

BREAUX ACT
Coastal Wetlands Planning, Protection and Restoration Act

TASK FORCE MEETING
12 July 2006

Minutes

I. INTRODUCTION

Colonel Richard Wagenaar convened the 63rd meeting of the Louisiana Coastal Wetlands Conservation and Restoration Task Force. The meeting commenced at 9:40 a.m. on July 12, 2006 at the Louisiana Department of Wildlife and Fisheries, Louisiana Room, 2000 Quail Drive, Baton Rouge, LA. 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 for the Task Force meeting is presented as enclosure 2. Listed below are the six Task Force members:

Mr. Donald Gohmert, Natural Resources Conservation Service (NRCS)
Mr. Randy Hanchey, Louisiana Department of Natural Resources (LDNR) (sitting in for Agenda Items 1-7, 14) and Mr. Gerry Duszynski, (LDNR) (sitting in for Agenda Items 8-13, 15-21), substituting for Ms. Sidney Coffee, State of Louisiana, Governor's Office of Coastal Activities (GOCA)
Mr. William Honker, U.S. Environmental Protection Agency (USEPA)
Colonel Richard Wagenaar, Chairman, U.S. Army Corps of Engineers (Corps)
Mr. Russ Watson, substituting for Mr. Sam Hamilton, U.S. Fish and Wildlife Service (USFWS)
Dr. Erik Zobrist, National Marine Fisheries Service (NMFS)

III. OPENING REMARKS

Colonel Wagenaar announced that this meeting would be Gabrielle Bodin's last meeting as Outreach Coordinator for the program. He stated that Ms. Gabrielle Bodin and the Outreach Committee have done an amazing job with local and national awareness on the challenges of coastal restoration. The Task Force will greatly miss Ms. Bodin and her efforts. Colonel Wagenaar presented a certificate of commendation on behalf of the Task Force to Ms. Bodin for exemplary service as Outreach Coordinator since May 1999. Mr. Hanchey echoed the appreciation for Ms. Bodin's work and the work of the Outreach Committee on behalf of the Governor and the State of Louisiana.

IV. ADOPTION OF MINUTES FROM APRIL 2006 TASK FORCE MEETING

Colonel Wagenaar called for a motion to adopt the minutes from the April 12, 2006 Task Force Meeting.

Mr. Don Gohmert moved to adopt the minutes and Mr. Bill Honker seconded. The motion was passed by the Task Force.

V. TASK FORCE DECISIONS

A. Decision: Priority Project List (PPL) 17 Process (Agenda Item #4)

Mr. Tom Podany stated that the PPL 17 process will be similar to the PPL 16 process. There will be two nominees per basin, with the exception of Barataria and Terrebonne Basins, which have three nominees. There will be a total of ten candidate projects selected by the Technical Committee, with up to four being selected for Phase I approval and preliminary engineering and design. The Technical Committee recommends that the Task Force approve this process.

Mr. Don Gohmert moved to adopt the PPL 17 process and Mr. Russ Watson seconded. The motion was passed by the Task Force.

B. Discussion/Decision: Transitioning Projects from CWPPRA to Other Authorities (Agenda Item #5)

Mr. Tom Podany stated that the Technical Committee was directed to develop a process for transitioning projects from CWPPRA to other authorities. The Technical Committee recommends amending the Standard Operating Procedure (SOP) to include the word “transfer” to the de-authorization process to indicate that projects could be de-authorized or transferred to another authority.

Mr. Tom Podany indicated that a flow chart was also developed to specifically address the possible transfer process into the Corps’ Civil Work project – Louisiana Coastal Area (LCA). He asked Mr. Bob Bosenberg, Senior Project Manager for LCA at the Corps, to present. Mr. Bob Bosenberg, Corps-LCA, presented an illustration of how the transfer process may occur under LCA. The task was to conduct a comparative analysis between the CWPPRA and LCA processes. It is recognized that some information in the process may not be readily available, but the process has been developed with these considerations in mind. There is an opportunity for the CWPPRA Program and LCA Program to confer using a gap analysis tool in step 3 of the process. The gap analysis tool would allow the entities to examine the scope, schedule, and cost to close out a CWPPRA project and bring it into LCA. Such an examination would allow the parties to determine if a transfer was appropriate and agreeable to both parties.

Colonel Wagenaar opened the floor to comments from the Task Force:

Mr. Randy Hanchey stated that the comparison between the CWPPRA and LCA project paths was accurate for small projects, but might not be for large projects since more alternative analysis is done under CWPPRA for larger projects. This is important since the intent is to transfer larger projects out of CWPPRA and into LCA. He was uncertain in the outlined process if the Task Force could unilaterally transfer projects to LCA as projects are not in LCA until the State (as local sponsor) agrees to sign a cost share agreement. Mr. Bob Bosenberg, Corps-LCA, responded that step 3 has a conference for the two management groups to discuss the transfer. Step 3 allows both parties to determine if the transfer is amenable. Many projects, to some degree, do need a more extensive review. It is presumed that the process, specifically the worksheet, will capture these inaccuracies.

Mr. Randy Hanchey stated was still concerned since the comparison sheet essentially demonstrates that step 3 and step 6 in the LCA project path are not addressed in the CWPPRA project path. This is not necessarily accurate. He further stated that comparing the transfer process to a traditional feasibility study is misleading. He stated that the draft LCA language in WRDA conditionally authorizes the first 5 LCA projects and speaks of “decision documents”, not necessarily “feasibility studies”. The process assumes that there is not a difference between a “feasibility study” and a “decision document”. This is misleading.

Mr. Tom Podany stated that in the past, the Federal and/or local sponsor would approach the Technical Committee with a recommendation to de-authorize a project. He recommended amending this to suggest that in order for a transfer to be promulgated, the Federal and local sponsors must agree that the project should be transferred or de-authorized.

Colonel Wagenaar stated that in addition to adding the term “transfer” to the SOP, the Technical Committee must continue to review options for project transfers to other Federal authorities beyond LCA. He asked the Technical Committee to go back and see if there are other authorities to which projects could be transferred, instead of solely focusing on LCA. In addition, while there may be an initiative before Congress, the Task Force must make decisions based on current laws and policies. Mr. Hanchey responded that considering the transfer of projects to LCA is premature, as LCA has not yet been authorized.

Colonel Wagenaar opened the floor to comments from the public:

Ms. Cynthia Duet, ARCADIS, asked if the transfer (by Congressional act or electively) of a project would take longer than the de-authorization which currently can take up to one year. Mr. Bosenberg, Corps-LCA, responded that it was his understanding that the transfer, following the current de-authorization procedure, would occur within successive Task Force meetings as outlined in the current CWPPRA SOP.

Mr. Russ Watson motioned to adopt the Technical Committee’s recommendation to add the term “transfer” to the SOP as outlined in the draft SOP revisions. Dr. Erik Zobrist seconded. The motion was passed by the Task Force.

Mr. Randy Hanchey asked if approving the changes to the SOP also meant that the Task Force was approving the process that was laid out. Colonel Wagenaar confirmed that the

decision only meant approving the proposed changes to the SOP language. The Technical Committee has been asked to go back and continue to work on the transfer process (to any Federal agency or authority).

Mr. Russ Watson stated that there is confusion in Washington, DC about why Louisiana needs all of these coastal restoration programs. He feels the Technical Committee has done a great job in getting the SOP together in a straightforward and simple way to move CWPPRA on the path to integrating these restoration programs.

Dr. Erik Zobrist stated that adding the term “transfer” removes potential handcuffs from the SOP. He believes that the Task Force has been doing this already and has used the old CIAP money to fund part of the Holly Beach project. We have the precedent for thinking outside the limitations of CWPPRA.

C. Decision: Request to Transfer PPL 10 Delta Building Diversion at Myrtle Grove Project (BA-33) to LCA (Agenda Item #6)

Mr. Tom Podany stated that there have been discussions on the timeframe in which the Myrtle Grove Project might transfer to LCA or some other program. In 2000, the Task Force felt that this project was probably too large to accommodate in CWPPRA, but it was such an important project that investigations were advanced. At this point in time, the Technical Committee recommends that the Task Force begin the process of transferring this project to LCA.

Mr. Tom Podany asked Mr. Tim Axtman to provide a status report on the project, as requested by the Task Force. Mr. Tim Axtman, Corps, noted that this project was on PPL 10 and originated from the Mississippi River Sediment, Nutrient, and Freshwater Redistribution Study. The project was undertaken in a manner consistent with typical WRDA authority and included initiation of an EIS, plan formulation and screening. The Myrtle Grove Project focuses on an area in the Barataria Basin that had converted from fresh marsh in 1956 to an entirely brackish system. This area has been cut off from the river, receives no freshwater or nutrient input, and has been heavily developed and damaged by oil, gas, and navigational canals.

Through scoping meetings with involved agencies, the project team was able to reduce an extensive list of alternatives to a more condensed list. At the same time, a comprehensive study was initiated by LCA. While LCA completed its study, the Myrtle Grove project team developed a modeling tool to evaluate alternative projects. LDNR simultaneously developed a model related to the operation and management of Davis Pond. Both tools can be used to enable greater flexibility and insight.

The basic channel alignment required to introduce sediment has been identified. Approximately 30% of the total real estate needed for the channel has also been acquired as part of the levee restoration from Hurricane Katrina. This project is intended to create about 6,500 acres through dedicated dredging with an additional 6,500 acres created over 50 years through the diversion. Hurricanes Katrina and Rita caused a delay in project efforts. At this point in time, the project team is looking for a decision on whether or not to transfer the project to LCA.

The initial CWPPRA funding was \$3 million. The project team believed that this level of funding would allow for an incremental analysis and identification of a tentative plan, but was aware that a transfer would be necessary for project completion. The current remaining balance is \$842,000.

There are four primary reasons to transfer this project from CWPPRA to LCA as a pilot: (1) the project team had the guidance to conduct the project in a manner consistent with pursuing a WRDA authorization, (2) this project meets the post-Katrina renewed priority of surge reduction, (3) a project management plan to address completion of the project under LCA has been developed, and (4) this project should be the easiest of the projects listed under LCA to transfer. The most difficult component will be the fiscal component.

Colonel Wagenaar commented that the Task Force must be careful to not become the incubator for future big projects across the coast designed to be transferred to other agencies. He also stated that the Task Force must be careful with transfers in general, as transferred projects will then be subject to the policies, laws, and regulations that govern the receiving agency and are vulnerable to internal bureaucracy, policies, and regulations. Colonel Wagenaar stated that in the future he would ask the Technical Committee to evaluate the pros and cons of transferring projects as individual projects come up for potential transfer. The Technical Committee would need to establish a set of criteria (pros and cons) of transferring the project. He also asked the Technical Committee: if the Task Force decision were to initiate a process today would there be another vote to formally transfer the project? Mr. Tom Podany confirmed that the decision today would initiate the process and there would be a formal vote to transfer at a future Task Force meeting.

Colonel Wagenaar also asked the Technical Committee to explain why this project is being considered for transfer to LCA and why not to the Corps in general. Mr. Troy Constance, Corps-LCA, stated that they are following the LCA Chief's Report, which identified the LCA as the proper location for the Myrtle Grove Project. Mr. Tom Podany stated that the project could be transferred to the Corps as a stand alone project if there was authorization. Mr. Troy Constance added that there is no other appropriate authorization other than LCA. Due to the fact that these projects were identified in the Chief's Report, the Technical Committee felt that the right direction was LCA. Colonel Wagenaar stated that the project could potentially stand alone as a project under the Corps, not linked to LCA.

Colonel Wagenaar opened the floor to comments and questions from the Task Force:

Mr. Bill Honker asked about the project's status in terms of the CWPPRA engineering and design pathway. Mr. Tim Axtman responded that the project is currently somewhere in the first 30%, at a point which decisions must be made regarding modeling. Mr. Bill Honker asked for a description of the process involved in initiating the transfer. Mr. Tom Podany responded by stating that letters would be sent to the State House and Senate, the Resource Committee, Chairs, State Representatives, and parish officials to allow for a period of comment. Mr. Constance, Corps-LCA, added that it is important to coordinate with the receiving agency to ensure there is an understanding of the remaining activities on the project.

Mr. Don Gohmert asked for clarification of the funding source for the transfer, as it was noted that LCA is not yet authorized. Mr. Tim Axtman responded by stating that funding is available under LCA to continue the process and complete decision documents, but there is no authority for construction.

Mr. Bill Honker asked if LCA had funding for design (plans and specifications). Mr. Troy Constance answered no. He stated that there is only authority to complete decision documents.

Colonel Wagenaar stated that these questions must be answered for the Task Force and public prior to voting on this issue at the next meeting.

Mr. Randy Hanchey requested clarification on Colonel Wagenaar's statement regarding the distinction between transferring projects to LCA and transferring projects to the Corps. Colonel Wagenaar responded that there could be a stand-alone project in the Corps that would move toward construction and would not be a component of LCA. It could become a component of LCA at a later date, but the Corps would have been working on the project with no authority from LCA in construction. Mr. Randy Hanchey stated that if the LaCPR study does result in Congressional action, authority may not be given under LCA.

Mr. Randy Hanchey further stated that if the Myrtle Grove Project were transferred tomorrow to the LCA, it must be considered that the State has not yet signed a cost share agreement agreeing to pay 50%. The State would move from paying 15% to 50%. Given all of the post-hurricane demands, it is uncertain if the State would sign a cost share agreement to proceed with the project if this were the case. Mr. Hanchey also voiced his concern with the Technical Committee's proposal to send notification letters to various parties upon receiving preliminary approval to de-authorize or transfer projects as the letter may be misinterpreted as abandonment. Mr. Tom Podany agreed that letters sent out must summarize the project efforts and outline the direction that the project is heading. Mr. Randy Hanchey responded that this may be premature because we haven't had the discussions outlined in the transition flowchart, therefore the direction is still tentative. Mr. Podany stated that a step may be missing and that the letters must be clear in explaining the process we are undertaking.

Mr. Randy Hanchey also voiced his concern that the Task Force is discussing de-authorization versus transfer when currently they can only de-authorize a project. He was concerned this will present the image that CWPPRA has pulled the plug on a project in which substantial funds have been invested. In his opinion, it is not wise to transfer projects simply because doing so would release funding for other CWPPRA projects.

Mr. Bill Honker added that it is necessary to confront the issues associated with initiating the transfer process because it forces both programs to confront the issues associated with the transfer. He stated that a discussion such as this provides a schedule for the future at which point the goal may be to initiate the transfer process.

Mr. Randy Hanchey stated that his primary concern is that CWPPRA is a more efficient process in terms of making progress. Once the project is transferred out of CWPPRA, Mr. Hanchey is fearful that the project will be delayed in the Corps feasibility process. We ought to let CWPPRA pay for the E&D.

Mr. Don Gohmert stated that he hopes that the Task Force is not giving the impression that projects are being abandoned. It is important to emphasize that the transfer of projects is to ensure that the projects are constructed and implemented. Dr. Erik Zobrist echoed Mr. Gohmert's statement and reiterated that the Task Force is making a decision to initiate the process of transfer, not making a decision to transfer the project. It is time to launch this ship into uncharted waters. This will bring the groups together to go through the process and analyze it and come back to us with the results. Mr. Russ Watson also echoed Mr. Gohmert's comments and stated that CWPPRA's biggest and only constraint is its funding limitations. These limitations make now the time to work through the transfer process.

Colonel Wagenaar opened the floor to comments from the public:

Ms. Vickie Duffourc spoke on behalf of Ms. Marnie Winter, Director of the Environmental Department for Jefferson Parish. She stated that Jefferson Parish opposes initiating the transfer of the Myrtle Grove Project at this time. The project is the linchpin of Jefferson Parish's restoration plan. The Parish would like to see this project remain in CWPPRA through the planning phase. Myrtle Grove was authorized through planning, engineering, and design and it has not even made it through the planning phase. It seems to be more appropriate to move forward with planning in CWPPRA, develop a process for transfer, and then transfer when the process is developed.

Mr. W.P. "Judge" Edwards III, a Jefferson Parish landowner, stated that if the project is bigger than CWPPRA can build, then CWPPRA is an incubator so that these projects could be transferred when a different entity, such as LCA, could handle these projects. He is not sure this is the right time. He also believes that additional funding is needed for CWPPRA. Under CWPPRA, it is supposed to take five years from the time the project is accepted to the time the project is on the ground. The projects are usually longer than five years because CWPPRA does not have the funding. Transferring might be a good idea, but the timing might not be quite right.

Mr. Bob Schroeder, C.H. Fenstermaker and Associates, stated that it would make more sense to finish the design under CWPPRA. During that time, the Task Force could consider where to move this project. The project could be moved when it is ready for construction.

Mr. Cullen Curole, representing the Administrator for Lafourche Parish, the CPRA, and the Governor's Project Committee, stated that timing is an issue. The concept of transfer is not bad and everyone agrees that money is an issue. Once LCA is authorized and there is a money stream into that program that might be the best time to transfer.

Mr. Andrew MacInnes, Plaquemines Parish, stated that approximately 70% of the initial \$3 million funding allocation has already been spent. Therefore, it seems like a good stopping point would be to utilize the remaining funding rather than transfer the project to a nebulous

program where it is unknown whether or not this project will continue to advance. We always expected some other funding source to take care of construction, but if a certain amount of funding has already been designated to this project, then it is wise to use its full capacity and reach a clear stopping point.

Ms. Leslie Suazo, Director of Coastal Restoration and Preservation for Terrebonne Parish, stated that she agreed with Ms. Duffourc's comments. She further stated that it is a concern that there will be a loss of momentum with the transfer of the project. One of the strengths of CWPPRA has been the ability for all voices to be heard. The Task Force should always keep in mind local participation and local wishes as they make these decisions.

Colonel Wagenaar asked for additional comments from the Task Force.

Mr. Bill Honker asked: If the transfer were approved, does all work stop on the project or will work continue until a final decision has been made? Colonel Wagenaar stated that the work should run parallel tracks. Mr. Tim Axtman stated that they would continue whatever work was necessary to complete the transfer. Mr. Troy Constance stated that they could review the ways in which the project could proceed with efforts such as modeling and do the transfer analysis simultaneously.

Mr. Don Gohmert asked if the remaining funding was enough to complete the design phase of the project. Mr. Axtman believes the remaining funding could get them through the modeling, initial incremental analysis, and a tentatively recommended plan.

Mr. Randy Hanchey stated that he has a concern if the transfer is defined by when the initial \$3 million allocated is spent and not a clear stopping point like completion of 30% design. The project needs to be at a clear stopping point when it makes sense to transfer. CWPPRA ought to take this to the completion of a decision document where construction would be possible prior to transfer.

Dr. Erik Zobrist indicated that the Task Force shares the public's sense of urgency and he does not want to take actions that delay projects. The Task Force knows that it is necessary to move these projects, but there are many uncertainties. These uncertainties are the reason that the Task Force should make a decision to initiate the process of transfer in order to determine exactly what a transfer will entail. Dr. Zobrist's suspicion is that if the project may be delayed further if left in CWPPRA if any decision document done under CWPPRA would need to be reanalyzed or reengineered and therefore the government would spend twice the amount of money in design as necessary.

Colonel Wagenaar stated that the issue on the table is to initiate transferring of the Myrtle Grove CWPPRA project to LCA. There is an expectation that the unanswered questions regarding the potential process needs to be answered before the Task Force takes final action on the transfer.

Mr. Russ Watson made a motion to initiate the process of transferring the Myrtle Grove Project to the LCA. Dr. Erik Zobrist seconded.

Prior to taking a vote on the proposed motion, Mr. Randy Hanchey asked for clarification on the motion. He thinks it is premature to send out letters since it hasn't been decided that the Task Force would transfer the project. Colonel Wagenaar answered that the letter says we are requesting comments and advising them that at the next Task Force meeting a transfer could occur. We could potentially schedule a vote at the next Task Force meeting, but we need to address the concerns. If there are significant unanswered issues at the next Task Force meeting, the Task Force could decide not to take a vote. The Technical Committee needs to address some of these concerns and bring answers to the table before the next meeting.

Colonel Wagenaar returned to the motion made by Mr. Watson and seconded by Dr. Zobrist. He asked for a vote. The motion was passed by the Task Force.

Mr. Tom Podany confirmed that project efforts would continue under CWPPRA and the team would not stop work. Colonel Wagenaar agreed that efforts should continue on parallel tracks.

D. Decision: PPL 5 Mississippi River Reintroduction into Bayou Lafourche (BA 25-b) (Agenda Item #7)

Colonel Wagenaar stated that the Technical Committee does not recommend providing an additional \$5M in Phase I funding and approval to proceed to the 95% design milestone. Instead, the Technical Committee recommends transferring the project to LCA. Mr. Honker clarified that the EPA and LDNR are seeking Task Force approval to proceed beyond 30%. This item was taken up by the Technical Committee. Ms. Julie LeBlanc stated that the action Mr. Bill Honker mentioned was before the Technical Committee, but the Technical Committee did not recommend approval to proceed to 95% design and a \$5 million increase in Phase I funding. Alternately, the Technical Committee recommends that the project be transferred to LCA.

Mr. Tom Podany stated that when this project was proposed, there was hope it could be executed under the CWPPRA program, but over time it was recognized that the funding would extend beyond program limits. The Task Force decided to allow proceeding to the 30% design level with a requirement to report back to the Task Force for approval to move forward to 95% design. With the Myrtle Grove Project, Phase I efforts were completed with a Corps feasibility report in mind. It is uncertain if similar efforts were undertaken for this project to ensure it would be ready for integration into a Corps feasibility study. The issue that was presented to the Task Force was to proceed to 95% design and fund an additional \$5 million, even though the CWPPRA program does not have the funding to construct the project. Also, until a decision document is done under LCA or some other program, it may not be wise to proceed with full plans and specifications. In light of these concerns, the Technical Committee recommends transferring the project to LCA.

Mr. Tom Podany stated that the project sponsor was available to provide a briefing to the Task Force. Mr. Bob Roberts, LDNR Bayou Lafourche Project Manager, noted that the purpose of the project is to nourish and protect the marshes at the Barataria-Terrebonne Basin through the reintroduction of freshwater, sediments, and nutrients from the Mississippi River. The project

also ensures a long-term freshwater supply to communities and industries in the Bayou Lafourche area. When the project was approved in 2001, there were several stipulations attached which included a 50/50 cost share between the State and CWPPRA and approval only through 30% design. The project management team has had many unique achievements including cutting edge technology unparalleled in coastal restoration, outreach, the establishment of a Joint Legislative Committee, and basin-wide modeling. These tools and models allowed the evaluation, ranking, and selection from 144 alternatives. He stated that they have created the best basin-wide modeling tool available. The preferred alternative was selected because it is the most cost efficient and implementable project. Mr. Roberts asked the Task Force to approve engineering and design beyond 30% and provide funds under CWPPRA. He indicated that the project is only \$5 million and 24 months from completing engineering and design. Furthermore, LDNR is willing to keep the 50/50 cost share and bridge the gap until CWPPRA has funding.

Mr. Tom Podany stated that the Technical Committee's view is that the project is clearly beyond the scope of the CWPPRA program to fund. It may be premature to complete full P&S when the project hasn't received full feasibility-level consideration under LCA. In addition, we currently don't have funding available to continue with Phase I. The State has offered that they could continue the project with their own funds and then seek a cost sharing credit. The Corps attorneys determined that the CWPPRA program could not proceed with that type of arrangement with the expectation of credit for future cost sharing.

Colonel Wagenaar reiterated Dr. Zobrist's earlier comments with regard to public comments. He stated that he had read a book which spoke about CWPPRA in its early stages. The book implied that the CWPPRA Program would become a typical Federal program burdened with political influence. He has not witnessed CWPPRA becoming a typical program that is bogged down by bureaucracy and argued that he receives no political pressure to make decisions with regard to coastal restoration although he did receive many mailings from elected officials regarding this project. Colonel Wagenaar stated that these mailings are not considered political influence, but rather the representation of constituents.

Colonel Wagenaar opened the floor to comments from the Task Force:

Mr. Bill Honker wanted to make a clear distinction between this project and the Myrtle Grove Project, as the Bayou Lafourche Project is substantially farther into the engineering and design. When the Task Force placed the stipulations on this project there were concerns about the non-coastal benefits of the project. There are non-coastal benefits, but the work completed illustrates more than 120,000 acres of benefit (project area). There are other potential funding sources available (e.g. LCA and CIAP) and even if these sources were not available, he would support making this project work under CWPPRA. We are not at the point where the project should make a transfer or even initiate a transfer process at this time. A transfer would be detrimental and would cause the project to lose momentum and result in wasting taxpayer dollars.

Mr. Don Gohmert stated that the basic question is money. The Task Force cannot vote to fund something without funding available. If we vote to approve, the funding must be

considered. He also commented that the program ought to be doing more 1,000 cfs diversions across the state if they can have this much impact.

Mr. Randy Hanchey read a letter from Governor Blanco in which she requested that the Task Force complete the project design and the State would assist in continuing the contract service until the Task Force receives its Fiscal Year 2007 funding. Mr. Hanchey also stated that LDNR Secretary Angelle personally supports the project and acknowledged that Senator Landrieu sent a letter describing her support for the project as well. Mr. Randy Hanchey also stated that the engineering and science work completed on this project is beyond anything that has been completed previously in the CWPPRA or LCA programs. There is a potential for a loss of momentum and a delay if this project is transferred.

Mr. Honker responded by stating that there are alternatives to address the funding issue. The Task Force could take funding from the FY07 budget, or could use funding from other projects to continue. Mr. Honker believes they could come up with money out of existing project budgets before the next meeting.

Dr. Erik Zobrist stated that this is an important project, a priority for both the State and CWPPRA. The Task Force is here to make the right decision. Dr. Zobrist felt as though the project would be stunted if left in CWPPRA rather than transferred to LCA because extra work will have to be done in the long term.

Mr. Russ Watson stated that approving this project to the 30% milestone was of great concern when the Task Force resolution was passed in 2001. As he was preparing for the meeting, he questioned whether the concerns (that caused the Task Force to pass the resolution in 2001 with all of these conditions) had been addressed. The CWPPRA program does not have the \$2.5M available to continue the project. Mr. Watson is unsure that there would be a serious delay if the project were transferred. CWPPRA never agreed to move forward to construction. It was clearly understood that this project was bigger than CWPPRA. If this project is to move forward, it must do so under a different program. If we run this out to 100% design under CWPPRA, there is no guarantee it will meet the guidelines governing the Civil Works authority and ready to move forward to construction. The current estimate for the project is \$183M. It is clearly understood that this one is bigger than CWPPRA can handle.

Mr. Randy Hanchey responded that in 2001, there was a belief that this project was about water supply and not wetland benefits. The study has illustrated that this project is primarily about wetland benefits although benefits to water supply occur as well. Mr. Hanchey challenged the notion that a transfer will not delay the project. Mr. Randy Hanchey stated that a traditional cost allocation according to the Corps methodology was completed to allocate costs between purposes. The project falls well within the 85/15 ratio that CWPPRA specifies. The State has agreed to continue at a 50/50 cost share although it could ask to go back to 85/15 for the remainder of the design. Mr. Hanchey further stated that there is currently no way to proceed with this project short of the State agreeing to pursue it on their own. The issue is whether or not the CWPPRA Task Force wants to be associated with this project. If not, the State will then have to search for other partners to continue this project. All the Task Force needs to do is find

\$2.5M to tide us over until FY07 funds come in. We cannot hide behind concerns from 2001 that have proven, in most cases, not to be valid.

Mr. Don Gohmert stated that this is not an up-or-down vote on the Bayou Lafourche project. He is considering the final construction and when the project will become operational. He reiterated the lack of funds to continue the project and asked for alternatives to finding funds in order to continue the planning process. He also suggested that there is some debate as to whether the Task Force is concerned with short-term delays or the long-term prospect of delivering water to the marshes and people downstream. He advocated that the Task Force approve the course of action that would allow the project to reach fruition the quickest.

Mr. Randy Hanchey agreed with Mr. Gohmert that there is a need to get the project built and functioning. He disagreed with the assertion that deciding not to continue with engineering and design under CWPPRA was the fastest path. He then stated that the Corps has examined the work that has been done thus far and has an opinion on whether it currently meets the standards for a Corps feasibility study. Mr. Hanchey asked Mr. Constance to comment on this. Mr. Troy Constance, Corps-LCA, stated that he believes that the planning process used was defensible. He did not review the technical aspects of the project (hydrology, etc.). From his review, he believes the Corps could defend the planning decisions that were made if they formatted it as the Corps would expect to see it.

Mr. Randy Hanchey translated Mr. Constance's answer and stated that the material is included and all the necessary points are addressed that are required to be covered in a feasibility study. In his opinion the effort exceeds 90% of the Corps feasibility studies produced. The report is a quality document and there would not be much problem supporting this project. If the Secretary of the Army doesn't support the project, it will be because he doesn't want to build this kind of project.

Mr. Don Gohmert asked Mr. Constance to confirm that if the project were to complete design under CWPPRA and then move into construction contracting at the end of the design, that the Corps will accept these designs and move them into the WRDA process for construction. Mr. Constance's response was no (the Corps could not begin construction with P&S completed by another entity without direct oversight over their development). Mr. Troy Constance clarified that he reviewed the report to determine if the project were transferred, would the report be useable; the Corps LCA team has not reviewed the technical components. Mr. Randy Hanchey stated that the material is there; it's professionally done and technically sound. Mr. Troy Constance stated that under LCA, the Corps would submit the work done to date in a report to the Secretary of the Army and then stop. Without a WRDA authority, the project couldn't progress further under LCA.

Mr. Don Gohmert then asked Mr. Constance if there is anything to be gained if the project was transferred now versus leaving the project in CWPPRA due to the presence of funding and the cost share agreement. His concern was that the Task Force might delay the project by not transferring it. Mr. Troy Constance stated that he could not answer Mr. Gohmert's question as all reasonable outcomes and risks associated with different paths must be considered. A comparison similar to what will be done on Myrtle Grove would be needed to answer the

questions. It would be premature to say that one path would be more expeditious than the other. Mr. Gohmert stated that he didn't believe that transferring the project to the Corps would necessarily speed the process up. Mr. Randy Hanchey stated that under LCA there are no agreements in place, workplans haven't been developed, there are no funds dedicated to this effort and the project would likely be delayed at least 6 months. Mr. Gohmert stated that the project is going to have to be transferred at some point, and the Task Force must decide if it is better to transfer now or later and whether it would speed it up or slow it down. Mr. Hanchey stated that with the current interest in Washington, D.C. on expediting restoration, money may be appropriated under some other authority without having to wait on WRDA.

Mr. Bill Honker added that the main issue is timing; the Task Force must determine if it is time to stop and take a different path, or continue along the current path. He believes that the project is better off continuing on a CWPPRA design path until the issue of funding is clarified.

Colonel Wagenaar stated that there are a host of technical and legal issues associated with a transfer to a WRDA authority that Mr. Constance didn't mention.

Colonel Wagenaar opened the floor to questions and comments from the public:

Mr. Len Bahr, an employee of the Governor's Office but speaking as a concerned citizen and ecologist, said that this project is probably the most important project in which CWPPRA has ever shown any interest. The public is tired of waiting and this project has gone forward to the point where arresting the momentum for a few million dollars is not a smart thing to do. This is a unique diversion project, that doesn't dump a diversion into the surrounding area like Caernarvon or Davis Pond - it pipes the water 60 miles down the bayou - keeping almost all of the nitrogen intact. CWPPRA should be proud of sponsoring this project. Mr. Bahr stated that he is pleased that the EPA and LDNR did such a great job with the studies and the level of detail, and he asked the Task Force to think again about being creative to find funding.

Ms. Charlotte Randolph, Lafourche Parish President and the President of Parishes Against Coastal Erosion (PACE), thanked the Task Force for the work that they have done thus far. She agreed that if the project is transferred now then the momentum would be lost. The fact that we have the State's support is great. This is a regional project, which protects Terrebonne, St. Charles, Jefferson, Orleans, and Plaquemines Parishes. If we take this to the next level, we can finally answer the question being asked by Congress and the President: "Where is the science?"

Mr. Robert Thibodaux, a resident of Thibodaux, stated that when he first moved to Bayou Lafourche 35 years ago, the depth of the water in the bayou was 13 feet. The depth of the water is now 5 feet 4 inches. Bayou Lafourche is dying a slow death as sedimentation is sinking into the bayou because of a lack of water volume. A new pumping station and the removal of the weir in Thibodaux are needed to stop the sedimentation. This project will serve a quarter million people, businesses and many acres of marsh. This project will also reduce saltwater intrusion. If this project dies, Bayou Lafourche will become a disaster.

Mr. Kerry St. Pé, Director of the Barataria-Terrebonne National Estuary Program, has been a long-time supporter of evaluating the possibility of restoring Bayou Lafourche. The program has participated in the assessments and has organized field trips to review hydrology. The benefits of this project go beyond the enhancement of wetlands and include sustained drinking water for citizens and industries. Mr. St. Pé urged the Task Force to support this project through the engineering and design phase, as it is a regional project of vital importance.

Ms. Leslie Suazo, Director of Coastal Restoration and Preservation for Terrebonne Parish, stated that the Terrebonne Parish Council voted to request that the Task Force continue to fund the design and engineering of this project through 95%. It is a very important project to our area. From a Terrebonne Parish perspective, the modeling that has come out of this will be a tremendous planning aid that leaves us with very little unknown in the Terrebonne Basin. It would help in planning other projects and also enhance other CWPPRA projects already on the table. She asked the Task Force to consider continuing to fund this project.

Mr. Cullen Curole, Lafourche Parish, believes the idea of a transfer when a transfer policy is not in place is stalling a project. This project, which originally was opposed by many people, including Mr. Thibodaux, now has public support and the efforts of LDNR and EPA are applauded. He would not like to deny a project with multiple benefits. It may be the case today that this Task Force does not want to be the incubator. But we made commitments in the past few years that we would initiate this and many other projects with the understanding that there may not be funding for construction. The State has committed itself to this project like no other project; so let us continue with the engineering and design.

Mr. W. P. Edwards III stated that a little bit of freshwater does a lot of good for the health of the plant community. We knew that this project would never be funded by CWPPRA, as it was too large. The project was going into CWPPRA to be engineered and designed to ensure that it would be ready for construction when the time arrived. But only completing 30% is not there yet and the Task Force should commit to finishing the engineering and design.

Ms. Cynthia Duet, ARCADIS, asked the Task Force members to consider, as public servants, whom do they represent? She also stated that conventional wisdom tells us that the reconnection of the tributary can sustain these two dying basins. The group has spent \$5 million on lots of things, but for \$5 million if you can get to a stopping point with this project, then why not do it?

Mr. Roland Guidry, Oil Spill Coordinator for the Office of the Governor and speaking as a citizen of Cutoff whose family has lived on the bayou since 1785, stated that he wants this project for his grandchildren and family. He has always made a living on the coast and has seen the deterioration of the marsh. He stated that a little freshwater will go a long way in Bayou Lafourche. He asked the Task Force to give this project consideration.

Mr. Wendell Curole, Lafourche Parish Coastal Zone Administrator, stated that we are 11 years from the first hearings and we still have nothing. The people along Bayou Lafourche have “tasted coastal erosion”. As the years go by, this introduction of water will become more and more important as the gulf continues to attack our coast.

Colonel Wagenaar stated that the Task Force is the “Coastal Wetlands Planning, Protection and Restoration Task Force”; not the “Bayou Lafourche Freshwater Delivery Task Force”. The challenge of the Task Force is coastal restoration. The Task Force has done a great job in doing these smaller projects. The Task Force must be very careful about what projects are selected and ensure that they are coastal wetland projects. He stated that he is not a proponent of killing projects but is trying to seek alternatives to keep any projects alive that have benefits to coastal wetlands. He has concerns on the project. Colonel Wagenaar asked if an independent technical review (ITR) of the project had been completed. It seems like a lot of benefits for a 1,000 cfs diversion. He is concerned about non-coastal benefits. He stated that non-coastal benefits to a viable coastal project make the project stronger. He expressed concern about the funding and legal issues. This project is going to migrate to another program, whether it is the State or another Federal agency, unless there are major changes in the CWPPRA program. Usually in the Corps, a feasibility study is completed to ensure that it is a viable project before we spend additional funds on E&D. If this project does not have an ITR, and it is discovered that this is a non-viable project from a Federal perspective, then there is a legal question of why this money was spent. He’s not sure that this is a viable project from a Federal perspective in regard to feasibility. Colonel Wagenaar concluded by stating that there are many questions that still have to be answered with regard to this project.

Mr. Randy Hanchey expressed his amazement at several things Colonel Wagenaar stated. He stated that to criticize this project because there has not been an ITR by outside engineers is a new standard that no other CWPPRA project has been subjected to. He further stated that if Colonel Wagenaar would like a detailed technical briefing provided, that could be done. Colonel Wagenaar added that the ITR should be done in case the project ends up as a Corps project. He also has a legal question on if we should expend additional funding on a project that may not be feasible.

Mr. Russ Watson stated that Colonel Wagenaar’s concerns are very well founded as requirements are being put on all Federal agencies and it is taking longer and requiring more scrutiny to spend Federal dollars. He cited the increased scientific scrutiny because of the Information Quality Act the USGS has experienced in their analysis of over 118 square miles of coastal wetland loss due to Hurricane Katrina.

Mr. Don Gohmert stated that this was never a discussion about killing the Bayou Lafourche Project. The Task Force is looking at another potential funding source to accelerate the construction of this project and avoid further delays between planning, design, and construction.

Mr. Randy Hanchey added that it is misleading to describe transferring this project as a strategy for accelerating the construction. The idea is to complete P&S so that whenever a funding source becomes available, the project will be ready to initiate construction. Funding can always be borrowed from other projects in the short-term to finance the \$2.5 million needed for Bayou Lafourche.

In the spirit of getting a “yes” vote, Colonel Wagenaar recommended deferring the decision until the answers to 3 issues were clarified: (1) whether \$2.5 million could be found within existing projects, (2) the completion of an ITR of the project benefits, and (3) if a legal opinion could be obtained about moving to the 95% design without a “feasible” project determination from the Federal perspective.

Mr. Randy Hanchey responded finding the \$2.5 million was wise, but he disagreed with a unilateral decision to complete an ITR, something not commonly done on CWPPRA projects. Neither decision should have to wait until the next meeting. Mr. Hanchey stated that the ITR could proceed immediately. Mr. Hanchey added that the legal question is not relevant as all CWPPRA projects have proceeded to 95%. As long as we are proceeding under CWPPRA, this is not an issue. Mr. Honker agreed. Colonel Wagenaar stated that this project has high potential for not being feasible under the Corps E&D requirements. Under the current Corps methodology for doing any benefit analysis cost ratio, the potential exists that this project would not be viable. The legal issue becomes how \$2.5 - \$5 million could be committed to continue a project that is not viable. Mr. Hanchey accused Colonel Wagenaar of setting up hurdles for the project to ensure that the project doesn't proceed. Colonel Wagenaar answered that Mr. Hanchey's opinion that he was intentionally putting up hurdles was inappropriate. He stated he was trying to get a “yes” vote on the project. He stated that if Mr. Hanchey didn't want to get a “yes” vote today, then the Task Force could vote on the 2 actions sitting before them. Mr. Hanchey replied that he wanted to see a positive vote today, because otherwise the project will be basically put on hold until another funding source can be found. If CWPPRA is not interested in the project, then we should send the message sooner rather than later.

Mr. Bill Honker asked about the impacts of delaying a Task Force decision. Mr. Roberts stated that a delay is substantial as the project management team, including contractors, may need to be reassembled.

Colonel Wagenaar stated that the motion on the table is to add an additional decision item, which would be to defer this decision until the October meeting of the Task Force with a briefing on the issues of: (1) identifying \$2.5M in Federal funding within existing projects to possibly allow project continuation, (2) an answer to the legal question of obligation of Federal dollars without a determination of “feasibility” and (3) conducting an ITR. Colonel Wagenaar asked for a motion to adopt. Mr. Gohmert moved to adopt the recommendation. Colonel Wagenaar asked for a second. No one seconded.

Colonel Wagenaar asked for a motion on the original recommendation – for the Task Force to vote to increase the Phase I authority by \$5M and allow proceeding to 95% design milestone. Mr. Bill Honker moved. Mr. Randy Hanchey attempted to second the motion. Colonel Wagenaar interjected and stated that the State could not vote on fiscal issues. Colonel Wagenaar again asked for a second. No one seconded.

Mr. Honker requested a return to the first motion offered by Colonel Wagenaar. This motion was again made by Mr. Don Gohmert. Colonel Wagenaar asked for a second. Mr. Bill Honker seconded the motion. Colonel Wagenaar asked for a vote. Mr. Don Gohmert and Mr.

Bill Honker voted for the motion. Mr. Watson and Dr. Zobrist opposed. Colonel Wagenaar voted favorably to break the tie. The motion passed.

Mr. Gerry Duszynski stepped in for Mr. Randy Hanchey after Agenda Item #7 and served as the State's representative for the remainder of the meeting.

E. Discussion/Decision: Programmatic Assessment/"Strategic Vision" (Agenda Item #8)

Mr. Podany stated that the Technical Committee developed an outline and schedule for developing a "Strategic Vision" document, which would describe ongoing CWPPRA activities, discuss additional coastal restoration efforts and programs, and address how the Task Force would most effectively address the coastal restoration role within the CWPPRA program in the immediate future and in the long-term. The document will also develop guidelines for concept ideas about partnerships. It is anticipated to be a companion to the Report to Congress. The Technical Committee recommends that the Task Force approve the outline and schedule.

Mr. Don Gohmert motioned to approve the Technical Committee's outline and schedule for the Strategic Vision and Mr. Honker seconded. The motion was passed by the Task Force.

F. Discussion: Interactions Between the Coastal Impact Assistance Program (CIAP) and the CWPPRA Program (Agenda Item #9)

Mr. Tom Podany stated that the Technical Committee realized that the CIAP program may ask to construct CWPPRA projects that are currently unfunded under CWPPRA. There is a list of CWPPRA projects that have merit but do not have funding for construction and there is a possibility that CIAP may consider reviewing those projects for possible construction. Mr. Podany stated that the idea is to leverage both programs and possibly have CWPPRA fund the long-term operation, maintenance, and monitoring of CWPPRA projects that CIAP builds. Mr. Podany stated that the Technical Committee is looking for the Task Force to discuss if this concept was agreeable in general. A potential way to implement the process would be for the projects to come to the Task Force in January, along with Phase II funding approvals, for approval of 3 years of O&M funding. Subsequent yearly O&M funding requests for these projects could then be handled like other CWPPRA project O&M requests thereafter (at October Task Force meetings).

Colonel Wagenaar opened the floor to comments from the Task Force:

Mr. Don Gohmert stated that this makes a lot of sense and parallels initiatives that have been done before on a partnership basis with local stakeholders.

Mr. Gerry Duszynski stated that Mr. Dave Frugé could answer questions regarding CIAP. Mr. Dave Frugé stated that 222 proposals were received requesting a total of over \$4 billion under CIAP. Each proposed project is subject to an intensive technical evaluation to determine which projects LDNR will recommend. The project selection committee, a subcommittee of the Coastal Protection and Restoration Authority (CPRA), will prepare a draft plan of all projects that will be funded by the State and parishes. This will be sent out for public review in early

August. The committee hopes to submit this plan to the Minerals Management Service for approval by mid-October. The plan envisions the enhanced use of the Mississippi and Atchafalaya River flows and sediment, increase marsh creation with dredge material, shoreline restoration and protection, and a coastal forest conservation initiative. Mr. Dave Frugé noted that any construction-ready CWPPRA projects should be identified with the draft plan in early August. At that time the State can start additional discussions with the Task Force. These projects could possibly begin implementation in October of this year.

G. Discussion: Update on the Status of FEMA Claims for CWPPRA Projects (Agenda Item #10)

Mr. David Burkholder, LDNR, stated that there are 17 CWPPRA projects on which FEMA claims have been submitted. Project worksheets have been approved for two projects: Sabine Structures for \$145,000 and Hopedale Hydrologic Restoration for \$3,500. Four projects (Cameron-Creole Maintenance (CS-4a), East Sabine Lake (CS-32), East Mud Lake (CS-20), and Humble Canal (ME-11)) are still in the stage of developing project worksheets. The major problem is FEMA's desire to have detailed pre- and post-storm survey information. Cameron-Creole is most critical and is currently not functioning. FEMA will probably break it into two claims, levee repairs and water control structures. Project worksheets for these four projects should be completed within the next week or two and sent to FEMA for the review process. In addition to the pre-storm data requirements, FEMA also requires that all claims over \$1 million enter an additional review at the regional level.

Colonel Wagenaar opened the floor to comments from the Task Force:

Mr. Don Gohmert asked if there was a schedule for when all claims for damaged CWPPRA projects would be submitted to FEMA. Mr. Burkholder replied that the project worksheets have been compiled and submitted to FEMA for all but four of the 17 damaged CWPPRA projects.

Mr. David Burkholder stated that the Technical Committee agreed with proceeding with design for repairs pending receipt of funds from FEMA to the extent that funds are available in existing O&M budgets. Mr. Tom Podany agreed. Mr. Burkholder stated that their intent would be to request additional O&M funding from the Task Force in October of this year.

VI. INFORMATION

A. Report: Status of Breaux Act Program Funds and Projects (Agenda Item #3)

Ms. Gay Browning briefed the Task Force on the current funding status of the Planning Program and the Construction Program. She stated that the FY06 Planning Budget was approved for \$5.1 million, and there is a current surplus in the Planning Program of \$508,267. The construction program has received a total of \$643 million in Federal funds to date. Obligations to date total \$587 million; total expenditures are \$300 million. There are 138 active projects: 66 projects have completed construction, 20 projects are under construction, and 52 have not yet started construction. Three projects were approved for Phase II funding in February

2006 for \$61.1 million with an Increment I funding approval of \$58.2 million. Four projects were approved for Phase I in February 2006, with funding approval totaling \$4.6 million. Ten projects are scheduled to begin construction in FY06; five of these projects have started construction and all ten are cash flow projects. The FY06 Federal funding was received on June 28, 2006. The unencumbered balance of Federal funding in the Construction Program as of June 28, 2006 was \$37,000.

Ms. Julie LeBlanc stated that the total cumulative funds received since inception of the program was \$775.7 million, while the cumulative obligations total \$638.7 million. The current unobligated balance is \$137.0 million. The unencumbered funds total \$545,000, which includes \$508,000 in the Planning Program and \$37,000 in the Construction Program. During the years FY04–06, the unencumbered funds in the Construction Program were close to zero, meaning the Task Force has maximized its use of available funds.

Based upon the latest projections through FY20, the total program funding is estimated to be \$2.4 billion, including \$5 million per year for Planning. The total 20-year cost of all projects on PPLs 1 through 15, including Planning is \$1.84 billion. There is an updated funding projection due to Congress enacting the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFE-TEA-LU). As a result, in FY 06-09, CWPPRA will receive 18.5% in funding as opposed to the 18% previously received. Approximately \$953.3 million is needed for construction and 20-year O&M of all projects currently approved for construction. The gap between the total funds into the total program (\$2.4 billion) and the funding required for those projects approved for construction (20 years including O&M) (\$953.3 million) is \$1,446.7 million.

B. Report: Results of Fax Vote by the Task Force to Increase Phase I and Phase II Increment 1 Funding for the New Cut Dune and Marsh Creation Project (TE-37) (Agenda Item #11)

Ms. Julie LeBlanc stated that the Task Force voted by fax vote to increase Phase I and Phase II Increment 1 funding for the New Cut Dune and Marsh Creation Project. Approval of the fax vote was provided on May 18, 2006. Additional Phase I funding was approved in the amount of \$666,065.52 and additional Phase II Increment 1 funding was approved in the amount of \$1,977,337.50, contingent upon the immediate return of closeout funds from the Timbalier Island Dune and Marsh Creation Project. A temporary variance in the SOP requirements under 5(l)(c)(2) was granted for the project, to be completed within 30 days of the bid acceptance. These requirements were subsequently met.

Colonel Wagenaar opened the floor to comments from Task Force members:

Mr. Bill Honker announced that LDNR had awarded the construction contract within the last week. He also thanked the Task Force members for the fax votes, the Corps for assisting with financial issues, the USFWS for assisting with the endangered species review, and LDNR for handling the contract.

Colonel Wagenaar opened the floor to comments from the public:

Ms. Leslie Suazo thanked the Task Force on behalf of Terrebonne Parish.

C. Report: Presentation on the Louisiana Coastal Protection and Restoration (LaCPR) Project (Agenda Item #12)

Mr. Tim Axtman briefed the Task Force on the status of the LaCPR effort and began by stating that the third supplemental appropriation directed the Corps to review technical assessments providing additional higher-level Category 5 hurricane protection. The challenge with providing such protection was that there is coastal land loss from frequent, intense storms, which increases the vulnerability and presents significant engineering challenges. The approach taken was to adopt a multiple lines of defense strategy and to apply a risk-based plan formulation evaluation selection criterion. Mr. Axtman stated that this effort is fully integrated with other efforts occurring in the state.

The preliminary six-month report was released on July 10th. The administration provided four guidelines for proceeding: (1) all decisions and recommendations must be supported by a consistent risk-informed decision making process, (2) decisions must be consistent in the support of wetland restoration goals and objectives, (3) all recommendations must be supported by formal engineering studies, and (4) decisions must be supported by budgetary priorities. A draft framework for this process should be produced by mid to late September and a final process will be submitted in early October. The target date for completing the initial assessment and the preliminary programmatic EIS is February 2007, with a submission of the final report in December 2007.

Colonel Wagenaar said that some people have come to believe that the modeling alignment graphic in the preliminary six-month report represents the footprint of a wall; there was never a plan to build a wall along the Louisiana coast.

D. Report: Presentation of the Coastwide Nutria Program (Agenda Item #13)

Mr. Edmond Mouton said that the goal of the Coastwide Nutria Control Program was to remove 400,000 nutria each year to reduce damage to coastal wetlands by incentive payments of \$4 per tail to registered trappers. This year, a total of 168,843 tails were collected from 216 participants, totaling \$675,372 in incentive payments. Approximately 80% of the harvest was from the central part of the coast. Twenty-five percent of the total participants collected 73% of the harvest. Due to Hurricanes Katrina and Rita, the harvest was greatly reduced. The number of acres severely damaged by nutria has been reduced by 56% since the inception of the program. An average of 276,000 animals have been collected per year. The program continues to use management tools, such as an increased incentive payment to \$5 per tail in order to encourage nutria harvest.

E. Report: Public Outreach Committee Report (Agenda Item #14)

Ms. Gabrielle Bodin, CWPPRA Outreach Coordinator, provided the quarterly report of the CWPPRA Outreach Committee's activities in April, May, and June. Ms. Bodin indicated

that there was quite a bit of activity, including exhibits at the Outdoor Writer's Association of American conference in Alexandria, the Baton Rouge Earth Day celebration, the Society of American Military Engineers conference in New Orleans, and the Bayou Teche Black Bear Festival in Franklin. The committee also distributed materials at the National Hurricane Conference in Orlando, through the Historic New Orleans Collection at the Audubon Zoo, and at the Louisiana State Museum in Patterson. Ms. Bodin noted that the biggest function this quarter was the dedication ceremony held in Grand Isle on June 16th. There were approximately 160 attendees. Ground breaking and dedications were held for five projects, and the event received nationwide media coverage.

F. Report/Discussion: Status of Oyster Acquisition Policy and Actions (Agenda Item #15)

Mr. Gerry Duszynski announced that Mr. Kirk Rhinehart would provide the update. Mr. Kirk Rhinehart, LDNR, informed the Task Force that legislation was passed and signed by the Governor, which enacts the Oyster Lease Acquisition and Compensation Program making it possible to acquire oyster leases whenever they are impacted by a coastal restoration, protection, and conservation project. When a lease is acquired through this program, the oyster lease holders will be compensated with an agreed-to compensation scheme. This program is limited to projects that involve dredge material placement and will not be invoked for freshwater diversion, hydrologic restoration or marsh management projects. For these projects, the belief is that the State isn't liable for damages associated with hydrologic restoration or freshwater diversion projects because of the State Supreme Court Avenal decision. The intention is to have this program in place and functional by December 2006.

Mr. Russ Watson asked for a clarification that the oyster lease policy would not apply to large-scale diversion projects because the State determined that there is no liability. Mr. Kirk Rhinehart answered: Correct. The State doesn't guarantee salinity levels. For instance, the Myrtle Grove Project estimate for oyster lease relocation (using the Davis Pond compensation process) was \$65M. This isn't on the table anymore.

VII. ADDITIONAL AGENDA ITEMS

There were no additional agenda items.

VIII. REQUEST FOR PUBLIC COMMENTS

Mr. Scott Wilson, USGS Coastal Chairman of the Outreach Committee, announced that 20,000 copies of a Task Force approved CWPPRA Educational Document had been printed and are available today.

On behalf of USGS, Mr. Scott Wilson requested that a presentation on the regional wetland loss that resulted from the hurricanes be presented at the next Task Force meeting.

IX. CLOSING

A. Dates and Locations of Upcoming CWPPRA Meetings

Colonel Wagenaar stated that the public meetings announcing the results of the PPL16 process will be held August 30-31, 2006 in Abbeville and New Orleans. The next Task Force meeting is scheduled for October 18, 2006 in New Orleans.

B. Adjournment

Colonel Wagenaar adjourned the meeting at 2:15 pm.