

BREAUX ACT
Coastal Wetlands Planning, Protection and Restoration Act

TASK FORCE MEETING
4 June 2008

Minutes

I. INTRODUCTION

Colonel Alvin Lee convened the 69th meeting of the Louisiana Coastal Wetlands Conservation and Restoration Task Force. The meeting began at 9:35 a.m. on June 4, 2008 at the Estuarine Fisheries and Habitat Center, Conference Room 119, 646 Cajundome Blvd., Lafayette, 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. Jim Boggs, U.S. Fish and Wildlife Service (USFWS)
Mr. Christopher Doley, National Marine Fisheries Service (NMFS)
Mr. Garret Graves, State of Louisiana, Governor's Office of Coastal Activities (GOCA)
Mr. William Honker, U.S. Environmental Protection Agency (USEPA)
Colonel Alvin Lee, Chairman, U.S. Army Corps of Engineers (Corps)
Mr. Kevin Norton, Natural Resources Conservation Service (NRCS)

III. OPENING REMARKS

Colonel Lee presented Mr. Miguel Flores, USEPA, with a certificate of commendation for exemplary service to the CWPPRA Program from August 2002 to July 2005 as the USEPA representative on the Task Force. Mr. Honker accepted the certificate on behalf of Mr. Flores.

IV. ADOPTION OF MINUTES FROM FEBRUARY 2008 TASK FORCE MEETING

Colonel Lee called for a motion to adopt the minutes from the February 13, 2008 Task Force Meeting.

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

V. TASK FORCE DECISIONS

A. Decision/Vote: USFWS and LDNR Request for Deauthorization of the Grand Bayou Hydrologic Restoration Project (TE-10) (Agenda Item #6)

Mr. Holden announced that the USFWS and LDNR have agreed to deauthorize the Grand Bayou Hydrologic Restoration Project. Hydrologic modeling results predict that the project would cause increased salinity which is the opposite of the project's intended goals. The Technical Committee recommends the Task Force approve the initiation of CWPPRA Standard Operating Procedure (SOP) to deauthorize this project.

Mr. Boggs moved to initiate the SOP to deauthorize the Grand Bayou Hydrologic Restoration Project. Mr. Norton seconded. The motion was passed by the Task Force.

B. Decision/Vote: NRCS/LDNR Request for Approval to Change Project Scope and Begin Construction of the PPL 6 - Penchant Basin Natural Resources Plan, Increment 1 (TE-34) (Agenda Item #8)

Mr. Holden announced that the project scope change for the Penchant Basin Natural Resources Plan, Increment 1 consists of eliminating project features and reducing project benefits. The current fully-funded estimate is \$17.6 million, which is at the 125 percent approved limit. No additional funds are being requested at this time. The Technical Committee recommends that the Task Force approve the request to change the project scope and begin construction.

Mr. Norton moved to approve the change in project scope and begin construction for the Penchant Basin Natural Resources Plan, Increment 1. Mr. Honker and Mr. Boggs seconded. The motion was passed by the Task Force.

C. Discussion: Initial Discussion of FY09 Planning Budget Development (Process, Size, Funding, etc.) (Agenda Item #9)

Ms. Melanie Goodman, Corps, announced that the Planning and Evaluation (P&E) Subcommittee will initiate development of the FY09 Planning Budget which will include the PPL 19 process. The budget will be developed within the \$5 million received annually. Ms. Goodman asked the Task Force for guidance on budget development.

Colonel Lee opened the floor to comments from the Task Force.

Mr. Honker said that there is potential for the program to run out of money in a few years. He feels the Task Force supports moving ahead with PPL 19 as normal, but requested that the Technical Committee conduct a long-term, multi-year outlook for program funding to determine the cost implications of the current PPL projects that CWPPRA is committed to follow through to completion and provide O&M. Mr. Honker would like this analysis presented at the next Task Force meeting.

Colonel Lee added that this analysis should be included by the Technical Committee in the next Report to Congress. They should also include the GAO reports, audits of the program and the CEQ President's Earth Day Report on no net loss.

Colonel Lee opened the floor to comments from the public.

Mr. Morgan Elzey, Common Ground Relief, commented on Mr. Honker's statement that the program would run out of money in the next few years. Does this mean that the PPL 18 projects wouldn't be approved or just less of them would be approved? Mr. Honker replied that this would be discussed in more detail at the next Task Force meeting. Under current funding projections there will come a point, well in advance of the 2019 date which is the extent of the CWPPRA program authorization, where CWPPRA will not be able to fund new projects. He also clarified that we're talking about federal dollars, not state dollars. Mr. Graves added that, over time as long as the funding level remains constant, a higher percentage of funds are for O&M and a lower percentage are available for construction. Mr. Graves said that it is unlikely that there would be a significant reduction in the amount of funds available for construction over the next three or four years but the projections look a little different beyond that.

Colonel Lee tasked the Technical Committee with conducting a refined analysis as suggested by Mr. Honker and provide the results with additional documentation on the CWPPRA Program in the next Report to Congress. The Technical Committee will also review all projects to verify O&M costs. The Technical Committee will provide a full report on both items to the Task Force at the October 2008 meeting.

D. Discussion/Decision/Vote: Status of Unconstructed Projects (Agenda Item #10)

Ms. Goodman said that the P&E Subcommittee periodically reviews the status of projects with delayed starts and projects that have not completed the design review or requirements to get these projects on schedule for requesting construction approval. These projects were assigned to four major categories: projects that are on schedule, projects that are delayed by Project Delivery Team issues, projects that are delayed with programmatic issues, and a 4th category which includes projects that have been languishing or projects picked up by other programs. The P&E recommended to the Technical Committee to deauthorize some of these in the 4th group. There are 17 projects that are delayed for Project Delivery Team issues and another 14 projects that are affected by programmatic and funding issues. Programmatic issues include inability of the Corps and DNR to execute a model cost share agreement and the induced shoaling issues associated with river diversions and other projects in major navigational waterways. The Freshwater Bayou Bank Stabilization - Belle Isle Canal to Lock project is being held up by CWPPRA funding limitations. The Rockefeller Refuge Gulf Shoreline Stabilization Demonstration project has also been held up by funding limitations. The Technical Committee has recommended a Task Force decision on transfer to CIAP. The Ship Shoal: Whiskey West Flank Restoration project has not been constructed due to funding limitations. The US Army Corps of Engineers Operations Division built the Lake Borgne section of the Lake Borgne and MRGO Shoreline Protection project with 3rd supplemental funds. Consultation with them is currently ongoing regarding whether or not the MRGO section of the project needs to continue under the CWPPRA program because of changes to the MRGO authorization. The East Grand

Terre Island Restoration project is held up due to funding limitations. The Spanish Pass Diversion Project has been delayed because there is no cost-share agreement in place. The Delta Building Diversion North of Fort St. Philip project has been delayed because of an emergency closure plan and induced shoaling issues. Induced shoaling issues are also a concern with the Benney's Bay Diversion project. The Castille Pass Sediment Delivery project is held up due to permit issues between the US Army Corps of Engineers and National Marine and Fisheries Service associated with induced shoaling and perpetual maintenance as well as funding limitations. The Mississippi River Sediment Trap project is held up due to induced shoaling and funding issues.

Ms. Goodman announced that the Technical Committee recommends four projects for deauthorization or transfer to other programs. This is the initiation phase of the deauthorization and transfer process. Once the Task Force approves to initiate the procedure, the Corps will coordinate with the Federal and State sponsors and notify landowners and parish governments of the impending deauthorization from CWPPRA. Following the notice and barring any major objections, the Technical Committee and Task Force will vote on a final decision for deauthorization or transfer at their meetings in September and October 2008, respectively.

Projects Recommended for Deauthorization

Ms. Goodman said that the Technical Committee recommends deauthorization of the Periodic Introduction of Sediment and Nutrients at Selected Diversion Sites Demonstration Project because the project cannot be completed within the scope of funding provided. The Project Management Team (PMT) is preparing a report for the project to document their findings and identify the cost needed to do a meaningful demonstration project.

Mr. Honker moved to deauthorize the Periodic Introduction of Sediment and Nutrients at Selected Diversion Sites Demonstration Project. Mr. Norton seconded. The motion was passed by the Task Force.

Mr. Honker added that although he fully supports the deauthorization of the Periodic Introduction of Sediment and Nutrients at Selected Diversion Sites Demonstration Project, he hopes that the program funds a similar sediment delivery with a freshwater diversion project soon. He feels the technology has a lot of promise to accomplish restoration and marsh creation. Mr. Doley asked that a lessons-learned section be included in the PMT close-out report. Ms. Goodman agreed and added that the Corps is trying to get the close-out report completed before deauthorization. Colonel Lee reiterated that a lessons-learned section needs to be included so that the Task Force can make informed decisions.

Projects to Transfer to the Louisiana Coastal Impact Assistance Program (CIAP)

Ms. Goodman said that the Technical Committee recommends transferring the East Grand Terre Island Restoration Project and the Rockefeller Refuge Gulf Shoreline Stabilization Demonstration Sections Project from CWPPRA to CIAP.

Mr. Doley moved to initiate the transfer process for the East Grand Terre Island Restoration Project and the Rockefeller Refuge Gulf Shoreline Stabilization Demonstration Sections Project from CWPPRA to CIAP with the stipulation that an assessment of post-construction project needs and a determination of how to apportion costs between CWPPRA and CIAP be reported to the Technical Committee and Task Force. The Technical Committee and Task Force have the option to approve some or all of the costs. Mr. Honker seconded. The motion was passed by the Task Force.

Projects to Transfer to the Louisiana Coastal Area (LCA) Program

Ms. Goodman said that the Technical Committee recommends transferring the Delta Building Diversion at Myrtle Grove Project to the LCA since it was authorized in WRDA 2007. Hydrologic modeling conducted by the State and the Corps is almost completed. Ms. Goodman gave a brief description of the deauthorization and transfer procedures. Basically this is the initiation phase, and once the Task Force approves that we initiate, the Corps will coordinate with the various Federal sponsors and the State on these projects and do a public notice to Congressional interests and local parish governments and affected landowners, to notify them of an impending deauthorization. Following that notice, barring any major objections that might arise, the Technical Committee and the Task Force will be asked in September/October for a recommendation and final decision on the actual transfer. That's when the projects will be officially deauthorized or transferred from the program.

Colonel Lee opened the floor to comments from the public.

Mr. O'neil Malbrough, representing Jefferson Parish, had opposed the transfer of the Delta Building Diversion at Myrtle Grove Project to the LCA. The project started as a small diversion project in CWPPRA, first proposed in PPL 3. The LCA and State Master Plan proposed a larger diversion. His opposition wasn't based upon the merits of the project but the timing of getting something accomplished and the immediate need in this area. This was the linchpin project that Jefferson Parish identified in their 1992 plan and is the only component of their comprehensive plan that has not been completed. CWPPRA approved a small diversion in PPL 5 or 6. It was proposed in PPL 8 as an 8,000 cfs diversion, a larger diversion. It was then moved to a riverine or sediment diversion and now it's being moved to another place. It has been 15-20 years since this project was proposed in the Barataria and Parish plans and there has been no progress in introducing freshwater to the system. There were very high salinities during drought years and the need is urgent. There had been hope that CWPPRA could build a small project to address the immediate needs of the area while a larger project was being developed. He asked that freshwater be moved as quickly as possible into the basin and noted this as a LCA Program need that has been lingering for 20 years.

Mr. Graves asked if there was a requirement that a project authorized under the Water Resources Development Act (WRDA) could not also be in the CWPPRA Program. Ms. Goodman replied that they are investigating whether or not there is double-dipping with the dual authorizations and appropriations. She said that they are nearing completion of this analysis and should be sending something out to the Task Force members this week.

Mr. P.J. Hahn, Plaquemines Parish, reiterated Mr. Malbrough's comments. The Delta Building Diversion at Myrtle Grove Project is also important to Plaquemines Parish and he hopes that we can kick it up a notch and get it out faster.

Mr. Honker moved to initiate the transfer of the Delta Building Diversion at Myrtle Grove Project from CWPPRA to the LCA. Mr. Boggs seconded. The motion was passed by the Task Force.

V. INFORMATION

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

Ms. Gay Browning, Corps, presented a status on the current funding situation. The Task Force approved the FY08 Planning Budget for about \$5 million in October 2007. There is a current surplus of \$1.2 million in the Planning Program. To date, the Construction Program has received \$798 million in Federal funding with \$83 million (Federal) received in FY08. The anticipated FY09 funding is about \$79 million (Federal). There are \$707 million in obligations, and another \$50 million may be obligated by September 2008. Total expenditures are \$418 million. There are 145 active projects: 75 have completed construction, 16 are currently under construction, and 54 have not yet started construction. Eleven projects are scheduled to begin construction in FY08.

Ms. Goodman briefed the Task Force on the current and projected funding situations. The total available funding balance, including the non-Federal cost share, is \$503,918. Currently, there is \$428,330 available in the Construction Program and \$1,185,632 available in the Planning Program for a total of \$1.6 million in unencumbered funds. The projected total program funding through 2019 is estimated to be \$2.46 billion including \$5 million per year for the Planning Program. The total cost for all projects on PPLs 1 through 17, including Planning, Storm Recovery Contingency Fund, Monitoring Contingency Fund, and 20 years of O&M, is \$2.046 billion. Mr. Honker and Colonel Lee had questions regarding whether these numbers reflected budget or cost increases. Ms. Goodman replied with an explanation of the graphs. 20 years of funding required ("committed") for projects which have been approved for construction amounts to \$1,200.0 million. The "gap" between total funds into the total program (Fed/non-Fed) over the life of the program (FY92-20) and the "committed" funding is \$1,258.7 million. Including unapproved cost increases for non-cash flow projects, the "gap" between it and "committed" funding amounts to \$1,238.3 million. Ms. Goodman replied that some projects have updated their cost estimates, but many cost estimates pre-date the hurricanes and may be low.

B. Report: NOAA Fisheries and LDNR Request for Task Force Fax Vote to Increase the Operations and Maintenance (O&M) Budget for the PPL 3 - Lake Chapeau Hydrologic Restoration and Marsh Creation Project (TE-26) (Agenda Item #4)

Mr. Tom Holden, Corps, reported that the Task Force approved to increase O&M funds in the amount of \$326,764 for the Lake Chapeau Hydrologic Restoration and Marsh Creation Project via fax vote. The O&M funds were needed to repair breaches to the hydrologic structure,

which were caused by Hurricane Rita in 2005. These costs were not covered by FEMA because they were the tie-ins to the structure, not the structure itself. The Task Force had approved at their February meeting the use of the project's remaining O&M funds to proceed immediately with design of the repairs. Once the cost estimates were completed, the fax vote approved the additional funds needed to complete construction of the repairs.

C. Report: NOAA Fisheries and LDNR Request for Task Force Fax Vote to Increase Construction Budget on PPL 11 – Pass Chaland to Grand Bayou Pass Project (BA-35) (Agenda Item #5)

Mr. Holden reported that the Task Force approved a Phase II Increment 1 funding increase of \$7,940,471 for the Pass Chaland to Grand Bayou Pass Project via fax vote. Previous cost estimates were based on pre-Katrina conditions and prices. Recent construction bids, including mobilization and dredging unit costs, exceeded the revised estimate. Project sponsors indicated that the project could not be scaled down to reduce construction costs and requested the additional Phase II Increment 1 funding increase.

D. Report: Report of the Technical Committee's Selection of Ten Priority Project List (PPL) 18 Candidate Projects and Three PPL 18 Candidate Demonstration Projects (Agenda Item #7)

Mr. Holden announced the ten candidate projects and three demonstration candidate projects selected for PPL 18 by the Technical Committee. The ten candidate projects are:

Region 1

- Bayou Bienvenue Restoration Project (Pontchartrain Basin)

Region 2

- Pass a Loutre Restoration Project (Mississippi River Delta Basin)
- Bertrandville Siphon Project (Breton Sound Basin)
- Elmer's Island Headland Restoration Project (Barataria Basin)
- Grand Liard Marsh and Ridge Restoration Project (Barataria Basin)

Region 3

- Terrebonne Bay Shoreline Protection/Marsh Creation Project (Terrebonne Basin)
- Central Terrebonne Freshwater Enhancement Project (Terrebonne Basin)
- Northwest Vermilion Bay Vegetative Planting and Maintenance Project (Teche-Vermilion Basin)

Region 4

- Cameron-Creole Freshwater Introduction Project (Calcasieu-Sabine Basin)
- Freshwater Bayou Marsh Creation Project (Mermentau Basin)

The three demonstration candidate projects are:

- EcoSystems Wave Attenuator Demonstration Project
- Benefits of Limited Design/Unconfined Beach Fill for Restoration of the Louisiana Barrier Islands Demonstration Project, and
- Non-Rock Alternative to Shoreline Protection Demonstration Project.

Mr. Holden added that the Engineering and Environmental Workgroups have started the candidate project evaluation process. The Technical Committee will make recommendations for PPL 18 at their December 2008 meeting. The Task Force will vote on the Technical Committee recommendations during their January 2009 meeting.

Colonel Lee opened the floor for public comments on the PPL 18 candidate projects and demonstration projects.

Mr. James Harris, U.S. Fish and Wildlife Service Southeast Louisiana Refuges, spoke on behalf of the Pass a Loutre Restoration Project. He believes this project represents several opportunities that are relatively unprecedented in CWPPRA history such as the opportunity to restore the hydrologic functions of a major state waterway and distributary of the Mississippi River and to restore the delta building processes on several thousand acres of public land. He believes that regardless of the ultimate fate of the lower river, this distributary should be restored. The project consistently ranks as No. 1 or No. 2 on technical merit and the cost per acre is one of the lowest of any of the proposed projects. Construction of the channel through Pass a Loutre will result in what could arguably be called the largest sediment diversion created within the delta. The project is expected to result in the creation of at least 1,600 acres. Habitats created through restoration of these processes are widely used by migrating waterfowl and many resident species of game. Most of the other projects proposed reach their full potential immediately after construction. This project will continue to accrete results and benefits throughout its life. Mr. Harris believes that unresolved issues, such as the fate of the lower river and the issue of the continued use of the area for disposal of sediment from navigation dredge work, can be addressed and resolved so that this project can move forward. Mr. Graves asked Mr. Harris why he used the term “restore” several times through his statement, including restoring the hydrologic functions and restoring of the delta building process. Mr. Harris responded that those are processes that, through several different factors, have been lost over time. Mr. Harris attributed the loss to several factors, some of that loss to work – navigational work, possibly sediment disposal there and in-filling of the Pass a Loutre channel as well as work that goes on up and down the river. Mr. Graves asked if that loss could also be attributed to the installation of levees on the mainline river. Mr. Harris responded affirmatively.

Mr. Sherrill Sagrera, Vermilion Parish Coastal Advisory, gave his support for the Freshwater Bayou Marsh Creation Project. Mr. Sagrera said that this marsh opened up considerably after Hurricane Rita. He would like to see the CWPPRA Task Force pick up the extra cost through the Corps to move dredge material to create marsh west of Freshwater Bayou. The breaches on Freshwater Bayou Channel have allowed tidal flow to enter the marsh. Eventually the marsh is going to intersect with the Mermentau Basin. This project would be a multi-purpose project to create marsh and stop the coalition of the Teche-Vermilion and Mermentau Basins.

Mr. Morgan Elzey, Wetlands Coordinator for Common Ground Relief located in the Lower Ninth Ward, gave his support for the Bayou Bienvenue Restoration Project. This urban forest located near downtown New Orleans is a very unique ecosystem. Residents of the area support this project and many community organizations are also behind it. Mr. Elzey said that

the Bayou Bienvenue Restoration Project is number one on his organization's list and he urged the Task Force to pass the project.

Mr. Oneil Malbrough, representing Jefferson Parish, spoke in support of the Elmer's Island Restoration Project. Hurricane Katrina caused a breach in Elmer's Island. Plugging this breach is critical and the State has funding in place to do this work. This project would build a marsh platform and strengthen areas behind the repair work. An emergency levee had to be built around the Chenier side of Grand Isle because of flooding issues in a nearby community. This project is a combination of a way to build marsh and repair that breach that is impacting Grand Isle and Highway 1.

Colonel Lee asked Mr. Malbrough when the breach repair would take place. Mr. Malbrough responded that that he was unsure of when the repairs would occur, but the funding is in place and real estate issues have been addressed. He also stated the breach is getting wider and deeper and creating increased risk to the community from storms. Mr. Graves added that the State strongly supports this project and is working with the Trust for Public Land on acquisition of the island both for the recreational features and also to preserve the ecosystem in the area.

E. Report: Status of FEMA Claims (Agenda Item #11)

Ms. Goodman announced that there were some questions about the process of filing FEMA claims and whether there was commingling of two pots of Federal funds. The Technical Committee determined that there are no concerns as the State has a clear path on how to process the claims and CWPPRA is not providing funds for damage repairs at the same time as FEMA. Colonel Lee said that Mr. David Burkholder, LDNR, would brief the Task Force on the status of FEMA claims.

Mr. Burkholder reported that this process began near the end of 2005 after an extensive storm damage assessment was conducted at all constructed CWPPRA projects. There is \$100,000 budgeted each year for storm damage assessment; this effort utilized two years worth of funds as well as an additional \$200,000 authorized by the Task Force, for a total of \$400,000. Project worksheets must be prepared for each FEMA claim. FEMA will reimburse the actual cost of construction to complete repairs. If actual costs to complete the described repairs differ from the estimates, the worksheet will be amended to reflect the actual costs. Administrative costs are paid and approved as a percentage of the construction costs. There is a possibility that CWPPRA would incur administrative costs that would not be covered by FEMA. Two project worksheet claims were completed for damages caused by Hurricane Katrina. FEMA obligated about \$158,000 for these two claims and all work is now complete. For Hurricane Rita, ten project worksheet claims were prepared and FEMA has obligated about \$9.1 million for those. Repair work has been completed on five of the ten claims. Two are being processed and should be ready for bids within the next few months. Repair designs for an additional two claims are about 95 percent complete and should be ready for bid later this summer. The last project worksheet has not yet been approved by FEMA. LADNR is completing surveys that will better document that there is damage that falls within their guidelines for Public Assistance.

Mr. Burkholder provided updates and corrections to several projects. Mr. Burkholder clarified that the Tennessee Valley Authority (TVA) is acting as a consultant to the USFWS and is overseeing the preparation of designs and bidding for the Sabine Water Control Structures Project (CS-23). The note that the TVA was funding 100 percent of the construction cost was in error. The funds are actually coming from USFWS. The schedule for the Humble Canal Hydrologic Restoration Project (ME-11) has been delayed one month and plans and specifications will not be advertised until July 2008 with an estimated construction completion date of September 2008. Also, the East Mud Lake Hydrologic Restoration Project (CS-20) is behind schedule by one month; plans and specs should be advertised in August 2008 with an estimated construction completion date of April 2009.

F. Report: Briefing on Effort Regarding USACE and LA Department of Natural Resources Beneficial Use of Dredged Material Initiatives (Agenda Item #12)

Colonel Lee announced that Mr. Crorey Lawton, Corps, and Mr. Bren Haase, LDNR, would provide a briefing on improving procedures to implement the benefits of beneficial use or dredged material.

Mr. Lawton reported that under the direction of LDNR Secretary Scott Angelle and Colonel Lee, members from the Corps and LDNR met to identify short-term opportunities for beneficial use of dredge material and to open the lines of communication between the two agencies. A summit was held between the Corps and LDNR on March 15, 2008 to address a number of issues. As a result of the summit, a better working relationship has been established between the two agencies and the group was able to further develop site specific short-term opportunities for the beneficial use of dredged material. After a month of continued meetings, decisions on the identified opportunities. The group prepared and presented a report to Secretary Angelle and Colonel Lee. Details of the report were provided in the Task Force binder. A teleconference with Secretary Angelle and Col. Lee was held May 19th and they provided additional guidance. The next course of action is to seek additional funding from the Coastal Protection and Restoration Authority (CPRA) for several projects. The group is also developing a Memorandum of Agreement to accept contributed funds from LDNR and continue to work together to identify additional opportunities for beneficial use.

Mr. Haase presented a list of the potential beneficial use sites identified by LDNR and the Corps and prioritized in cooperation with the Department of Wildlife and Fisheries for the placement of dredge material to create marsh. The potential sites/projects include: East Island, Upper Terrebonne Bay Marsh Creation Project, Southwest Pass Hopper Dredge Pump Out, Sabine Refuge CWPPRA site, Shell Island Pass, East Cove, Timbalier Island, Wine Island, Avoca Horseshoe Project, and the Marcantel site. These projects were identified because NEPA and land rights issues have been addressed or are in progress for these projects/sites, so they may be built quickly. The next course of action is to identify funding sources, which the State is currently doing. Since all ten are not likely to be funded in the short-term, this will also transition us into a long-term list of projects that, if a source of funds is identified, are clear and ready to go when maintenance dredging is scheduled.

Mr. Lawton added that this work is not intended to replace CWPPRA and LCA resources or the Federal Standard. The goal is to identify opportunities and communicate between the different groups involved.

Colonel Lee opened the floor to Task Force comments.

Colonel Lee commented that the Corps wanted to make sure that their dredging information was synchronized between the Corps and LDNR and was provided in a timely manner for budget forecasting and Consistency Determinations. The Corps and LDNR are looking at opportunities to leverage efforts and create a more efficient dredging program, avoiding ocean dumping or river disposal and having to re-dredge later.

Mr. Boggs congratulated Mr. Lawton and Mr. Haase for including wildlife refuges in the beneficial use of dredged material plan.

Mr. Graves asked how many beneficial use sites were in place prior to the ten identified in this report. Mr. Haase replied that since 1991, LDNR has partnered with the Corps on 13 sites, two were CWPPRA projects. Colonel Lee added that this number does not include the Corps' beneficial use sites. Mr. Lawton clarified that the ten sites identified are not included in the Federal Standard.

Mr. Honker thanked the Corps and LDNR for undertaking this initiative. He would love to see in the future where 100 percent of dredge materials are reused. This effort is a good step in that direction.

Mr. Doley also applauded the Corps and LDNR on these efforts.

Colonel Lee opened the floor to public comments.

Mr. Kerry St. Pé, Barataria-Terrebonne National Estuary Program, supports all of these projects. He asked if the Southwest Pass Project would take sediment from the Head of Passes and pump it to West Bay. Mr. Haase replied that it would take sediment that is dredged from the Southwest Pass reach and not sediment that had already been placed in the Head of Passes disposal area, but there is potential anywhere the hopper dredge could be used and could be close enough to a pipeline to pump out. Mr. St. Pé also asked about the chances of getting the dredge material to other places besides West Bay. Mr. Haase responded that this project would be a good demonstration, but the ultimate fate of the material would be up for future discussion.

Mr. Nic Matherne, Lafourche Parish Government, asked if the Corps was subject to Louisiana State law when conducting dredging operations. Colonel Lee said that the Corps and LDNR must complete Consistency Determinations for dredging in coastal areas to comply with Coastal Zone Management. There was some friction on this last year that led to this summit. Mr. Matherne noted that Louisiana Revised Statute 49 states that with dredging of material over 500,000 cubic yards, it is required that the material be used beneficially. Mr. Matherne asked why that part of the law is not enforced when the Corps performs maintenance dredging. Colonel Lee said that the Corps maintenance dredging plan has to follow the Federal Standard.

It would be a violation of Federal law to pump dredge material into areas outside of the Federal Standard.

Mr. Matherne stated that at the dredging conference, one of the responses was that a branch of the Corps only had the money to worry about navigational dredging, not beneficial use. If R.S 49 was enforced, it would require them to include that in their budget requests. He suggested stockpiling the material that the Corps dredges every year so that it could be potentially be used by parishes or CWPPRA and reduce project costs. Colonel Lee added that the New Orleans District has one of the most robust dredging programs in the USACE. About 22 percent of all dredge material is used beneficially. There are also some additional authorities like CIAP and LCA that can provide additional funding sources and can be leveraged to provide that increment above the Federal Standard.

Mr. Graves stated that this is very important. He added that beneficially using dredged material instead of putting it out into the Outer Continental Shelf is simply common sense. There are currently discussions regarding state vs. federal law. The beneficial use summit was an effort to apply more common sense to existing practices used by the State and Corps. The State has dedicated funds through the CIAP Program for additional beneficial use activities and anticipates possibly dedicating additional funds to beneficial use. He agreed with Mr. Matherne from a policy perspective, but did not believe that it was the State's responsibility. He would like to see the Federal partners participate in more of these activities.

Mr. Haywood Martin, representing the Delta Chapter of the Sierra Club, commended all agencies in their efforts to beneficially re-use sediments derived from dredging activities on the coast. He is concerned by the deposition of high tailings piles that are left behind after years of oil and petroleum industry activity in the Atchafalaya Basin and coastal areas. He asked if the Corps could require the oil industry to send those tailings to beneficial use so that it could help restore the coast. Colonel Lee responded that he did not have an answer, but would follow up with Mr. Martin on this matter.

G. Report: Public Outreach Committee Report (Agenda Item #13)

Mr. David Marks, Public Outreach Coordinator, announced that the next issue of *WaterMarks* would be on educational outreach. This will be last issue for the current *WaterMarks* editor Mr. Gordon Newton. Mr. Marks thanked Mr. Newton for a job well done and introduced Mr. Stuart Lee as the new editor. *WaterMarks* is approaching the 8,000 circulation mark. The CRMS website is now online and is linked to the LaCoast.gov website. There are new wetland loss maps and the "Turning the Tide" brochures were updated to reflect post-Katrina/Rita information. The Outreach Committee is working on a dedication ceremony SOP in preparation for a dedication ceremony this fall.

VI. Additional Agenda Items

No additional agenda items were presented.

VII. Request for Public Comments

Mr. Larry Schmidt, with the Louisiana Office of the Trust for Public Land, provided an update on the Elmer's Island situation. Under Governor Bobby Jindal's leadership, the transaction is scheduled to be completed this year. There is an option to purchase Elmer's Island from the property owner and the due diligence process is moving forward in partnership with the Louisiana Department of Wildlife and Fisheries to complete the surveys, title and environmental work, and the appraisal.

Mr. Haywood Martin, Sierra Club, asked how cypress trees fit into the coastal protection plan. He asked if anything has been done to restore or re-plant cypress in the course of the planning and development for coastal protection and restoration. Colonel Lee responded that there are tree re-planting programs to re-establish bottom-land hardwoods in coastal areas. Mr. Graves added that there is a Coastal Forest Conservation Program in the CPRA's Annual Plan pending State House approval. The State also has other planting programs. Mr. Honker noted that the Bayou Bienvenue Restoration Project, a PPL 18 candidate project, has cypress plantings as a project feature. He also noted that the new Clean Water Act and Section 404 policies limit exemptions on cypress harvesting in south Louisiana. Colonel Lee added that the Corps has denied several permits regarding cypress harvesting in the past nine months because the Federal Standards were not met.

Mr. Sherrill Sagrera, Vermilion Parish Coastal Advisory, added that there is an extensive tree planting program through the Vermilion Soil and Water Conservation District to re-vegetate the coast. They have been planting oak trees and other trees species that have been shown to be more salt tolerant than cypress trees. Mr. Sagrera also asked Ms. Goodman about the status of the Freshwater Bayou Bank Stabilization - Belle Isle Canal to Lock Project. Ms. Goodman responded that the project is eligible for Phase II approval, however the project ranks relatively low on the prioritization list every year compared to other projects. She said that the project may be picked up under a Civil Works project and that a small portion of the project is in the CIAP Program. Ms. Goodman added that she will ask the Project Manager, Mr. Travis Creel, to coordinate with the AGMAT Project Manager to make sure the efforts are not be duplicated. She offered to have an update presented to the Vermilion Coastal Advisory Board if necessary.

Mr. Sagrera also asked how moving projects from CWPPRA to WRDA or LCA would affect the project budgets and whether that would free up any money for other projects. Ms. Goodman said that the Technical Committee will conduct a more detailed analysis to assess the potential capacity for the remaining surplus funds. The Technical Committee will present their findings at the next meeting.

VIII. CLOSING

A. Announcement: Dates of Upcoming CWPPRA Program Meetings

Ms. Goodman announced that the next Technical Committee meeting will be on September 10, 2008 at 9:30 a.m. at the LA Department of Wildlife and Fisheries, Louisiana Room, 2000 Quail Drive, Baton Rouge, LA. The next Task Force meeting will be held on October 15, 2008 at 9:30 a.m. at the same location. The PPL 18 Public meetings will be held November 18, 2008 in Abbeville and November 19, 2008 in New Orleans, both at 7:00 p.m. These public meetings are to provide information to the public on the results of the PPL 18 evaluations. On December 3rd, the Technical Committee will meet and make their recommendations on which projects to select for PPL 18. The Task Force will make the final decision on the projects to be selected for PPL 18 at their meeting on January 31, 2009.

B. Adjournment

Mr. Honker made a motion to adjourn. Mr. Boggs seconded the motion. Colonel Lee adjourned the meeting at 11:35 a.m.