan Costs.

Mr. Schroeder delivered the recommendation of the Technical Committee concerning a review of cost increases for approved and unapproved monitoring plans. The recommendation provided that:

- a. the monitoring cost caps be indexed to 1998 price levels for all unapproved monitoring plans;
- b. the monitoring budget be increased by a total of \$3 million for approved monitoring plans, with funds to be allocated on a technical basis; and
- c. no specific action by the Task Force be adopted on this item until the Economic Work Group has completed indexing the costs for inflation.

Once the information in item c. above is developed, lead agencies can identify from the fully funded costs whether the 12 percent cost limitation have been exceeded. Based on this, lead agencies can request Task Force approval of cost increases on a project by project basis. The Technical Committee can then make a final report to the Task Force on all monitoring plan cost increases and the impact of these increases on the program. Ms. Vaughan requested that all cost overruns and changes in cost sharing due to the conservation plan be finalized at the same time so that multiple changes in contracts would not be required.

Mr. Schroeder presented a description of the process to carry out an evaluation of monitoring plan cost increases (enclosure 4).

Motion by Dr. Bahr: That the Task Force approve the process described above for evaluating monitoring plan cost overruns.

Second: Mr. Frugé.

In Favor: Dr. Bahr, Mr. Frugé, Mr. Hathaway, and Mr. Gohmert
Absent: Mr. Bigford

B. Discussion of Operations and Maintenance (O&M) Costs for Priority Project List Projects.

Mr. Schroeder delivered the recommendation of the Technical Committee concerning a review of Operations and Maintenance (O&M) costs for approved projects. The recommendation provided that:

- a. the \$8.8 million cost increase in O&M plans be approved once the Economic Work Group verifies the methods used to index the costs for inflation;

b. the issue of establishing a contingency fund (for storms, vandalism, and permit requirements) be deferred until the next Technical Committee meeting;

c. any project currently showing a zero budget for O&M (due to uncertainties over the final design) be handled in accordance with normal project development procedures (a final O&M plan will be developed for these projects in due course when the design is sufficiently complete); and

d. no action be taken by the Task Force until the Economic Work Group has completed indexing the costs for inflation.

Ms. Vaughan stated that the permits for CWPPRA projects include a commitment to perform 20 years of monitoring and that these commitments must be considered in any changes contemplated by the Task Force. She suggested that a summary of operations and maintenance costs be presented whenever a project is presented for approval to the Task Force. Mr. Frugé recommended that lead agencies try to keep O&M plans as far below the 125 percent cost cap as possible; reaching the 125 percent cost cap, he said, should be an exception, rather than the rule.

Mr. Schroeder presented a description of the process to carry out an evaluation of operation and maintenance plan cost increases (enclosure 5). The consensus of the Task Force was to proceed with this process.

C. Consideration for Approval of the Grand Bayou Project Additions.

Mr. Schroeder presented the recommendation of the Technical Committee to the Task Force that they approve the additions to the Grand Bayou project, which increase both the scope and cost of the project.

Motion by Mr. Frugé: That the Task Force approve the increase in both the scope and cost of the Grand Bayou project. The fully funded cost of the project would increase by \$3,977,700 from \$5,135,468 to \$9,113,168. The increase in scope would involve the inclusion of an area in Lafourche Parish, east of Bayou Pointe au Chien and west of Grand Bayou Canal, Grand Bayou, and Cutoff Canal. The project will involve construction of the Bayou Pointe au Chien Structure, canal plug removals, spoil bank gapping, structure removal, and trenasse cleaning (see enclosure 6).

Second: Mr. Hathaway.
Passed unanimously.

D. Adoption of Procedures to Revise Project Selection and Funding Process

Mr. Hathaway repeated his recommendation that the Task Force agencies develop more defined procedures to take into consideration changes and growth in the program. He recommended that the Technical Committee start development of these new procedures and report on the progress at the next Task Force meeting.

Mr. Cullen Curole stated that the Coastal Zone Managers at the parish level would like to work on the Needs List, as well as any new priority project list process. Mr. Schroeder asked whether the Task Force desired a comprehensive selection process proposal from the Technical Committee or some intermediate level strawman proposal. Mr. Hathaway responded that he was open to new ideas, perhaps involving processes for large and small projects, that could be formed into a more thought-out, comprehensive procedure.

Colonel Conner asked whether the Task Force should consider the evaluation of other ongoing plans not related to the Breaux Act. He suggested that serious consideration be given to large-scale diversion projects. Mr. Frugé said that he would like to see more participation by the Task Force in offering support for non-CWPPRA projects, when such projects are in agreement with Task Force objectives. He cited the support lent to the Houma Navigation Canal Lock as a successful application of a Task Force endorsement. Dr. Bahr suggested that Coast 2050 addresses these concerns by covering the identification of large-scale projects, which are not necessarily developed by the Task Force and by exploring alternative spending authorities.

Mr. Gohmert asked that he be given a clearer definition of the Coast 2050 objectives. He sensed confusion over the extent this effort was intended to restore the coast to some historical condition. Dr. Good replied that the target of Coast 2050 was to achieve a sustainable ecosystem, recognizing that the ecosystem is dynamic and cannot be maintained as a static system in perpetuity. Mr. Schroeder cautioned about promising more than could be delivered; he maintained that there is a finite effect the Breaux Act can have on the ecosystem with the funds that are available. Dr. Bahr suggested that no net loss was a goal of the program. Mr. Hathaway added that EPA would like to make providing a net gain of wetlands a goal of the program.

Dr. Bahr suggested that we postpone details of the revised procedures until Coast 2050 is farther along, so as not to conflict with the priorities that will be developed through that effort. Mr. Mark Davis stated that Coast 2050 should feed into some process or funding stream for projects. He proposed getting off the track of a 1-year priority project list schedule for every project; a 2-year schedule would allow more time for planning certain large-scale projects. He advised the Task Force

to anticipate an annual funding stream that is greater than \$40 million.

Motion by Mr. Hathaway: That the Task Force direct the Technical Committee to develop formal procedures for implementing Coast 2050 and the Needs List, and for amending the existing priority project list selection process. The development of these procedures shall consider, but not be limited to the following items:

- a. integrating Coast 2050 concepts;
- b. retaining 2/3 funding for large-scale projects and 1/3 funding for small-scale projects;
- c. reviewing EPA's January 1998 letter to the Task Force;
- d. soliciting CZM coordinator input on proposed changes;
- e. using the procedures as a communication tool to the public, recognizing the Task Force's commitment to the process;
- f. implementing a longer (2-year) planning process for large projects;
- g. using planning funds to evaluate non-CWPPRA projects (to leverage non-CWPPRA funding of environmentally friendly projects under the consistency requirement of the act); and
- h. adding realistic land rights acquisition policy as part of planning.

Second: Dr. Bahr.
Passed unanimously.

E. Public Outreach Committee Role in Project Dedications

Mr. Gohmert complimented the Public Outreach Committee on the good job they did with the barrier island project dedications that week.

Motion by Mr. Gohmert: That the Task Force give charge to the Outreach Committee to develop a process for having high quality project dedications on future Breaux Act projects.

Second: Dr. Bahr.
Passed unanimously.

Dr. Mathies observed that the helicopter tours provided for the barrier island project dedications were not paid out of project funds. While the tours proved to be very popular, they were also very expensive. He suggested that if it was the desire of the Task Force to continue providing such tours for project

dedications then the cost should be adequately reflected in the outreach committee budget.

V. INFORMATIONAL AGENDA ITEMS

A. Report on Status of Needs List.

Mr. Podany reported that Breaux Act agencies are implementing the January Task Force directive to compile a list of projects that describe the restoration needs in coastal Louisiana. The list is on schedule to be completed in July and will be made up of unfunded candidate projects from previous priority project lists plans from feasibility studies, and projects emanating from Coast 2050. Coast 2050 team members have been working to select projects that will form the list. Colonel Conner stated that Coast 2050 has priority over the Needs List, which is simply a stopgap measure to leverage reauthorization.

Mr. Schroeder stated that the Technical Committee would provide a status report on this initiative at the next Task Force meeting. Colonel Conner suggested that Breaux Act agencies identify those planning efforts that are needed to evaluate the consistency of non-CWPPRA projects and that might be funded with CWPPRA planning funds. These planning efforts should be brought forward during the budget process.

Louisiana State Representative Reggie Dupuis recommended that the Task Force consider funding the construction of the New Cut Closure project, as well as additional construction on West Timbalier Island. In his view, 20 percent of CWPPRA funds should be dedicated to Barrier Islands.

B. Report on the Status of the 8th Priority Project List.

Mr. Podany gave a report to the Task Force on the status of the 8th Priority Project List. He noted that approximately 45 projects including demos have been nominated in two public meetings held in April. The selection of candidates for evaluation is scheduled at a public meeting to be held on April 24, 1998. Colonel Conner noted that it was appropriate to consider funding New Cut Closure on the 8th Priority Project List even though it was identified as an unfunded project on the 7th Priority Project List.

C. Discussion of Procedures to Handle Bid Overruns.

Messrs. Schroeder and Paul delivered the Technical Committee's recommendation for handling bid overruns on projects. The NRCS is currently compiling comments and will distribute the revised procedures to the Breaux Act agencies for further review. Ms. Vaughan requested that the procedures include a step where the State is contacted for concurrence on any cost overruns, insofar as the State would be the cost-sharing partner for these increases. Mr. Schroeder stated that he anticipated that a final

version of this procedure would be ready for the next Task Force meeting.

D. Feasibility Study Steering Committee Report.

Mr. Podany provided information to the Task Force on the status of the Louisiana Barrier Shoreline Study and the Mississippi River Sediment, Nutrient and Freshwater Redistribution Study. He reported that a preliminary draft report, for the Barrier Shoreline feasibility study would be completed in September 1998 and a final draft would be available in December 1998. If this report were favorable, steps to begin the development of a contract for an EIS would begin. The EIS would take 18 month and could be completed by February 2001. On the Mississippi River study, a preliminary draft report will be prepared by July 1998 to feed into the Coast 2050 effort. The draft of the feasibility report would be completed in December 1998, with a final in June 1999.

E. Report on the Status of Coast 2050.

Dr. Bill Good provided a report on the status of Coast 2050. He explained that small-scale strategies and objectives have been presented to the Task Force agencies in prior discussions. His report covered large-scale strategies (enclosure 7). He postulated that at current land loss rates, fisheries production in the Barataria and Terrebonne basins would approach zero by the year 2050. He asked the Task Force to determine when it wanted to be involved in reviewing Coast 2050 products (July and October were identified as timeframes when Task Force feedback would be required). Colonel Conner stated that he wanted data provided to him for review as soon as it was available. Other members of the Task Force agreed. A special meeting of the Task Force would be held in late September, possibly including the State Wetlands Authority, to review the public comments on the plans and register a Task Force position. In addition, Dr. Good requested approval to move forward with a time capsule for Coast 2050. Colonel Conner directed, with the concurrence of other Task Force members, that Dr. Good proceed with liaisons on this matter among interested groups, such as the Boy Scouts of America and Mr. Donald Lirette, President of the Coalition to Restore Coastal Louisiana.

F. Report on Outreach Committee.

Ms. Beverly Ethridge provided a report on the status of the outreach committee (enclosure 8). The Task Force praised the efforts of the committee in connection with the barrier island project dedications held the previous day. Mr. Frugé asked about the status of the coastal brochure and whether it had been provided to the Congressional delegation. Ms. Ethridge replied that the committee would look into it.

Mr. Bigford noted that a wetlands conference would be held in Williamsburg, Virginia on July 14. The Breaux Act would be allotted 1.5 hours on the topic: The Louisiana Wetlands Experience, Teamwork and Results.

Dr. Bahr stated that he recently attended a conference on hypoxia and the relationship to the Breaux Act. In addition, he mentioned attending a Dallas meeting on regional dredging where he was successful in communicating state issues relating to beneficial use.

G. Identification of Known Cost Increases in the Program.

Mr. Podany provided an analysis of program cost increases (enclosure 9). This information was used to form a "snapshot" of the program's fiscal status to assist in sizing the funded portions of the 8th Priority Project List. The information shows that approximately \$5.5 million is available either for new projects on the 8th list or to cover additional project cost increases. Mr. Bigford asked why no estimate for Bayou Lafourche was provided, since it is likely to be the largest anticipated cost increase on the horizon. Mr. Hathaway stated that such an estimate is forthcoming in July. Ms. Vaughan reported that Representative Warren Triche, has requested a 2-week advance notification for any meeting held on Bayou Lafourche.

Mr. Gohmert and Ms. Vaughan observed that land-rights would be a major implementation issue.

The Task Force discussed whether the New Cut Closure project could be handled as a contract modification under existing or ongoing work. Mr. Hathaway proposed using a contract modification of ongoing work to implement the project. Ms. Vaughan said she was not sure LDNR's contracts could be modified. She suggested that a more realistic cost estimate for the New Cut Closure project is \$4.0 million, based on providing a dune elevation comparable to the recently repaired portions of the island. No decision was reached on whether to proceed with the project, but there was a sense that the Planning & Evaluation Subcommittee and Technical Committee should review the project in some detail.

Colonel Conner directed that an analysis of the program status be made a permanent Task Force agenda item. He believes the information illustrates the success and maturity of the process. Mr. Hathaway noted that the Corps' database included estimates for approved and unapproved increases; he recommended that these be separated for clarification.

H. Discussion of West Bay Sediment Diversion Cost Increase.

Mr. Schroeder briefed the Task Force on the status of the West Bay Sediment Diversion project. The project has increased in cost from \$13 million to \$16.7 million to account for additional dredging requirements in a nearby anchorage and a pipeline relocation. Colonel Conner asked whether the project was still cost effective, in light of the increases. Mr. Hicks reported

that the project would compare favorably with other projects constructed under CWPPRA; a more detailed discussion of benefits for this project will be provided at the next Task Force meeting. Ms. Vaughan stated that there is some possibility that the pipeline will be relocated at the utility owner's expense, but that this may be partially offset by an increase in real estate costs. Mr. Caldwell stated that the land-rights issues for this project are very complicated, but that the State will not let legal problems related to land rights stand in the way of project execution.

I. Report on the Status of Project Deauthorizations.

Mr. Schroeder gave a brief report on the status of 4 projects, currently under review for deauthorization: Pass-a-Loutre Crevasse, Grand Bay Crevasse, Avoca Island Marsh Creation and Bayou Boeuf Pumping Station. The Task Force voted to initiate the deauthorization of these projects at the last Task Force meeting. As per the standard operating procedures, the Technical Committee Chairman has prepared letters to the Congressional delegation, members of the state legislature, and parish presidents for these projects. Due to the fact that the comment period was still open, the Technical Committee will make a recommendation to the Task Force concerning the deauthorization of these projects at the next Task Force meeting. No objections to the deauthorization of the projects had been received to date. No objections were expressed at the meeting.

J. Status of Construction Program.

Dr. Steve Mathies reported on the status of Breaux Act construction projects. He noted that out of 75 active projects, 19 have been completed, 8 are under construction, 17 will be started this fiscal year, and 15 will be started by next fiscal year. Mr. Frugé recommended that the Task Force not count the Conservation Plan as a completed project; this change will be reflected in future reports.

K. Status of the Conservation Plan.

Ms. Katherine Vaughan reported that the first quarterly meeting with Federal agencies to review the status of the Conservation Plan would be held on 21 April. Mr. Stehle Harris, LDNR, will be the point person for tracking the plan. Ms. Katherine Vaughan listed several early accomplishments of the plan, including the preparation of 5 grant applications to EPA, the continued funding of state-funded restoration projects, and the state-funded public service announcements involving 3 celebrity spokesmen and a spokesfrog. Ms. Becky Weber reported that EPA was processing a grant award to fund a database to track no net loss.

L. Report on the Lower Atchafalaya Basin re-evaluation study (LABRS) and on the activities of the Atchafalaya Liaison Group.

Mr. Podany reported that the LABRS model of no action conditions would be forthcoming in May. The liaison group will review this information to determine the impact on existing or new Breaux Act projects and strategies.

VI. ADDITIONAL AGENDA ITEMS

Colonel Conner welcomed the new Deputy Secretary of the Louisiana Department of Natural Resources, Mr. Randy Hanchey, and stated that the Task Force looks forward to working with him on future coastal restoration efforts.

Secretary Caldwell displayed a videotape of 4 public service announcements to be aired on national television. The announcements, which highlight the loss of Louisiana coastal wetlands, were state-funded and feature Paul Prudhomme, Kermit the Frog, Harry Connick, Jr., and Aaron Neville. The announcements will begin airing in June.

Dr. Bahr stated that he attended a Trans-Texas Water Supply meeting in Beaumont, Texas recently. At the meeting, environmental interests opposed taking water out of the Sabine for use in Texas. Senate Bill No. 1 seems to have put this issue on hold. Mr. Gammill stated that in the short term, there were no new project recommendations on the horizon, and that the current effort consists mostly of compiling existing reports on the issue. Mr. Davis declared that decisions on Trans Texas should not be made until Louisiana is ready and that a demand exists for use of this water in Texas. Mr. Bigford noted that a lesson could be learned from Lake Gaston, where the states of Virginia and North Carolina were in dispute for a bordering water supply. Virginia apparently won the dispute and will be diverting water bound for North Carolina to Virginia Beach. Mr. Gohmert stated that Louisiana needs to be sure its interests are represented; Ms. Vaughan replied that they are involved. Dr. Bahr suggested that the "consistency test" of the Breaux Act (Section 303d) might apply.

Mr. Bill Hicks requested that the Task Force approve an increase for West Belle Pass of \$367,000 (\$176,000 to cover possible increases in dredging costs and \$191,000 to cover increases in Operations and Maintenance).

Motion by Dr. Bahr: That the Task Force approves the cost increase of \$367,000 for the West Belle Pass project.

Second: Gohmert.
Passed Unanimously.

Mr. Hicks then approached the Task Force about approving a reduced scope for the MR-GO Back Dike project. The scope would

involve eliminating the formal monitoring required for the project, in light of the low cost of the project in relation to the costs of formal monitoring. This change would result in a cost decrease of \$200,783 for the project, which reflects a revised cost from \$512,000 to \$311,417. Colonel Conner stated that Corps could conduct informal monitoring of the project at no cost to the Breaux Act, due to the Corps' frequent presence in the area.

Motion by Dr. Bahr: That the Task Force approves the change in scope for MR-GO Back Dike project.

Second: Mr. Frugé.
Passed Unanimously.

VII. DATE and LOCATION OF THE NEXT TASK FORCE MEETING

The next Task Force meeting was tentatively scheduled for 9:30 a.m. on July 23, 1998 in Lafayette, Louisiana. Task Force members will be contacted to confirm the date and location.

VIII. PUBLIC COMMENTS

Mr. Dave Richard, Executive Vice President of Stream Property Management, Inc., provided a comment on an earlier discussion of the Trans-Texas Water Supply study. He stated that in accordance with the 1951 Sabine River Compact, the State of Texas controls one-half of the water in the river. In spite of conservation and Senate Bill No. 1, by the year 2040 and perhaps before, Texas will need more water. He stated that the focus of the planning effort should be on how to sustain the areas in Louisiana affected by this seemingly inevitable change.

Mr. Mark Davis reported that the Coalition to Restore Coastal Louisiana will hold its coastal stewardship award May 1, 1998, in Thibodaux.

IX. ADJOURNMENT

The Task Force meeting was adjourned at 2:40 p.m.