

BREAUX ACT
Coastal Wetlands Planning, Protection and Restoration Act

TASK FORCE MEETING
5 November 2008

Minutes

I. INTRODUCTION

Colonel Alvin Lee convened the 70th meeting of the Louisiana Coastal Wetlands Conservation and Restoration Task Force. The meeting began at 9:40 a.m. on November 5, 2008 at the U.S. Army Corps of Engineers, New Orleans District, District Assembly Room, 7400 Leake Avenue, New Orleans, 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. Jerome Zeringue, GOCA, sat in for Mr. Graves during Agenda Items 3, 8, 11, 13, and 16-22.]
Colonel Alvin Lee, Chairman, U.S. Army Corps of Engineers (USACE)
Mr. Kevin Norton, Natural Resources Conservation Service (NRCS)
Dr. Jane Watson, U.S. Environmental Protection Agency (USEPA)

III. OPENING REMARKS

Colonel Lee welcomed Dr. Watson to the Task Force. Dr. Watson is the Associate Director of the Ecosystem Protection Branch in the USEPA Region 6 Water Quality Protection Division.

Colonel Lee announced that the agenda order would change from what was given in Enclosure 1.

IV. ADOPTION OF MINUTES FROM JUNE 2008 TASK FORCE MEETING

Colonel Lee called for a motion to adopt the minutes from the June 4, 2008 Task Force Meeting.

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

V. TASK FORCE DECISIONS

A. Report/Discussion/Vote: Status of Unconstructed Projects (Agenda Item #5)

Mr. Britt Paul, NRCS, asked Mr. Graves to provide the status of the Brown Lake Hydrologic Restoration Project. Mr. Graves reported that the project is under technical review and that an update would be provided at the next Technical Committee and Task Force Meetings.

Ms. Melanie Goodman, USACE, presented the Technical Committee's recommendation to the Task Force for deauthorization or transfer of the projects listed below:

- **For Deauthorization:**
 1. Periodic Introduction of Sediment and Nutrients at Selected Diversion Sites Demo - The Planning and Evaluation (P&E) Subcommittee recommended that the Task Force deauthorize this project. The project sponsors determined that a reasonable demonstration project would not be feasible at such a scale to provide marked benefits. The Project Management Team (PMT) prepared a report stating that the project is not feasible as a demonstration project.
 2. Grand Bayou Hydrologic Restoration Project - Deauthorization of this project was initiated by USFWS. It was determined that the project would actually increase salinities in the project area, while the project's goal was to reduce salinities.
- **For Transfer to the Louisiana Coastal Impact Assistance Program (CIAP):**
 3. East Grand Terre Island Restoration Project - The State is pursuing this project with CIAP funds.
- **For Transfer to the Louisiana Coastal Area (LCA) Program:**
 4. Delta Building Diversion at Myrtle Grove - This project has been authorized and funded for study under the LCA.

Ms. Goodman added that the Standard Operating Procedure was followed with regard to deauthorizing and transferring projects. Congressional interests and representatives were notified and no comments were received.

Mr. Boggs moved to deauthorize the Periodic Introduction of Sediment and Nutrients at Selected Diversion Sites Demonstration Project and the Grand Bayou Hydrologic Restoration Project. The motion also included the transfer of the East Grand Terre Island Restoration Project to CIAP, and the transfer of the Delta Building Diversion at Myrtle Grove to the LCA. Mr. Graves seconded. The motion was passed by the Task Force.

B. Report/Decision/Vote: Task Force Fax Vote Approval on USACE and LACPRA Request to Increase the Construction Budget for the PPL 8 - Sabine Refuge Marsh Creation Project, Cycle 2 (CS-28-2), and request for a project scope change (Agenda Item #7)

Ms. Goodman reported that the funding increase for Cycle 2 was needed due to the increased cost of steel and fuel. One construction bid was received and it was significantly higher than the maximum awardable amount. The plan was to modify the design and reduce the cost and risks associated with building the pipeline. As a result of having to reanalyze the project, the FY09 dredging cycle for the Calcasieu Ship Channel will not be met. The USACE received supplemental funding this year as a result of Hurricanes Ike and Gustav for additional dredging. At the October 10, 2008 Technical Committee Meeting, Mr. Kirk Rhinehart with the Office of Coastal Protection and Restoration (LAOCPR) announced that the State wanted to proceed with using the dredge material from the FY09 dredging cycle via a temporary pipeline using State-only funds. The proposal was to use that material and deposit it in the Cycle 2 marsh creation area, which would take that cycle of marsh creation out of the CWPPRA Program.

Ms. Fay Lachney, USACE Project Manager, reported that only one bid was received when the contract was advertised in July 2008. Several problems contributed to the low number of bidders for this contract:

1. Timing of the advertisement - The cost of steel was unstable as there were six increases between January and August of 2008, and fuel prices were also rising.
2. Project time constraints - The contract had a 260-day limit. Potential bidders said that it could take up to four months to acquire the steel. Bidders were also worried that their order for 19,000 linear feet of pipeline would get bumped from the schedule by larger contracts. Specific manufacturer's roll dates were also a concern by potential bidders to meet the project's deadline and be ready for the FY09 dredging cycle.

In order to increase the bid-ability of the project, the contract timeline has been extended an additional 100 days and the contract will allow the use of more-readily available American Water Works Association (AWWA) pipe with three-quarters inch thickness instead of the American Petroleum Institute (API) pipe with one-half inch thickness. The schedule is to advertise the contract in January 2009, award a contract by April 2009, and complete construction by the summer of 2010 in time for the FY11 dredging cycle. The request for the change of scope is the result of the State's offer to use the Cycle 2 site for the FY09 dredging cycle. The USACE is requesting that the disposal be removed from the scope of the Cycle 2 project, which would leave the Cycle 2 project as the construction of the permanent pipeline.

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

Mr. Doley asked if the higher gauge AWWA pipe would provide a more durable pipe. He also asked if there is an option beyond Cycle 6. Ms. Lachney replied that the goal is for the 20-year life of the project with the potential for up to ten dredging cycles. Ms. Lachney added that there is no standard for dredge material pipe. A dredging contractor informed the USACE that the type of pipe being considered could hold up to 50 million cubic yards of dredge material.

Colonel Lee asked about performance issues between the API and AWWA pipes. Ms. Lachney replied that no one in the dredging industry has a permanent pipeline. The dredging industry doesn't use the higher grade pipe for temporary pipelines.

Mr. Graves commented that the State is contributing nearly \$4 million to address the interim issue to take advantage of Cycle 2. There is not an opportunity for the State to get credit

for these funds or have those funds applied to CWPPRA. Mr. Graves asked the Task Force to consider the work the State is doing under the State-only project and see if there is an opportunity to combine the projects. The State would be happy to provide the money to the USACE to accommodate the request. Colonel Lee said that the USACE would look into it.

Mr. Holden announced that the Technical Committee recommends the Task Force approve the request for change in project scope for the Sabine Marsh Creation Project Cycle 2 by removing the marsh creation feature from the project.

Mr. Boggs moved to approve the change in project scope for the Sabine Refuge Marsh Creation Project. Mr. Doley seconded. The motion was passed by the Task Force.

C. Decision/Vote: FY09 Planning Budget Approval, including the PPL 19 Process, and Presentation of the FY09 Outreach Budget (Agenda Item #9)

Ms. Goodman reported that the FY09 Planning Budget follows the same format as previous years. This year's Planning Budget includes funding for the three-year Report to Congress and the PPL 19 Planning Process. There are changes to nominee selections per basin. Based on land loss rates and the number of nominees received per basin during the PPL 17 process, the Technical Committee recommends the selection of three projects in each of the Barataria, Terrebonne, and Pontchartrain Basins, and two nominees in all other basins, except for the Atchafalaya Basin where only one nominee would be selected. An additional nominee would be selected for the Breton Sound Basin if only one project is presented at the Regional Planning Team (RPT) meetings for the Mississippi River Delta Basin. The RPT meetings are scheduled for January 27-29, 2009.

Mr. Holden announced that the Technical Committee recommends the Task Force approve the PPL 19 Planning Process Standard Operating Procedures and FY09 Planning Budget in the amount of \$4,930,325.

Mr. Norton moved to approve the FY09 Planning Budget and PPL19 Process. Mr. Boggs seconded. The motion was passed by the Task Force.

Mr. Scott Wilson, U.S. Geological Survey (USGS), asked the Task Force to approve the FY09 Outreach Committee Budget of \$516,310. These funds are used to support agency participation in outreach activities, two full-time staff members, the *WaterMarks* newsletter, a website, and conferences and exhibits. The FY09 budget request is about \$30,000 higher than the previous year's budget. This increase is primarily due to the increase in distribution costs of *WaterMarks*.

Mr. Boggs moved to approve the FY09 Outreach Committee Budget in the amount of \$516,310. Mr. Doley seconded. The motion was passed by the Task Force.

D. Decision/Vote: Annual Request for Incremental Funding for Administrative Costs for Cash Flow Projects (Agenda Item #10)

Mr. Holden announced that the Technical Committee recommends the Task Force approve the FY11 Incremental Funding for cash flow projects in the amount of \$22,138 for USACE administrative costs.

Mr. Boggs moved to approve the request for USACE administrative funds for \$22,138. Mr. Norton seconded. The motion was passed by the Task Force.

E. Decision/Vote: Request for Operations and Maintenance (O&M) Budget Increase and Incremental Funding or PPL 1 - West Bay Sediment Diversion Project (MR-03) (Agenda Item #15)

Ms. Goodman said that the USACE recognizes that the quantity of shoaling occurring in the anchorage area is being questioned. Whether or not all of the induced shoaling can be attributed to the West Bay Diversion has been a contentious issue. The USACE is dredging a reach of the access and anchorage that wasn't originally planned when the project was approved and budgeted for construction. Ms. Goodman reminded the Task Force that when this project was approved for construction, it was based on assurances to the navigation industry by the USACE and State that the project would provide anchorage access and draft. At the time the project was approved for construction, everyone was a proponent. Dredging of the anchorage area was a component feature of the diversion project.

Ms. Goodman announced that the USACE requested about \$140 million for the fully-funded cost estimate to cover the life of the project through 2023 on the West Bay Diversion Project. This is the largest request ever made in the CWPPRA Program. The USACE agrees that a feature, such as a sediment retention enhancement device, needs to be included for strategic placement of dredge material inside the bay receiving area. The increment request of \$10,998,550 is for maintenance dredging in the Pilottown Anchorage Area (PAA). The Technical Committee did not recommend the fully-funded cost of \$140 million.

Mr. Holden explained how the Technical Committee arrived at the recommendation brought before the Task Force. There has been a lot of discussion on how much shoaling is caused by the West Bay Diversion. The river is a dynamic, complex system. Data presented at this meeting showed that there are impacts on the river system that were not previously seen prior to the diversion. CWPPRA has an agreement and commitment with the navigation industry on dredging requirements in the PAA. There has not been enough time to see the benefits accrued from the project. The Technical Committee's recommendation recognizes that the Task Force needs to discuss how CWPPRA will address induced shoaling.

Mr. Holden announced that the Technical Committee recommends the Task Force approve the three-year incremental funding for the West Bay Sediment Diversion Project for \$10,998,550, that the USACE develop a Work Plan with the Coastal Protection and Restoration Authority (CPRA) and OCPR to address the overall induced shoaling issue, and that the project sponsors provide project updates at each Technical Committee and Task Force Meeting. CWPPRA will reevaluate the continued O&M funding prior to the end of the three-year increment.

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

Mr. Boggs proposed a modification to the Technical Committee recommendation provided by Mr. Holden. The modified motion was to approve an O&M budget increase of \$28,550,742 for the West Bay Sediment Diversion Project and to approve incremental funding of \$10,998,550 through FY11 for a revised total of \$50,863,503 through 2012. The incremental funding would be used to cover costs associated with dredging the PAA in FY09. The remaining increased budget would be used in FY12 for possible closure of the diversion channel and/or dredging to restore the anchorage area. This motion includes a sunset clause requiring closure of the channel in FY12, unless alternative funding sources for anchorage maintenance are found. The motion also requires that the USACE develop a Work Plan with the CPRA and OCPR to address the overall induced shoaling issue and that the project sponsors report on the West Bay Project at each Technical Committee and Task Force Meeting.

Colonel Lee opened the floor to the Task Force for comments on the modified motion.

Mr. Graves stated that the West Bay Sediment Diversion Project is going to set an incredible precedent. A solution on the table is to dedicate \$140 million for this project, which is about 18 percent of the historic funding dedicated through CWPPRA. This money would potentially fund dredging operations attributable to induced shoaling on the West Bay Project through 2023. It is not an option to shut down navigation in Louisiana. It is also not an option to bankrupt the CWPPRA Program, but this is in effect what the Task Force would be doing. The LCA authorization in the Water Resources Development Act (WRDA) passed by Congress in November 2007 authorizes eight diversions or modifications to existing diversions for about \$700 million, while this request is to put a \$140 million cost to potential induced shoaling for one project. There have to be more innovative solutions. It isn't known what is going on inside these banks and it is not right to bill CWPPRA to address these issues. More time needs to be spent studying this dynamic system. The current solution proposes that 2003 conditions be maintained. Why not use the 1830s as the baseline? The challenge is to figure out how to capture the sediment that travels through the diversion. If there are 3.7 million tons of material coming through the diversion every year, should the diversion be billing the USACE Navigation Program for the sediment being removed from the river? No. The issue of induced shoaling needs to be approached from a much broader, comprehensive perspective and consider the following:

1. The modeling data is uncertain and decisions should not be based upon this data. Additional research is needed. Mr. Graves offered that the State will commit funds from the Science and Technology Program for continued research and asked for access to the survey data.
2. CWPPRA should only pay for induced shoaling that is attributable to this project. It is unreasonable to suggest that all of the induced shoaling is occurring because of the West Bay Project. More accurate models need to be developed.
3. Over \$400 million in emergency spending was appropriated by Congress for the USACE O&M. A portion of that \$400 million will be for dredging. CWPPRA should ask the USACE for part of this money to address the dredging issue.

Mr. Norton asked if this was the only anchorage area in the navigation channel and if the anchorage was constructed or natural. Colonel Lee answered that there are multiple anchorage areas up and down the Mississippi River. Ms. Michele Ulm, USACE Operations Manager for the Mississippi River Navigation Channel, added that this anchorage site is naturally wide and deep. Mr. Norton also asked if historically there had been dredging below the PAA. Colonel Lee responded that the area below Head of Passes has always been dredged.

Mr. Norton agreed with Mr. Graves that it would be best to have time to study the river dynamics and trends to determine what can be attributed to impacts of the diversion and what is naturally occurring. Mr. Norton added that he would hate to throw all diversion projects out because of the impacts on an anchorage area. Colonel Lee commented that in the case of the Bonnet Carre Spillway, no induced shoaling occurred. Mr. Norton added that there may still be some places where diversions can operate and not increase shoaling.

Colonel Lee commented that the USACE must balance the needs of the river from flood control, navigation, and ecosystem restoration perspectives. There are always tradeoffs. The USACE clearly has a cost-share agreement that states that CWPPRA will take care of the anchorage and access area. Colonel Lee addressed Mr. Graves' comment about use of USACE emergency funding to dredge the West Bay Project area. Those emergency funds are authorized by Congress and the USACE does not have authorization to dredge anchorage areas.

Mr. Doley said that the general feeling is that the Task Force agrees that the problem needs to be solved. He asked if Mr. Graves wanted the Task Force to forgo the decision today to fund dredging of the PAA. Mr. Graves would like to set aside the \$10 million for immediate dredging. In the meantime, we would try to gain a more accurate understanding of what is happening in West Bay.

Dr. Watson recommended that the Work Plan include a feature to examine the shoaling induced by the project and utilize the survey data in this effort. CWPPRA should engage in a multi-lateral process and consider using other resources for expertise to broaden the base for these analyses.

Mr. Boggs repeated his modified motion to the Technical Committee's recommendation. Mr. Norton seconded Mr. Bogg's motion. Mr. Doley offered an alternative motion to approve an O&M budget increase of \$10,998,550 for the West Bay Sediment Diversion Project. The incremental funding would be used to cover costs associated with dredging the PAA in FY 2009. This motion includes a sunset clause requiring closure of the channel in FY12 unless alternative funding sources for anchorage maintenance are found. The motion also requires that the USACE develop a Work Plan with CPRA and OCPR to address the overall induced shoaling issue. The project sponsors must also provide a progress report at each Technical Committee and Task Force Meeting.

Colonel Lee opened the floor to comments from the public.

Mr. P.J. Hahn, Plaquemines Parish, asked the Task Force to defer a decision for a few months while alternatives are explored. Closing the West Bay Diversion would be a huge

detriment to coastal restoration. He doesn't think it is a good idea to send out a message that the Task Force is considering closing the largest diversion in Louisiana.

Mr. George Duffy, representing the Maritime Industry, said that deferring this project would add a tremendous burden on the maritime industry. The industry has been without the deep draft portions of that anchorage for over a year. If this is approved today, the earliest dredging would occur would be June 2009, and there will be more sediment by that time. He asked the Task Force not to further burden the maritime industry by deferring this decision.

Mr. Steven Peyronnin, Coalition to Restore Coastal Louisiana, agreed with Mr. Graves' proposal to commit \$10 million to proceed with dredging and to look at the issue from a more balanced perspective.

Mr. Brian Vosburg, OCPR, stated that as far as he knows the State had not been provided with any evidence that proves conclusively that the West Bay Diversion is inducing the shoaling.

Colonel Lee asked Mr. Doley to reread his alternative motion. There was no second for this motion.

Colonel Lee asked Mr. Boggs to reread his modified motion. The motion was to approve an O&M budget increase for the West Bay Sediment Diversion Project in the amount of \$28,550,742, making the total approved budget through FY12 for \$50,863,503, and to approve incremental funding through FY11 in the amount of \$10,998,550. The incremental funding would be used to cover costs associated with dredging the PAA in FY09. The remaining increased budget would be used in FY12 for possible closure of the diversion channel and/or dredging to restore the anchorage area. This motion includes a sunset clause requiring closure of the channel in FY12, unless alternative funding sources for anchorage maintenance are found. The motion also requires that the USACE develop a Work Plan with CPRA and OCPR to address the overall induced shoaling issue and that the project sponsors will report on West Bay progress at each Technical Committee and Task Force meeting. The motion was previously seconded by Mr. Norton. The motion was approved by the Task Force.

F. Discussion/Decision/Vote: Impacts of Hurricanes Gustav and Ike (Agenda Item #3)

Mr. Holden announced that the Technical Committee recommends the Task Force approve an increase in the Storm Recovery Procedures Contingency Fund in the amount of \$266,227. These funds are needed to complete post-storm impact assessments on CWPPRA projects affected by Hurricanes Gustav and Ike.

Mr. Norton moved to approve \$266,227 for the Storm Recovery Procedures Contingency Fund. Mr. Boggs seconded. The motion was passed by the Task Force.

G. Decision/Vote: Request for O&M Incremental Funding (Agenda Item #11)

Mr. Holden announced that the Technical Committee recommends the Task Force approve requests for total O&M budget increases in the amount of \$6,714,424 and incremental funding in the amount of \$2,478,150. A cost breakdown of the request is shown below.

- 1) PPL 1-8 project budget increases totaling \$2,679,635, for projects that previously received Task Force approval for incremental funding increases:
 - Cameron-Creole Maintenance (CS-04a): \$674,046
 - Cote Blanche Hydrologic Restoration (TV-04): \$571,000
 - Highway 384 Hydrologic Restoration (CS-21): \$313,494
 - Lake Chapeau Sediment Input and Hydrologic Restoration (TV-26): \$915,192
 - East Mud Lake Marsh Management (CS-20): \$205,903
- 2) PPL 1-8 Projects requesting approval for O&M budget increases totaling \$943,438 and FY 11 incremental funding in the amount of \$371,231, for the following projects:
 - Cameron-Creole Plugs (CS-17), PPL-1, USFWS
 - Budget increase amount: \$218,909
 - Incremental funding amount: \$95,380.
 - Black Bayou Hydrologic Restoration (CS-27), PPL-6, NMFS
 - Budget increase amount: \$499,987
 - Incremental funding amount: \$134,223
 - Freshwater Bayou Wetland Protection (ME-04), PPL-2, NRCS
 - Budget increase amount: \$129,616
 - Incremental funding amount: \$102,724
 - Freshwater Bayou Bank Stabilization (ME-13), PPL-5, NRCS
 - Budget increase amount: \$94,926
 - Incremental funding amount: \$38,904
- 3) PPL 9+ Projects requesting approval for O&M budget increase in the total amount of \$3,091,351 and/or FY 11 incremental funding in the total amount of \$2,106,919, for the following projects:
 - Little Lake Shoreline Protection and Marsh Creation (BA-37), PPL-11, NMFS
 - Budget increase amount: \$3,091,351
 - Incremental funding amount: \$65,124.
 - Coastwide Nutria Control Program (LA-03b), PPL-11, NRCS
 - Incremental funding amount: \$2,041,795.

Mr. Boggs moved to approve the Technical Committee's recommendation for total O&M budget increases of \$6,714,424 and incremental funding for \$2,478,150. Mr. Doley seconded. The motion was passed by the Task Force.

H. Decision/Vote: Request for FY12 Project Specific Monitoring Funds for Cash Flow Projects, and FY12 Coastwide Reference Monitoring System (CRMS)-Wetlands Monitoring Funds (Agenda Item #13)

Mr. Greg Steyer, USGS, presented the status and progress of the CRMS Program. CRMS is designed to evaluate the effectiveness of CWPPRA project and cumulative effects in restoring, creating, and protecting coastal wetlands. There are 391 monitoring stations across the coast and a variety of environmental data is collected at each site. The CRMS website on LA Coast (www.lacoast.gov/crms2) offers data visualization, comparison, and download through the

use of a Google application. A number of analytical indices were developed to evaluate the effects of multiple variables at project sites. Short-term goals for CRMS include the continued development of ecological indices; training partners and stakeholders on data access, delivery, and functionality; and soliciting feedback from users. The funding request is for \$7.7 million for CRMS, wetlands, and two project-specific requests for the Four Mile Canal Terracing and Sediment Trapping Project and the Coastwide Nutria Control Program.

Mr. Holden announced that the Technical Committee recommends the Task Force approve incremental funding for project specific monitoring for cash flow projects in the amount of \$146,243 for the Four Mile Canal Terracing and Sediment Trapping Project (\$24,511) and the Coastwide Nutria Control Program (\$121,732). The Technical Committee also recommends the Task Force approve incremental funding for CRMS for \$7,600,455.

Mr. Boggs moved to approve the incremental funding request for cash flow projects and CRMS. Mr. Norton seconded. The motion was passed by the Task Force.

I. Decision/Vote: Request for Change in Scope and Budget Increase for PPL 3 - West Pointe a la Hache Outfall Management Project (BA-4c) (Agenda Item #16)

Mr. Paul presented a request in scope change for the West Pointe a la Hache Outfall Management Project. This project was originally intended to be an outfall management plan. It was determined through Engineering and Design (E&D) that the outfall management features would not work as originally envisioned. The project is now a siphon and refurbishment project. The additional funds of \$1,101,221 are not needed at this time.

Mr. Holden said that the Technical Committee recommends the Task Force approve the project scope change and budget increase in the amount of \$1,101,221 for the West Pointe a la Hache Outfall Management Project.

Mr. Boggs moved to approve the change in project scope for the West Pointe a la Hache Outfall Management Project. Mr. Doley seconded. The motion was passed by the Task Force.

VI. INFORMATION

A. Status of Breaux Act Program Funds and Projects (Agenda Item #4)

Ms. Gay Browning, USACE, presented the status of the current funding situation. Task Force approval of the FY09 Planning Budget for \$4,930,325 and Outreach Committee request for \$516,310 would give the Planning Program a surplus of \$738,997. The Construction Program has received \$797.7 million in Federal funding since FY92. Anticipated FY09 Federal funds total \$79.3 million. There are \$710.8 million in obligations and \$442.5 million in expenditures. There are 145 active projects: 75 have completed construction, 18 are currently under construction, and 52 have not yet started construction. The current unencumbered Federal balance in the Construction Program is \$7.37 million and total FY09 available funding is estimated to be \$100.7 million. Task Force approval of all Technical Committee

recommendations would leave a balance of \$87.5 million for PPL 18 approval and Phase II approvals in January 2009.

Ms. Goodman reported the total program obligations for FY92 through FY08. To date, \$789.2 million has been obligated and \$177.2 million remains unobligated. There are \$8.56 million in available funds which includes \$1.19 million in the Planning Program and \$7.37 million in the Construction Program. Anticipated total program funding is \$2.46 billion. The total cost for all PPL 1-17 projects including planning is \$2.05 billion. The amount available for future work through FY19 is \$420.6 million.

B. Report/Discussion: CWPPRA Program Projected Funding Capacity (Agenda Item #6)

Ms. Goodman reported that CWPPRA is authorized through 2019 with program funds appropriated through FY09. There is a limit on how much those future funds will cover new work for future PPLs as well as construction and O&M cost increases. There is also the potential for project funding returns from deauthorized or transferred projects. The Task Force is concerned about future funding and the possibility of CWPPRA becoming an O&M-only program. There is a need to ensure capacity to fulfill existing obligations. The Task Force directed the Technical Committee to analyze future program capacity and provide options for how to use remaining funds in future planning efforts. The Technical Committee and P&E Subcommittee determined that there are possibly seven PPLs remaining, including PPL 18, assuming the Task Force continues to approve three to four projects each year for Phase I E&D. The current projection is that the program will receive an additional \$413.8 million for new work through 2019. This estimate does not consider potential deauthorizations, transfers, or construction and O&M cost decreases. Since the 2005 hurricanes, construction costs have increased significantly and continue to rise due to increases in fuel costs. Therefore, some older non-cash flow projects may have outdated cost estimates.

An analysis was performed on ten PPL 9-15 projects with fully funded cost estimates updated in November 2007. The average cost increase on these projects was \$7.4 million. Seven constructed non-cash flow projects with O&M increases since the 2005 hurricanes were also reviewed. The average cost increase for these seven projects was \$870,000. An estimated future program capacity through 2019 for new projects was found by applying the average cost increases to all projects in the program. This estimate is approximately \$682 million which would be an increase from the current projection of \$413 million. The Task Force needs to consider the best use for these limited remaining funds. The Task Force should also ensure that sufficient funds are available for new construction approvals of existing PPL projects and construction and O&M cost increases for projects that are already approved for or completed construction.

The Technical Committee identified several options for future PPLs:

- 1) Continue annual planning cycle to develop new PPL projects with E&D and construction including approving up to four projects each PPL through 2015, approve fewer projects for each PPL, or skip a year between PPLs.
- 2) Continue the annual planning cycle according to Option 1 but only approve E&D; construction would not be considered for future projects.

Colonel Lee commented that since Hurricanes Katrina and Rita, project and O&M costs have increased in part to increased dredging costs. The supply and demand of available dredges as well as escalating fuel prices have contributed to the increase in project costs. The reason for this analysis was to make sure our O&M costs are accurate so that CWPPRA can cover them throughout the lives of the projects.

C. Report: Coastwide Nutria Control Program - Annual Report (Agenda Item #12)

Mr. Edmond Mouton, Louisiana Department of Wildlife and Fisheries, presented the Louisiana Coastwide Nutria Control Program Year 6 Annual Report to the Task Force. The initial goal of the program was to significantly reduce marsh damage from nutria herbivory by removing approximately 400,000 nutria per year. The incentive payment was increased from \$4 to \$5 per tail last year. A total of 308,212 nutria tails were collected from 347 participants, totaling \$1,541,060 in incentive payments. The highest number of tails was harvested during February and from fresh marsh habitats. Approximately 49 percent of the nutria were shot with a rifle and 42 percent were trapped. The remaining 9 percent were shot with a shotgun. The 2008 Vegetative Damage Survey showed 23,141 acres of nutria damage coastwide. This is a 31 percent decrease from 2007 (33,548 acres) in number of damaged acres. Six sites with a combined acreage of 736 acres recovered in 2008. Prior to implementation of the Coastwide Nutria Control Program, nutria harvested ranged from 20,000 to 29,000 nutria each year and herbivory damage ranged from 70,000 to 97,000 acres. In the first six years of the program, an average of 300,000 tails have been harvested annually and herbivory damage was reduced from 82,080 acres in 2003 to 23,141 acres in 2008. The program has significantly decreased the amount of acreage negatively impacted in Coastal Louisiana by nutria. The annual report can be viewed at www.nutria.com.

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

Ms. Goodman asked if there are any state laws that prohibit moving populations of nutria from one location to another or if there are any laws that prohibit breeding nutria. Mr. Mouton replied that there are no laws and added that nutria farming was short-lived because the price of fur is very low. There is no interest by people to move populations of nutria.

D. Discussion: River Diversion and Potential Induced Shoaling (Agenda Item #14)

Ms. Amena "Maylene" Henville, USACE, reviewed the hydraulic modeling that was performed to identify impacts to shoaling in the Mississippi River and to evaluate the effect of diversion angle on sediment diversions. Four model studies were performed prior to construction of the West Bay Diversion: HEC-6 (1988), TABS-MD (1994), CH3D-SED (2000), and CH3D-SED (2001). One model study (CH3D-SED) was performed in 2004 after construction. The purpose of the CH3D-SED model from 2000 was to look at impacts on the anchorage area and navigation channel. The 2000 CH3D-SED model was the basis for most of the estimates and assumptions. Model results showed an increase in the amount of sediment deposition extending several miles downstream of the West Bay Diversion.

Mr. Hartman interjected that based on the bathymetry data shown by Ms. Henville, this suggests that there was shoaling in the anchorage area prior to CWPPRA paying for it.

Ms. Ulm added that the anchorage area is important for both shallow and deep-draft vessels. The anchorage is used for emergency purposes when vessels have to anchor for system failures or during bad weather. The anchorage is also an important place to change out bar and crescent pilots and for use as a waiting area. Ms. Ulm added that the USACE O&M Program is not authorized or appropriated for anchorage areas. Due to the proximity of the anchorage area to Southwest Pass, the USACE is able to extend surveying cross-sections into the anchorage. The Coast Guard has the authority over the anchorages but is not required to maintain them.

Mr. Graves asked if model simulations had been performed to show what would happen if an obstacle, such as a levee, was placed in the area. Colonel Lee replied that during model runs, contraction dikes are added perpendicular to the flow to determine what would happen in those situations. Mr. Graves asked what was happening in the area before the levees were constructed. Ms. Goodman added that there is a natural levee bank in this area. Mr. Graves noted that before the banks were there, delta switching and land accretion occurred in this area. Mr. Troy Constance, USACE, clarified that the West Bay Diversion occurs south of the levee system.

Mr. Hartman asked why the cost estimate was based on 340,000 cubic yards annually if the model predicted 550,000 cubic yards. Ms. Goodman replied that it was assumed that ships would not anchor in proximity to the diversion channel because of the draw of the channel itself and that dredging would not be required in those areas. The USACE subsequently realized that boats do navigate through the anchorage area to access deeper waters.

Mr. Tim Landers, USEPA, commented that because of the proximity of this anchorage to the main channel, there has been an opportunity to extend bathymetry surveys to include the anchorage area. He asked how long this data has been collected and if any long-term, cyclical trends have been observed in this anchorage area. Ms. Ulm replied that the surveys have been conducted every few weeks as part of the West Bay Diversion monitoring agreement. Mr. Rick Broussard, USACE, added that the surveys are available as far back as 1990. Ms. Ulm noted that these surveys are not as thorough as the ones conducted under the West Bay monitoring agreement. Ms. Ulm also mentioned that the Mississippi River Hydrographic Survey Books date back to the early 1900s. This data is not available electronically.

Ms. Henville continued with the presentation. From August 2006 to October 2008, 14 feet of shoaling or accretion occurred in the anchorage and access areas. By 2005, the West Bay Diversion had scoured between 30 and 40 feet depths in the channel. Ms. Henville added that the river system is dynamic and changes constantly. A trend has not yet been developed.

Ms. Henville said that there has been a rise in the amount of material dredged by the USACE Operations Division at no cost to the project. In 2006, 1.4 million cubic yards were dredged from the anchorage and access areas and were paid with CWPPRA funds. The next dredging event is expected to be 1.75 million cubic yards from the PAA. Ms. Henville added that the system of balance found in nature provides for a constant flux of gain and loss. Present

environmental conditions are not static and both positive and negative changes are unavoidable as long-term equilibrium is maintained.

Mr. Doley asked if the dredging ranges were typical prior to 2005. Ms. Ulm answered that prior to 2005, there was minimal dredging. The channel alignment stopped at Cubits Gap, approximately 3.5 miles above Head of Passes.

Colonel Lee opened the floor to comments from the public.

Mr. George Duffy, representing the Maritime Industry, said that the PAA was never dredged prior to the diversion. They were able to put 30-plus vessels in the anchorage area before the diversion and did not have to worry about deep or shallow draft. The shallow draft issues came after the diversion was built. Silting is occurring in the area and no deep-draft vessels can be below the diversion as was done in the past. Prior to the diversion, the river naturally scoured that anchorage area out. Currently, there is 12 feet of water in some parts of the anchorage and many offshore supply boats cannot anchor in this area.

Mr. Mitch Andrus, with Royal Engineers and Consultants, studied this area as part of his graduate work at LSU. He said that what is going on in the river needs to be weighed with the potential long-term benefits of the project. He presented the Task Force with information to consider. The anchorage area was dredged in 2006 at a cost of about \$5 per cubic yard. A recently advertised project to restore Pass Chaland was bid at \$5.66 per cubic yard. His graduate work looked at flow measurements in West Bay for three years. Mr. Andrus concluded that there is evidence of diversion evolution and formation of a primary distributary channel. There were accretion rates of about 1-2 inches per year. There is an estimated 3 million tons per year through the diversion, or close to 4 million cubic yards of sediment every year. The pattern shows that the diversion channel is getting deeper. He believes this is a long-term project and it must be given a chance. He compared the West Bay Diversion to the Wax Lake Outlet. With Wax Lake, sub-area land was not observed until about 30 years after the outlet was opened. Peak wetland growth could be decades away. Mr. Andrus believes the extra sediment in the PAA is a positive thing. That sediment can be strategically placed in the middle of the bay to encourage an acceleration of land growth. Projects such as Scofield Island and Pass Chaland are estimated to cost \$110,000 and \$83,000 per acre benefitted, respectively. The West Bay Project, without strategic spoil placement, is estimated to cost about \$70,000 per acre benefitted. Strategic use of spoil could lower the cost to below \$20,000 per acre benefitted. If the West Bay Diversion Project does not move forward, lessons learned could be lost. The project benefits are an order of magnitude greater than traditional CWPPRA projects. He asked the Task Force to let the project continue one more cycle and then see how the prices come out. This type of project can be a building block to making major strides in coastal restoration over the next 50 years.

Colonel Lee asked Mr. Andrus if he looked at techniques such as terracing to strategically place dredge material in the center of the bay. Mr. Andrus responded that sediment retention enhancement devices were proposed at the onset of the project, but the cost would be prohibitive. It would be a more natural solution to pump the material three miles to the center of the bay. Mr. Andrus does not believe that terraces would act in the same manner.

Mr. Steven Peyronnin, Coalition to Restore Coastal Louisiana, asked if the remedy being sought was that CWPPRA would fund dredging in the area to offset the induced shoaling created by the West Bay Diversion. Colonel Lee replied that this is not the remedy, but that it was agreed upon in the cost-share agreement that the anchorage would be maintained at the pre-existing elevations throughout the life of the project. Mr. Peyronnin asked if CWPPRA considers the project benefits and the implications for dredging when sediment is moved out of a system through a diversion. If the sediment was deposited elsewhere in the system without the diversion in place, would the USACE be dredging those areas as well? There is a murky understanding on exactly how much shoaling is attributable to the West Bay Diversion, how much would have to be dredged, and how much West Bay may be benefiting by moving water out of the system. It's a slippery slope.

Mr. Brian Vosburg, OCPD, stated that while he understands and appreciates the efforts that go into the models used to predict induced shoaling, the models are no substitute for actual field data collected from hydrographic surveys. A comprehensive time series cross-sectional analysis is needed for the entire time period to parse out naturally occurring variations and other man-induced shoaling activities that coincide with the Lower Mississippi River Delta. Until this comprehensive analysis is performed, one cannot conclude that the West Bay Diversion has induced the shoaling.

Colonel Lee asked Ms. Ulm if any cross-sectional analyses had been done. Ms. Ulm replied that the cross-section surveys have been conducted every three weeks over the past six months because of the problems in the area. The time between surveys has varied since the project was constructed. There is data available that can be studied to determine the changes in the cross-sectional area.

E. Report: Task Force Fax Vote Request for Change in Scope for the PPL 14 - East Marsh Island Marsh Creation Project (Agenda Item #8)

Ms. Goodman reported that the Task Force approved a change in scope for the East Marsh Island Marsh Creation Project via fax vote. The project scope change was needed because estimated construction cost increases exceeded 25 percent of the original estimate provided in 2005.

F. Report: Public Outreach Committee Report (Agenda Item #17)

Mr. David Marks, Public Outreach Coordinator, announced that the Breaux Act Newsflash has about 2,000 subscribers and continues to be the principal conduit for distributing restoration and protection news. The current issue of *WaterMarks* is titled "Bones of the Coastal Landscape" and covers chenier and ridge formation. The next issue will look at that status of CWPPRA projects after Hurricanes Gustav and Ike. The Outreach Committee is looking to revise the website and provide the Newsflash in html format. Mr. Marks also announced that the "Turning the Tide" brochure is in the final stages of production.

VII. Additional Agenda Items

Mr. Darryl Clark, USFWS, requested a change in scope for the Lake Hermitage Marsh Creation Project. The project involves 534 acres of marsh creation, 6.5 acres of terracing, and 1,500 feet of shoreline protection. The cost increased 30 percent from \$25.7 million to \$33.5 million and is mainly due to the increase in dredging cost. Mr. Clark asked the Task Force to approve the scope change so the project can move to 95 percent completion.

Mr. Norton moved to approve the change in project scope for the Lake Hermitage Marsh Creation Project. Mr. Boggs seconded. The motion was passed by the Task Force.

VIII. Request for Public Comments

No additional public comments were made.

IX. CLOSING

A. Announcement: Dates of Upcoming CWPPRA Program Meetings

Ms. Goodman announced that the PPL 18 Public Meetings will be held November 18, 2008 in Abbeville, LA and on November 19, 2008 in New Orleans, LA. The next Technical Committee meeting will be held December 3, 2008 at 9:30 a.m. at the USACE New Orleans District, District Assembly Room, 7400 Leake Avenue, New Orleans, LA. The Technical Committee will make recommendations for PPL18 selection and consider Phase II requests for cash flow projects. On January 21, 2009 the Task Force will make final decisions on the Technical Committee recommendations. Regional Planning Team meetings for PPL 19 are scheduled for January 27-29, 2009. The coastwide voting meeting will be held on February 18, 2009.

B. Adjournment

Colonel Lee adjourned the meeting at 2:55 p.m.