

## **BREAUX ACT**

### **Coastal Wetlands Planning, Protection and Restoration Act**

#### **TASK FORCE MEETING MINUTES**

**October 25, 2001**

#### **I. INTRODUCTION**

Colonel Thomas Julich convened the forty-fourth meeting of the Louisiana Coastal Wetlands Conservation and Restoration Act Task Force. The meeting began at 9:45 a.m. on October 25, 2001, at the US Army Corps of Engineers, New Orleans District Headquarters, in New Orleans, Louisiana. The agenda is shown as 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 George Bush on November 29, 1990.

#### **II. ATTENDEES**

The attendance record (79) for the Task Force meeting is presented as enclosure 2.

Listed below are the six Task Force members:

Dr. Len Bahr, State of Louisiana

Mr. Sam Becker, Environmental Protection Agency

Mr. David Frugé, U.S. Department of the Interior

Mr. Don Gohmert, U.S. Department of Agriculture

Dr. Eric Zobrist, U.S. Department of Commerce

COL Thomas Julich, U.S. Army Corps of Engineers

All of the Task Force members were in attendance, except Mr. Don Gohmert who was represented by Mr. Bruce Lehto.

#### **III. APPROVAL OF MINUTES FROM PREVIOUS MEETING**

Dr. Eric Zobrist requested that the minutes be revised to state that the Louisiana Department of Natural Resources did not intend to seek CWPPRA funding for the breakwater portion of the Holley Beach project.

Mr. Tom Podany requested that the minutes be revised to add the specific area of concern, the Port Sulphur/Venice area, voiced by Mr. Ken Ragas at the August 7 meeting.

Motion by Mr. Dave Frugé: To approve the minutes from the August 7, 2001 Task Force meeting with the following revisions:

Of the August 7 minutes, IV.A. second paragraph, third sentence: removed the word "probably" between the words "would" and "be."

Of the August 7 minutes, VII. A. First sentence: removed the word "lower" and insert the words "the Port Sulphur/Venice area of" before the words "Plaquemines Parish."  
The motion was seconded and passed unanimously.

#### **IV. TASK FORCE DECISIONS**

##### **A. Approval of the FY 2002 planning budget**

Mr. John Saia briefed the task force on the status of funds in the Breaux Act planning program for FY 2002. The budget includes 14 new initiatives.

Mr. Lehto motioned to approve the requested \$5,293,197 for FY 2002.

Motion was unanimously approved.

##### **B. Bayou Lafourche**

Mr. Troy Hill explained the seven items suggested at the April 12, 2001, meeting to be reviewed that have been considered in their report presented at the last Task Force meeting. Mr. Sam Becker reported that DNR has secured some funding. He requested approval of a 50 percent cost share for Phase 1. Representative Roy Quezaire of District number 58 said 13 state legislators (five senators and eight representatives) have formed a committee to support the Bayou Lafourche project and educate the people in the bayou corridor. Mr. Dave Fruge' stated that he wants to make the best use of restoration funding. He questioned how much Breaux Act funding was appropriate. He wants alternatives for achieving wetland benefits to be studied and urged everyone to remember Breaux act objectives. He also stated that he wants other funding commitments identified by the time of the 30 percent review.

Mr. Fruge then suggested the motion contain:

- a. State pays 50 percent of \$9.7 million for Phase 1.
- b. Allocation does not commit the Task Force to a particular percent cost share for construction.
- c. Task Force will make a decision whether to move past the 30 percent design after review by the Environmental and Engineering Workgroups.
- d. A report will be provided at the 30% design stage. It will include an assessment of benefits and costs, an allocation of costs, and an identification of cost share partners.

Mr. Lehto wanted the Phase 1 cost share allocations done at the 30 percent review. Mr. Becker recommended leaving the 50 percent cost share for Phase 1. Mr. Fruge' wanted to make sure that the Breaux Act gets credit for the appropriate proportion of Phase 1. Mr. Hanchey suggested amending the motion to include paragraph d. of the October 11,

2001 resolution of the State Wetlands Authority that states, "that if the project proceeds to construction the project costs will be shared by project beneficiaries in an appropriate proportion of benefits received. Final costs to be shared will include both the Phase 1 Engineering and Design and the Construction Costs." The motion was so amended.

Dr. Eric Zobrist suggested the need for a game plan to pay for construction. Dr. Bahr took the responsibility to make it happen. Mr. Fruge' would like to see the equivalent of a letter of intent. Mr. Lehto wanted to define it and have reasonable assurance of commitments. Mr. Hanchey clarified the intention of the Task Force but expressed his uncertainty about the letter of intent. Mr. Tom Bingham (Valentine Paper) spoke to support the project and cited the leadership of the state legislators. He told the Task Force about the water quality problems of last year due to the drought. Representative Luling Petri informed the Task Force that Bayou Lafourche had been cut off from the Mississippi River since 1904. He told the Task Force that their vote had great political significance and cautioned them that a no vote would be perceived by his constituents as a failure of the Breaux Act and the Coast 2050 initiative. Mr. Robert Thibodeaux supported the project and said that Bayou Lafourche also needs to be "cleaned out". Mr. Thibodeaux also asked about the status of dredging in the bayou. Mr. Mark Davis spoke strongly in favor of the project that had both environmental and community impacts. Mark suggested that multifaceted projects such as this should be expected. Ms. Natalie Babin (Chamber of Lafourche) spoke to support the project. Mr. Kerry St. Pe stated that the communities along Bayou Lafourche were used as examples of local culture. He reminded the Task Force of how the EPA had addressed the concern of the people in Donaldsonville about future high water levels with the project and stated the concern of those people along the lower end of the bayou about water quality. Mr. Cullen Curole said that many more people had come to support the project over the last five years since some initial concerns had been addressed. Ms. Lori Szczecina (Restore or Retreat) spoke in favor of the project. Dr. Zobrist asked about the status of a letter to the State lands Office. Dr. Bahr stated that he is working on it. Dr. Zobrist stated that all of these issues need to be a part of the 30 percent design review.

The following motion was drafted per TF's direction as originally motioned by Mr. David Fruge and seconded by Dr. Len Bahr.

### **Motion on Bayou Lafourche Project**

That the Task Force agrees to proceed with Phase I Engineering and Design (E&D) costs for the Bayou Lafourche Diversion Project, subject to the following stipulations:

1. The State of Louisiana will pay for 50% of the Phase I E&D costs, estimated to total \$9.7 million, as agreed to by the State Wetlands Authority.
2. The allocation of CWPPRA funds for Phase I E&D does not commit the Task Force to a specific funding level for project construction.
3. A decision to proceed beyond the 30% design review will be made by the Task Force and the State. The Task Force's Engineering and Environmental Work Groups shall participate in that review. Task Force agreement to proceed beyond the 30% design review will depend, in part, on reasonable assurances from the non-Federal funding partners to contribute the necessary cost share for project construction, including the non-wetland project components. The 30% design review will address the costs and benefits of alternative means of achieving the wetland conservation goal of the Bayou Lafourche project via additional Mississippi River flows.
4. A report, which documents the work done up to the 30% design review, will be provided to the Task Force for review prior to the decision on continuing the E&D. That report will include: a) updated estimates of costs and benefits of the project and of alternative designs and approaches (including the Company Canal alternatives and others addressed in the value engineering study) for accomplishing the project's wetland conservation goals; b) an assessment of the effects of existing and planned water control and freshwater diversion projects in the basin on the benefits of the Bayou Lafourche project; c) a preliminary allocation of costs among project beneficiaries; and d) a preliminary assessment of potential project cost-sharing sources.

That if the project proceeds to construction the project costs will be shared by project beneficiaries in an appropriate proportion of benefits received. Final costs to be shared will include both the Phase I Engineering and Design and the Construction Costs.

The motion passed unanimously.

Dr. Bahr stated that he would like to see the project completed by 2004.

C. Increase in funding for Maurepas Swamp Diversion

Mr. Saia presented the recommendation of the Technical Committee regarding Phase 1 funding approvals for the Maurepas Swamp Diversion.

Motion: To approve funds in the amount of \$5,199,000 plus \$235,288 in contingencies for Phase 1 Engineering and Design of the Maurepas Swamp Diversion project . A total of \$5,434,288 was approved for Phase 1.

Motion passed unanimously.

D. Construction Approval of Mandalay Bank Protection Demo Project

Mr. Saia presented a recommendation to approve construction.

Mr. Fruge motioned for approval.

Motion approved unanimously.

E. Change to Dustpan/Cutterhead Demonstration Project

Mr. Saia presented the recommendation of the Technical Committee to approve the use of funds previously approved for the construction of the Dustpan/Cutterhead Marsh Creation demonstration project for a "Flexible Dustpan" demonstration project designed by the Waterways Experiment Station.

Mr. Fruge' motioned to approve & Mr. Becker Seconded.

Motion passed unanimously.

Therefore, the minutes of this discussion shall reflect the following:

By Resolution of the Task Force dated April 24, 1997, the Task Force authorized the use of specified funds for use on a PPL 6 Dustpan/Cutterhead Marsh Creation Demonstration project. Mr. Podany has requested a change to the above authorized use of funds, in that it is requested that the previously approved funds instead, now be used for a "Flexible Dustpan" demonstration project as described in the attached documents of the briefing book for the Task Force Meeting of October 25, 2001. As the project no longer involves the use of a cutterhead dredge, the PPL 6 project name will be changed to "Flexible Dustpan Demo at Head of Passes".

F. Authorization for 2002 Outreach Program elements

Ms. Gabrielle Bodin reviewed the new proposed outreach initiatives for 2002. Six new initiatives were described for a total of \$241,975. The task force considered the six items separately. \$127,000 was approved.

- 1) Executive Awareness was unanimously approved for \$22,000.
- 2) National Awareness program was unanimously approved for \$55,000
- 3) Industry Awareness Program was approved for \$45,000, but should be integrated with governor's committee.
- 4) Authorized \$5,000 for two videos related to Davis Pond
- 5) A mock-up is requested before approval for a new wetland loss poster.
- 6) Airport Kiosk proposal is tabled for now due to 911 attack

G. Additional funding request for Marsh Island

Mr. Bill Hicks requested \$250,000 for additional funding for the Marsh Island Project. The project is under construction, but additional costs are being incurred due to outdated surveys.

Dr. Zobrist motioned to approved.  
Motion approved unanimously.

## V. INFORMATION

### A. Status of Construction Program

Mr. Tom Podany briefed the Task Force on the status of funds in the Breaux Act construction program. The following tables were presented:

1. Status of Cash Flow Management Project Funding Approval Schedule (pg 1-6). Estimated dates that agencies will request Phase 2 funding approval; estimated dates that complex projects will request Phase 1 and Phase 2 funding.
2. Status of Construction Funds (pg 7). Taking into consideration approved current estimates, project expenditures through present, Federal and non-Federal cost sharing responsibilities, we estimate **\$24,868,348** Federal funds to be available, based on Task Force approvals to date.
3. Construction Program Potential Cost Changes (pg 9). This table depicts potential future construction program cost increases and decreases affecting available Federal funds. If these increase and decreases are taken into consideration, **\$45,168,000** in Federal funds would be available for FY02.
4. Projects Returning Excess Funds (pg 11). A total of **\$4,564,857** may be returned from projects that have completed or almost completed construction.
5. CWPPRA Project Summary Report by Priority List (pg 13). A priority list summary of funding, baseline and current estimates, and obligations and expenditures, for the construction program as furnished by the lead agencies for the CWPPRA database.

6. Analysis of Construction Funds (pg 15). This table analyzes Federal and non-Federal cost sharing responsibilities as determined by the current approved project estimates.

7. Analysis of Construction funds (pg 15). This table analyzes Federal and non-Federal cost sharing responsibilities as determined by the current approved estimates.

8. Construction Schedule (pg 20-25).

9. CWPPRA Project status Summary Report ( pg 26).

B. Web access to Coastal Monitoring Data

Mr. Brad Miller presented an interactive presentation of the state's new web accessible, GIS-Integrated Coastal Monitoring Database. The site is accessed at [www.save.LAwetlands.org](http://www.save.LAwetlands.org).

#### **VI. Additional Agenda Items**

Mr. Doug Daigle of the Mississippi River Basin Alliance requested to present a report titled "Confronting Climatic Change in the Gulf Coast" at the next Task Force meeting.

#### **VII. Request for Public Comments**

The Task Force chairman offered members of the public an opportunity to comment on issues of concern.

A. Ken Ragas thanked Col. Julich and Mr. Tom Podany for providing information regarding CWPPRA projects in Plaquemines Parish.

B. Mr. Steve Mathies suggested that the Coastal Water Resources conference to be held in May in New Orleans might be a forum for Louisiana's coastal problems. Dr. Bill Good said they have had discussions with the conference organizers and will pursue.

C. Dr. Bill Good reported the Oyster ad hoc committee would meet November 7.

#### **VIII. Task Force meeting Schedule**

Next Task Force Meeting scheduled January 16, 2002 in Baton Rouge in the Louisiana Room of Wildlife and Fisheries Building.

Adjourned 12: 25 p.m.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT  
TASK FORCE MEETING

October 25, 2001

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Planning Budget for FY 02 (Saia) Mr. John Saia recommends the Task Force for the approval of \$5,293,197 ..... <i>Approved</i>	E
Status of Construction Program (Saia) Mr. John Saia reports on the Construction Program status of funds and schedules. An estimate of \$24,868,348 is available for the 11 <sup>th</sup> Priority List .....	F
Increase in Phase 1 Funding for Maurepas Swamp Diversion (Saia) EPA - Maurepas Swamp Diversion, Phase I funding, \$5,199,000. Mr. John Saia will provide a recommendation from the Technical Committee to correct the Baseline Phase 1 cost estimate for this project to reflect the fully funded Economic Workgroup figure (\$5,434,288) .....	G <i>Approved</i>
Construction Approval for Mandalay Bank Protection Demo Project (Saia) The Technical Committee will present a request for decision on construction approval.....	H <i>Approved</i>
Request for Change in project Description (Podany) Mr. Thomas Podany will request to use the approved funds for the Cutterhead/Dustpan Demonstration Project for a substitute Dustpan project already designed by the Waterways Experiment Station.....	I <i>Approved</i>
Bayou Lafourche (Hill) Mr. Troy Hill will report on the preliminary results of evaluation.....	J
Presentation on Web access to CWPPRA Monitoring Database Mr. Brad Miller, LDNR presents on Web-Enabled, GIS-Integrated, Coastal Restoration Monitoring Database.....	K
Outreach Committee Annual Report (Wilson) Mr. Scott Wilson will report on the 2001 annual report and present the 2002 plans and budget.....	L
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**COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT  
TASK FORCE MEETING**

**October 25, 2001**

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**Date and Location of the Next Task Force Meeting**

Tentatively 9:30 a.m., Wednesday, January 16, 2002, at LDWF Building, Louisiana Room, Baton Rouge, Louisiana ..... **O**



## ATTENDANCE RECORD



<b>DATE(S)</b> October 25, 2001 9:30 a.m.	<b>SPONSORING ORGANIZATION</b> <b>BREAUX ACT</b> COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT	<b>LOCATION</b> District Assembly Room U.S. Army Corps of Engineers New Orleans District 7400 Leake Avenue New Orleans, Louisiana
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**PURPOSE**  
 MEETING OF THE TASK FORCE

**PARTICIPANT REGISTER\***

NAME	JOB TITLE AND ORGANIZATION	TELEPHONE NUMBER
Darrel Clark	Fish & Wildlife Biologist - USFWS	337-291-3111
Tommy Martin	Bony A. Vittor & Associates	251-633-6100
Steve Mathies	CHAM HILL	504 593-9421
Rud Emmer	Comm on future of Lake La	225-923-3143
Robert Philbrick	CONCERNED CITIZEN	447-2028
Harold Brown	USGS-NWAC Assist Director	337-366-8501
MARK DAVIS	CRCCL	225 344-5555
Glenn Thomas	LDWF	225 765 2956
TEANENE PECKHAM	EPA	225-389-0736
Jack Reilly	G.E.O., Inc.	225/752-7974
Tom Podany	COE	504-862-2502
May Browning	COE	504-862-2755
Ed Haywood	LDNR / CRD	225-342-9428
Brad Miller	LDNR / CRD	225-342-0242
Barbara Kuebler	EPA	214 665 6698
David Frugé	USFWS	337-291-3115
Bruce Lehto	NRCS	318-473-7756
Britt Pan	NRCS	318-473-7816
Kevin Roy	USFWS	337- <del>291-3120</del>
Gerry Bodin	"	" " 3118
ERIC ZOBRIST	NOAA FISHERIES	301-713-0174
Bill Goral	La DNR	225-342-7308

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



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**PURPOSE**  
MEETING OF THE TASK FORCE

**PARTICIPANT REGISTER\***

NAME	JOB TITLE AND ORGANIZATION	TELEPHONE NUMBER
Beverly Edmunds	EPA Baton Rouge	225 384 0732
Dave Granucci	Earth Tech	225 753-0081
Dale L. Stieb	Earth Tech	225 753-0081
Gerard Dusztusi	DNR / OCRM	225 342-3583
Tony Delcally	BeTucci	504 - 835-0303
John Lopez	COE	509 8621011
Kirk Rhinehart	DNR / CRD	225 342 2179
Tom Peck	Earth Tech	602 228 0535
Tim Reilly	Earth Tech	(978)371-4202
HLAN WEBER	Roy F. Weston, Inc	504-862-6400
Gary Pauber	COE	504 862-2548
JULIE Z. LEBLANC	COE	504-862-7597
Bub Jacobson	URS	225-922-4450
CHRIS KNOTTS	DNR/CRD	225-342-6871
Cullen Curale	BARATAZA TERREBONNE	225 447 8092
Tom Porthouse	DNR/CRD	225 342-9421
CHRIS Williams	DNR/CRD	225 342 7549
Bob Roberts	DNR/CRD	225 342 7306
Garrett Bravard	DNR/CRD	225 342 6878
Henry Picard	Buck Klempeter	225 925 0930
Archie Omissa	Bayou Laf. Fresh Water Dist.	504 747-7155
Natalie Babin	Pres. & CEO Chamber of Rapports	985-693-6700



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**PURPOSE**  
  
**MEETING OF THE TASK FORCE**

**PARTICIPANT REGISTER\***

NAME	JOB TITLE AND ORGANIZATION	TELEPHONE NUMBER
Greg Grandon	DNR - PROJECT MANAGER	225-342-6417
Kenny M. J. P.	RTNEP	225-447-0868
David M. M.	DNR	225-342-4503
S.M. GAGLIANO	CEI	225-383-7455
STEPHEN LUNDGREN	BURK-KLEINPETER, INC. - CIVIL ENGINEER	504-486-5901
Kyle Rodgers	GOV'S OFFICE - COASTAL	225-342-3908
JULIO MAYORGA	ST. BERNARD PARISH GOV. -- PLANNER II	504.278.4270
Roy QUEZAIPE	STATE REP. DIST. # 58	1 800 259-2024
ARK KULP	Univ. New Orleans Asst. Prof.	280-1170
KENNETH PAXS	PLAQ PARISH LANDOWNER	985-657-8296
Gabrielle B. Bodin	Acting Outreach Coord. / CWPPRA	337-266-8623
Cheryl Bodin	DNR - Supervisor	225-342-4690
Jason Sutton	Landscape Arch. Lower Delta Landsc (gov)	914-87
Peter Smith	NELSON ENGRS	504 523 5281
Bill Hicks	COE : PM - C	504 862-2626
Doug Daigle	Miss. River Basin Alliance	504 578 9008
Steve Anderson	NRCS Donaldsonville	225 473-7638
Dan Safford	FSA Donaldsonville	225. 473-8446
Jenneke Vissen	LSU	225-578-6377
TONY PICKS	COE	504 862-1011

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



**ATTENDANCE RECORD**



<b>DATE(S)</b> October 25, 2001 9:30 a.m.	<b>SPONSORING ORGANIZATION</b> <b>BREAUX ACT</b> COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT	<b>LOCATION</b> District Assembly Room U.S Army Corps of Engineers New Orleans District 7400 Leake Avenue New Orleans, Louisiana
<b>PURPOSE</b> <p align="center">MEETING OF THE TASK FORCE</p>		
<b>PARTICIPANT REGISTER*</b>		
<b>NAME</b>	<b>JOB TITLE AND ORGANIZATION</b>	<b>TELEPHONE NUMBER</b>
Clyde "SKIP" HARRIS	Environ Mag - Valentine Paper	985 532 3313
Fred Allemand	Menist - Lafourche Parish Water Dist. #1	985 532-6924
Deborah Schulz	BTNEP	985 447-0868
Lori Szczecina	Restore or Retreat	985 448 4485
Rep Louisa Petre	State Rep Dist 54	985-632-2001
Sidney Coffee	DNR - Federal Coastal Affairs	825-342-4844
Troy G. Constantine	USACE PPPMD	504 860-2742
Wendell Curvole	South Lafourche Levee Dist	985 632-7554
Neil Malbrough	Jefferson Parish Enviro Dept	504-347-2100
ARTHUR DEFRAITES	GSE ASSOCIATES	985-876-6380
Lynn Schenberg	Barataria-Terrebonne Estuary Found.	504-887 7120
John Barnes	USGS NWRC	225-342-2077
MARTIN CANCIENNE	Cong Billy Tauzin	225-621-8490
Katia Gaudet	Daily Comet	925 693-7215
Tom Bingham	Valentine Paper	985 532 3313

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