

BREAUX ACT
Coastal Wetlands Planning, Protection and Restoration Act

TASK FORCE MEETING
21 January 2009

Minutes

I. INTRODUCTION

Colonel Alvin Lee convened the 71st meeting of the Louisiana Coastal Wetlands Conservation and Restoration Task Force. The meeting began at 9:40 a.m. on January 21, 2009 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 present.

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 5-10 and 12-17.]
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

Garrett Graves requested that Agenda Item 11 (West Bay) be moved up to 10:30. Colonel Lee agreed to discuss it after Agenda Item 4.

IV. ADOPTION OF MINUTES FROM NOVEMBER 2008 TASK FORCE MEETING

Colonel Lee called for a motion to adopt the minutes from the November 5, 2008 Task Force Meeting.

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

V. TASK FORCE DECISIONS

A. (Agenda Item #4) Discussion/Decision: 18th Priority Project List

Mr. Tom Holden, USACE, announced that the Technical Committee recommends that the Task Force approve Phase I funding in the amount of \$9,277,224 for four candidate projects: Cameron-Creole Freshwater Introduction Project at \$1,549,832; the Grand Liard Marsh and Ridge Restoration Project at \$3,271,287; Bertrandville Siphon Project at \$2,129,816; and Central Terrebonne Freshwater Enhancement at \$2,326,289. The Technical Committee also recommends funding approval in the amount of \$1,906,237 for one candidate demonstration project, the Non-Rock Alternatives to Shoreline Protection Demonstration.

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

Mr. Doley commented that the demonstration project was still under review by the Academic Advisory Committee and the Engineering Workgroup. Mr. Doley asked if the Task Force must approve any cost above the current \$1.9 million estimate. Ms. Melanie Goodman, USACE, said that demonstration projects are funded at the 100 percent level and any increase in cost would require additional Task Force approval.

Mr. Rick Hartman, NMFS, clarified that the Technical Committee recommendation was to fund the Non-Rock Alternatives to Shoreline Protection Demonstration Project and use the \$1.9 million as a place holder. As part of the recommendation, the State and Federal sponsors are to work with the Academic Advisory Committee and Technical Committee to develop the project design to make sure it will provide statistically significant results. The demonstration project design would be reviewed by the Technical Committee. Mr. Darryl Clark, FWS, added that any cost increase would ultimately be approved by the Task Force.

Mr. Doley moved to approve the Technical Committee recommendation of four candidate projects (Cameron-Creole Freshwater Introduction Project, Grand Liard Marsh and Ridge Restoration Project, Bertrandville Siphon Project, and Central Terrebonne Freshwater Enhancement) and one demonstration project (Non-Rock Alternatives to Shoreline Protection Demonstration) for PPL 18. Mr. Norton seconded. The motion was passed by the Task Force.

B. (Agenda Item #11) Report/Discussion: Status of the PPL 1 – West Bay Sediment Diversion Project

Mr. Holden announced that the Task Force approved the funding and budget for the West Bay Diversion to dredge shoal material from the Pilottown Anchorage Area (PAA) with a stipulation that an alternative funding source to pay for dredging in the anchorage area be found by 2012 and if not, then the increment to cover the funding of the dredging at that point ought to be used in the closure of the diversions. The motion also requires the project sponsors to develop a Work Plan to address the induced shoaling issue and report on West Bay progress at each Technical Committee and Task Force meeting. Mr. Holden said that Ms. Cherie Price, USACE West Bay Project Manager, would brief the Task Force on the project status.

Ms. Price reported that the USACE and State met on January 5, 2009 to review a preliminary list of Work Plan items. Several action items in the Work Plan include:

- Review existing models developed for West Bay during it's planning phase in order to overcome model limitations and improve the current state of knowledge;
- Develop detailed scopes of work, including line item costs and durations for hydrodynamic modeling, sediment transport modeling, and geomorphic analysis;
- Assemble existing data and collect additional data such as river discharge measurements and sediment samples , for the modeling and geomorphic analysis;
- Perform a bathymetric survey of the receiving area and compare results to the survey conducted at the time of project construction, and
- Find an alternative funding source to pay for dredging of the PAA. (The State requested that this item be removed from the Work Plan, but it was left in.)

We have run through a preliminary analysis of the current discharge capacity of the conveyance channel and it looks as though we are at 30,000 cfs capacity. The project was originally constructed for 20,000 cfs conveyance.

Currently, the USACE Engineering Research and Development Center (ERDC) is reviewing the existing five models that were completed during the project planning phase. Preliminary findings from this review indicate that it is extremely difficult to draw conclusions about the impacts of changes in the system until a significant number of high water events are experienced. ERDC believes that the new comprehensive West Bay Work Plan efforts will resolve existing model limitations to better define the diversion impacts on PAA shoaling.

To date, ERDC has developed draft scopes of work, which include 1D and multidimensional modeling, a geomorphic analysis of the river, a data compilation and collection effort, and a chronology report from 1960 to the present that includes the history of significant modifications on the lower river from Belle Chasse to the Gulf of Mexico. These scopes of work will be submitted by the end of February to the State for review. Following the State's review, the Work Plan will be sent to the Technical Committee for approval and funding consideration.

Colonel Lee opened the floor to Task Force comments.

Mr. Graves asked Ms. Price how long it would take to finalize and execute the Work Plan. Ms. Price replied that the Work Plan will be finalized by the end of February, but the timeline for plan execution and costs are not known at this time. Mr. Graves commented that others involved in the Work Plan development have estimated that it could take two or three years to implement. Colonel Lee added that he received feedback that the Work Plan modeling component may take months, not years, to complete.

Mr. Graves commented that since the Task Force made the decision to dedicate \$28.6 million to the West Bay Diversion Project, there has been a lot of confusion and differing positions on the cause of induced shoaling. The fact is that there is a dredging concern that is hampering navigation. The State continues to support the interim solution of immediate dredging and the dedication of approximately \$10 million to that effort. The State has reservations about making a decision on the subsequent two efforts, which includes closure of

the West Bay Diversion and the pre-funding of the second dredging cycle at this time without science that verifies this position. Mr. Graves expressed concern that the Task Force commitment of nearly \$30 million was a knee jerk reaction. He proposed that the State and USACE immediately finalize the Work Plan and that the report be available for Task Force review within six months. The Work Plan should include an historic analysis of river bathymetry in the West Bay area, an understanding of the shoaling in this area before and after project construction, and an estimate of what shoaling is attributable to the West Bay Project.

Mr. Norton commented that new information is being presented all the time. He agreed with Mr. Graves that a timeline needs to be set for Work Plan completion and the subsequent report. Mr. Norton emphasized that there should be a full discussion of the Technical Committee in the plan development. There is a concern about the cost associated with the operation and maintenance (O&M) of diversions. It is important to understand the contribution of the diversion to shoaling and understand what is natural for the river system.

Mr. Doley agreed that the proper science is needed before the Task Force takes any further action on closure at West Bay. He believes the Task Force will have to look at alternative funding sources for maintaining shoaling areas regardless of what the cause is determine to be. Colonel Lee reported that he has engaged the Mississippi River Commission (MRC), who has the overall authority and responsibility for O&M of the Mississippi River and tributaries, and briefed them three times on diversions. Currently the USACE does not have the authority to dredge anchorage areas.

Ms. Barb Kleiss, with the Louisiana Coastal Area (LCA) Science and Technology Office, informed the Task Force that a Diversion Summit would be held March 3-5, 2009 at the Bourbon Orleans Hotel in New Orleans. The meeting will provide Federal and State agencies an opportunity to discuss the state of the science with regards to river diversions and to present their perspective on the subject. Stakeholders will also have an opportunity to present their concerns at the meeting. The third morning will be a working session for the senior panel members and the technical panel members to develop a path forward.

Colonel Lee said that when he realized how many river diversions have been proposed that he wanted to make sure that the Mississippi River Commissioners understood what was in the pipeline and in place to ensure that the right decisions are being made so different functions of the river are not adversely affected. He pointed out that there was a recognition even back when we built the Bonnet Carre that you needed to place these diversions at appropriate places in the river to not cause additional issues and impacts on the river system.

Colonel Lee gave a quick history of the West Bay project. It was selected by the Task Force in 1991 with an \$8 million construction cost and \$22 million for O&M for 20 years (dredging of induced shoaling in the Pilottown Anchorage). The \$22 million included costs of closure if that became necessary. In those days projects were fully funded at the start.

A new cost estimate in 2008 took it from \$22 million over the 20-year life of the project to \$140 million over 20-year life of the project. So according to the CWPPRA SOP any non-cash flow project that exceeds 125 percent of the original cost must go into a cash flow

procedure. Colonel Lee wanted to make sure people understand why we did what we did at the last Task Force meeting. We approved the three-year cash flow budget that included all the requirements required within that three years. So for West Bay that included the first increment of the shoaling in the anchorage area and some advanced dredging. Then, also, any operations and maintenance through the next three years including closure in 2012, if necessary.

The Corps doesn't think we are in a position to accept less than the full amount of funds that are anticipated for the West Bay Project for the upcoming three years of the project. As Chairman and as the District Commander, Colonel Lee has to make sure that the Corps is executing the funding of these projects in accordance with the policies and public law that gives us guidelines of how we operate. They are checking into this to see if there may be flexibility for the first phase increment that Garret has discussed this morning. As soon as that information is available, it will be provided to all of the members of the Task Force.

Mr. Norton suggested that the Technical Committee be actively involved in the Work Plan development rather than reviewing the plan upon completion. Ms. Price said that there is a possibility for a working meeting between the Technical Committee and ERDC in which ERDC can present the plan for modeling and analysis and obtain feedback from the Technical Committee.

Mr. Graves moved to require that the State and USACE, with participation from the Technical Committee, develop a Work Plan as soon as possible to then be submitted and approved by the Technical Committee. The State, USACE, and Technical Committee should provide final recommendations to the Task Force within six months. The motion also requires that the Work Plan include a historic analysis of bathymetry and historic data in the West Bay area, provide a report on shoaling in the area both before and after the West Bay Project was initiated, provide an estimate of induced shoaling attributable to the West Bay Project, and sediment removed from the river that may have caused a reduction in dredging downstream.

Colonel Lee opened the floor to comments from the public.

Ms. Cynthia Duet, GOCA, noted that during a Work Plan meeting in December 2008, representatives from ERDC said that it could take 1 to 2 years to complete the modeling required for the Work Plan. She urged the Task Force to start looking for money for the modeling effort. Ms. Duet does not know how the closure plan is being funded, but if it is going to use project costs, then this needs to be discussed.

Mr. Sean Duffy, President of the Gulf States Maritime Association and the National Association of Maritime Organizations as well as a Maritime Navigation Safety Association board member, said that historically there were 30 deep draft locations that were 40 plus feet deep for docking vessels at the PAA. Now, there are places that are only 10 feet deep. The agreement with the maritime industry says that the anchorage would be dredged seamlessly. This is the second time the maritime industry has requested action to have the anchorage dredged. The amount of deposition in the PAA is impacting safe navigation in Southwest Pass. The maritime industry wants to support diversions and coastal restoration, but study after study

suggests that the West Bay diversion is the key change. Mr. Duffy wondered how the impact on the maritime industry would be addressed by people not in the industry. There has to be a forum to allow the maritime industry to assist in restoration projects and diversions impacting the Mississippi River. The diversion was suppose to be 20,000 cfs and is now up to 30,000 cfs. There have been times when the diversion may have been 50,000 cfs. The greater discharge leads to greater deposition. Members of the maritime industry are skeptical because they do not have any say in projects that affect navigation safety. Mr. Duffy expressed concern that the diversion was not building the 9,000 acres envisioned. He said that most acres appear to have been created by beneficial use of dredged material.

Mr. Doley asked Colonel Lee if the USACE had a schedule to complete the dredging. Colonel Lee responded that the dredging has been approved, but that the CWPPRA SOP requires that the full \$28 million be funded before moving forward. Ms. Price added that currently there is a high water condition and it is prudent to dredge the area in the June timeframe.

Mr. Graves asked Colonel Lee if the only step at this point is to execute the dredging contract and not the closure or the second set of dredging, where does the legal challenge occur? Colonel Lee answered that until we get a confirmation from the Secretary of Army that we have flexibility to allow the one increment for the actual dredging to occur and not fund the rest of it until a later time, he was not in a position to make that decision.

Mr. Graves said that currently CWPPRA is a potential funding source to address the dredging issue, but this is not the case if the diversion is closed. If it is determined that this is not a naturally scouring or naturally sustainable area, the maritime industry will be in a precarious situation. CWPPRA and the maritime industry need to know exactly what is occurring in the anchorage area because an alternative funding source may be needed since the USACE is not authorized to dredge outside of the navigation channel.

Mr. Duffy said that the maritime industry is not here to request diversion closure, but to ask that the PAA be dredged so there is a safe, navigable waterway. He asked that the maritime industry be included during discussions and studies. Mr. Duffy commented that studies seem to delay the action, but the maritime industry sees the value in the studies and wants to know the results.

Colonel Lee added that engineers in the USACE Operations Division provide input to CWPPRA. Navigation interests are included in project aspects. There is an effort to ensure that navigation interests are addressed. Colonel Lee said that the Diversion Summit will be a great opportunity for the navigation industry to actively engage in this discussion.

Ms. Angelina Freeman, Environmental Defense Fund, presented the Task Force with a summary of findings on the West Bay Project prepared by staff scientists from the National Wildlife Federation, the Environmental Defense Fund, and the National Audubon Society. The results found that there is a discrepancy between the monitoring data from the 2008 report that states that the average flow was less than 20,000 cfs, and the 2000 modeling that shows a design for the second phase of the diversion with 50,000 cfs. When the model was adjusted for the different flows, it was predicted that only 40 percent of the USACE predicted 1.75 million cubic

yards of shoaling would be attributed to the West Bay Project. Ms. Freeman quoted a passage from the USACE Environmental Impact Statement (EIS) for West Bay that stated, “In any given year it would be impossible to determine the fraction of the total quantity of shoal material attributable to diversion operations with accuracy.” She believes the West Bay resolution was premature and encouraged an independent expert review of the technical questions concerning West Bay.

Dr. Paul Kemp, National Audubon Society, provided the Task Force members with copies of the report Ms. Freeman mentioned. Mr. Kemp said that the data supporting the claims originally made are somewhat dubious and examples are provided in the report.

Mr. Doley asked if there would be an opportunity for a third-party independent review of the Work Plan and recommendations. Colonel Lee said that an independent technical review would be possible, but there will be associated costs. Ms. Kleiss added that the LCA Science and Technology Office put together a group from four academic institutions, the private sector, State, and ERDC to look at a comprehensive model for the lower Mississippi River. She suggested engaging this group to review the Work Plan. Mr. Doley liked this option and commented that the Work Plan should not overlook the receiving area. Ms. Price told Mr. Doley that the receiving area analysis is included in the Work Plan. Ms. Price said that the Work Plan Committee had requested the State survey of the receiving area four months ago. She said that if we do not receive the report soon that the USACE would do the survey. Colonel Lee said that he fully supported having that report completed in six months.

Mr. Steven Peyronnin, Coalition to Restore Coastal Louisiana, said that the Task Force’s willingness to embrace this discussion is critical to decisions on future diversions in the long-term. A compromise that works for all industries impacted, including restoration efforts, is needed. He asked Colonel Lee if the closure possibilities were triggered by the cost of the initial dredging cycle for \$11 million. Colonel Lee responded that it is in the SOP that O&M costs for cash flow diversions or siphons includes closure. The trigger for West Bay was due to a cost increase from the original estimate of \$22 million to \$140 million, which exceeded the 125 percent threshold.

Mr. Peyronnin said that there has been a question as to the degree of certainty that 100 percent of the shoaling occurring in the PAA is attributable to the West Bay Project. He asked if in fact there were an incremental cost attributed by the West Bay’s impact on the PAA, thereby reducing the dredging costs, could the agreement be modified since there would be a lower maintenance cost over the lifetime of the project. He would like to move forward with the initial dredging cycle rather than move towards closure. Mr. Peyronnin’s organization ultimately wants to find an opportunity to identify additional sources of revenue to maintain the anchorage.

Ms. Goodman said that the anchorage extended from River mile 1 above Head of Passes to river mile 6.7 and that it extended 1,600 feet out from the right descending bank. The West Bay Diversion is at river mile 4.7. (Mr. Duffy later clarified that the anchorage started at river mile 1.7). Ms. Goodman noted that the agreement made with the navigation industry for the West Bay Project was to dredge and maintain only a 250 foot wide swath parallel to the channel and there is probably shoaling occurring outside of that area. Colonel Lee added that the

USACE has been through two different increments of dredging to address shoaling in the anchorage area and both events were beneficially used and placed in the receiving area.

Colonel Lee called for a break so the Task Force could draft an amendment to Mr. Graves' motion. After the break, the Task Force resumed discussion on the issue.

Colonel Lee corrected his statement that the Corps had already elevated the issue of allowing the one increment for the actual dredging to occur and not funding the rest of it until a later time to the Secretary of the Army. He said that the Corps staff is developing a position paper that we're sending up our chain of command and trying to get confirmation. As has been heard this morning, there is an urgency to get the navigation dredging done for the Anchorage area. Colonel Lee said that he was pretty positive that we're going get the confirmation on doing one increment of dredging.

Ms. Goodman read a draft of the motion that required that the Report be provided to the Task Force within six months. Ms. Price pointed out that the cost will go up astronomically if this is required. Colonel Lee stated that this mark should be kept on the wall, but that the modelers should be asked what such costs would be. Later, Dr. Kleiss stated that people said that the first modeling was not detailed enough. A six month schedule makes it impossible to have high water data collected and analyzed before the report is due. Colonel Lee reiterated that he wanted to keep the mark on the wall. He pointed out that if there is a deviation in schedule, it can be proposed back to the Technical Committee and then to the Task Force for consideration.

The amended motion is as follows: Mr. Graves made a motion to require the USACE and State of Louisiana, with participation from the CWPPRA Technical Committee and consultation with the maritime industry and other interested parties, to finalize a Work Plan on river shoaling in the area of the CWPPRA West Bay Diversion Project by February 28, 2009. The Work Plan shall include an analysis of current and historic bathymetry and other relevant data on this region of the Mississippi River and a quantification of total historic and recent shoaling that has occurred in the area before and after the construction of the project. The report resulting from the Work Plan shall include estimates on the volume of shoaling resulting from the project, shoaling from natural processes, and an estimate of the volume of sediment that has been removed from the river resulting in a decrease in the dredging required in the vicinity of and down river from the West Bay diversion. A final report resulting from the Work Plan shall be provided to the Task Force within six months. The motion also requires that the draft and final Work Plan and report be independently reviewed by a team of experts within 30 days of completion of each document. The independent review team should consist of the CWPPRA Academic Advisory Group and the LCA Science and Technology Program. Dr. Watson seconded. The motion was approved by the Task Force.

C. (Agenda Item #5) Discussion/Decision: Request for Phase II Authorization and Approval of Phase II Increment 1 Funding

Mr. Holden announced that there are six projects requesting Phase II approval and Increment 1 funding. Total Phase II Increment 1 funding for all six projects is approximately

\$154 million, yet there is only about \$77.5 million available. The Technical Committee ranked the projects based on individual agency votes and weighted scores.

Mr. Kevin Roy, USFWS, presented project maps and described the six projects. The Lake Hermitage Marsh Creation Project proposes to utilize a borrow site within the Mississippi River to pump dredged material to create 549 acres of marsh and to restore approximately 7,400 feet of the eastern Lake Hermitage shoreline. In addition, 7,300 feet of earthen terraces will be constructed. A summary of other project information including costs and net acres benefited and Technical Committee voting results is shown in the following table.

Agency	Project No.	PPL	Project Name	Number of Agency Votes	Sum of Weighted Score	Prioritization Score	Total Fully Funded Cost Est.	Net Acres Benefitted
FWS	BA-42	15	Lake Hermitage Marsh Creation	6	22	40.5	\$38,040,158	447
EPA	TV-21	14	East Marsh Island	5	14	34.2	\$23,025,451	169
NRCS	BA-41b	14	South Shore of the Pen - CU 2	5	12	60	\$9,682,932	63
NRCS	BA-27c(3)	9	Barataria Basin Landbridge, Ph 3-CU 7	3	6	45.5	\$32,583,477	180
EPA	TE-47	11	Ship Shoal: Whiskey West Flank Restoration	3	4	36.8	\$52,140,861	195
NRCS	TE-43	10	GIWW Bank Restoration of Critical Areas in Terrebonne	2	2	48.5	\$15,304,924	65

The East Marsh Island Marsh Creation Project is located on Marsh Island State Wildlife Refuge. This project proposes to borrow material from East Cote Blanche Bay and create approximately 165 acres of marsh and nourish an additional 197 acres of marsh. Containment dikes and an earthen plug on the end of a canal will also be constructed as part of this project.

The request was for the South Shore of the Pen Shoreline Protection and Marsh Creation Project, the southern marsh creation site only. The shoreline protection component of this project was approved in 2008 by the Task Force. In addition to that, the northern marsh creation unit is to be constructed by the Corps of Engineers with Supplemental IV funding. In total 63 acres of marsh would be created and an additional 14 acres of marsh nourishment would occur from a borrow site in the Pen.

The request was for the Barataria Basin Landbridge Shoreline Protection Project, Construction Unit 7 of Phase III. Approximately 23,000 feet of shoreline protection will be installed along the western bank of Bayou Perot and the north shore of Little Lake to benefit 180 acres. In addition, there is the potential for 38 acres of marsh creation using material dredged from the flotation channels placed between the rock and marsh.

The Ship Shoal Whiskey Island West Flank Restoration Project proposes to restore 500 acres of beach, dune and marsh habitat on the west flank of Whiskey Island. The plan is to mine Ship Shoal located approximately 15 miles offshore.

The GIWW Bank Restoration Project is another project which is broken up into segments and funded by other sources. The Phase II request was to install 8,800 feet of foreshore rock dike to benefit 65 acres.

Mr. Holden stated that the Technical Committee recommended Phase II authorization and Increment 1 funding for the top three projects (Lake Hermitage Marsh Creation, South Shore of the Pen, and East Marsh Island) and the GIWW Bank Restoration Project, provided construction funds are available.

Mr. Norton moved to approve the Technical Committee's recommendation for Phase II authorization and Increment 1 funding for the top three projects (Lake Hermitage Marsh Creation Project for \$36,678,120, South Shore of the Pen for \$9,682,932, and East Marsh Island for \$21,418,803) for a total of \$67.8 million. Mr. Boggs seconded. The motion was passed by the Task Force.

Ms. Gay Browning, USACE, noted that with approval of this motion, there would be a balance of approximately \$15.7 million remaining, including the \$6 million to be returned by USFWS.

Colonel Lee opened the floor for further discussion from the Task Force.

Mr. Norton pointed out that there are some Task Force issues and concerns regarding the funding of the GIWW Bank Restoration Project. He said that if the Task Force voted not to accept the Technical Committee's recommendation on that, the NRCS would offer to break the Barataria Basin Landbridge project into a sizable chunk that could fit within the balance of the funds available.

Mr. Boggs said that he likes the efficiency of the Barataria Basin Landbridge Project and would support Mr. Norton's proposal.

Mr. Doley expressed concern about the additional costs and uncertainty of a funding source associated with the West Bay Project. Mr. Doley stated that at least \$120 to \$150 million in projects with prior approval for Phase II construction will be coming to bid next year. He is concerned that a percentage of those projects will experience cost overruns, for which the Task Force would need to be prepared with sufficient funds. Mr. Doley suggested that the Task Force delay consideration of the Barataria Basin Landbridge and other projects on the list until the next Task Force meeting. Colonel Lee said that Mr. Doley made a valid point; delaying a decision will give the Task Force flexibility to deal with West Bay and address possible post-Katrina/Rita cost escalations that may arise.

Dr. Watson echoed Mr. Doley's comment about deferring decisions on expenditures of the additional \$15 million until the Task Force sees the outcome of the West Bay Work Plan.

Ms. Goodman noted that there is no money set aside for FY12 to deal with the next incremental event for the West Bay Project, which would either be dredging to keep it open or dredging to restore the anchorage area and close the diversion. Mr. Doley stated that it was only \$9 million that would be left on the table since FWS had not actually returned the \$6 million yet. Mr. Norton said he had a table to break down the Landbridge project, but it appeared that the Task Force did not even want to consider this.

Mr. Doley moved to defer allocation of the remaining \$15.7 million until the June Task Force meeting. Dr. Watson seconded. Mr. Doley, Dr. Watson, and Colonel Lee voted in favor of the motion, while Mr. Norton and Mr. Boggs did not. The motion was passed by the Task Force.

Colonel Lee apologized for not allowing public comment before the vote and opened the floor to comments.

Mr. Windell Curole, South Lafourche Levee District, asked the Task Force to amend the motion to state that if funds are still available in June, then the funds would go to the Barataria Basin Landbridge Project. There is almost no separation between the Gulf of Mexico and the Intracoastal Waterway and the landbridges are critical to the area.

Mr. Mark Schleifstein, Times Picayune, asked if any money from the Economic Stimulus Package is expected to be available for Breaux Act projects that might be acted upon in June. Colonel Lee replied that they have provided information about the CWPPRA Program to members of Congress, but that no additional details are known. Mr. Holden added that CWPPRA has responded to delegation requests on specific projects that are Breaux Act actionable in Phase II, but that we don't know what the funding might look like right now.

Ms. Leslie Suazo, Terrebonne Parish, asked for clarification on the Technical Committee's recommendation regarding the GIWW Bank Restoration of Critical Areas in Terrebonne Parish. Her understanding is that this project is next in line for funding based on the Technical Committee's recommendation unless that project is being withdrawn by the Federal sponsor. Mr. Norton replied that the project has not been withdrawn. The Barataria Basin Landbridge Project was ranked fourth by the Technical Committee vote, but the GIWW Bank Restoration of Critical Areas in Terrebonne Project was moved up because it could have been funded within the \$15.7 million balance and is still on the table for Task Force consideration.

Mr. Norton added that the NRCS is willing to reduce the size of the Barataria Basin Landbridge Project request for Phase II funding. The project can be built in increments and the NRCS could scale back the project to fit within the \$15 million available. Mr. Norton also said that the NRCS is willing to look at alternative treatment methods for the GIWW Bank Restoration Project and determine if there are more cost effective methods for this work.

Senator Reggie Dupre, Terrebonne and Lafourche Parishes, commented that the State is putting up \$20 million for emergency dredging in the Donaldsonville area for the Bayou Lafourche Diversion Project and that the next step would be the replacement of the Donaldsonville Railroad Bridge. He asked if it was possible to pull components out of the larger

scale restoration projects and build them with some of the stimulus money. Senator Dupre feels it would be wise for CWPPRA to consider splitting projects and funding components with stimulus money. Colonel Lee responded that other CWPPRA projects have been executed through other program authorities. Ms. Goodman added that the northern marsh creation component for the South Shore of the Pen Project was removed last year because the USACE was able to use Fourth Supplemental funds for this component. The USACE had to demonstrate that the two components were stand alone features with their own merit.

Colonel Lee opened the floor to further discussion from the Task Force.

Mr. Boggs proposed a modification to the previous motion made by Mr. Doley. Mr. Boggs would like the motion to specify that remaining funds be set aside specifically for the Barataria Basin Landbridge Project. Mr. Norton seconded. Mr. Boggs, Mr. Norton, and Colonel Lee voted in favor of the motion, while Dr. Watson and Mr. Doley did not. The motion was passed by the Task Force.

Mr. Doley asked for clarification that the balance of funds available in June after any other Task Force actions would go to the Barataria Basin Landbridge Project, or would the Task Force have further discussion. Ms. Goodman stated and Mr. Holden reiterated that if there is no money left in June, then by approving the Barataria Basin Landbridge Project for Phase II, the Task Force would be committing FY10 funds to construct the project. Mr. Doley said that his understanding was that the balance of funds available as of June 2009 would be applied to the Barataria Basin Landbridge Project and no more than the balance available at that time. Ms. Goodman asked that if there is only \$2 million left over, would it be feasible to construct anything meaningful or would the Task Force be earmarking money up-front and making a commitment to spend FY10 funds to complete construction of the project. Mr. Norton commented that if there is \$2 million left in June, it would be unreasonable to fund the project but there could be a large enough increment left that we could use to provide benefits to the Barataria Basin.

Colonel Lee called for a break so the Task Force could draft an amended motion and to clarify the proposed motion before voting.

Mr. Boggs new motion is as follows: To defer action on the Barataria Basin Landbridge Project until the June Task Force meeting. At that time, if there are available funds the Task Force will consider approving Phase II, Increment 1 funding for a feasible, separable increment of the Barataria Basin Landbridge Project. Mr. Norton seconded. The motion was passed by the Task Force.

D. (Agenda Item #6) Discussion/Decision: Request for Project Scope Change for PPL 16 – Alligator Bend Marsh Restoration and Shoreline Protection Project

Mr. Britt Paul, NRCS, said that after the Alligator Bend Marsh Restoration and Shoreline Protection Project was approved for Phase I funding, it was determined that the marsh creation component would be addressed by the landowner through a wetland mitigation bank. A scope change is needed to remove the marsh creation and nourishment feature from the original project

scope. The proposed change in scope includes the addition of a foreshore rock dike to protect approximately 26,700 feet of shoreline as well as earthen terraces and vegetative plantings to protect about 21,700 feet of shoreline. The NRCS requested that the project be allowed to continue on to the 30 percent design with this scope change, then the Task Force will be asked for further approval.

Mr. Norton moved to approve the Technical Committee's recommendation to change the project scope for the Alligator Bend Marsh Restoration Projection Project. Mr. Boggs seconded. The motion was passed by the Task Force.

E. (Agenda Item #7) Discussion/Decision: Change in CWPPRA Standard Operating Procedures (SOP) to remove Prioritization Process

Mr. Hartman announced that the prioritization process was developed in the late 1990s and is outdated. The Technical Committee recommends revising the SOP to drop the specific scoring of the prioritization criteria. Mr. Hartman added that the workgroups will still consider the variables but will not develop specific numbers in a structured meeting.

Mr. Darryl Clark, FWS, offered a point of clarification. There are eight criteria involved: cost effectiveness, area of need, implementability, certainty of benefits, sustainability of benefits, riverine inputs, sediment input from outside the system, and landscape features such as lake rims and ridges. These items will still be discussed among the agencies and the fact that the prioritization score will no longer be developed does not mean that the review of projects will be less scientific.

Colonel Lee commented that the prioritization score was a somewhat subjectively determined number and the recommendation is to get away from that. Components of the prioritization project are still reviewed individually, but a single number is not generated.

Mr. Doley asked if the individual criteria will still be documented for later use. Mr. Hartman replied: No. In terms of actually documenting a number for the eight criteria, Mr. Hartman said that it was a subjective process because some agencies placed higher weighting on different criteria. Investing significant staff time to develop and discuss those numbers does not seem like an effective use of time. Ms. Goodman added that the prioritization score was a tool in addition to the existing methods used to evaluate projects. The projects are not selected based on the prioritization score. Mr. Hartman pointed out the criteria changed about once a year. He felt it was more important to discuss the effects of hurricanes on project selection and support of the State Master Plan.

Dr. Jenneke Visser, Chairman of the Academic Advisory Group, supported the Technical Committee's recommendation to remove the requirement of developing prioritization scores for projects. These criteria are already captured in other parts of the program.

Mr. Doley moved to approve the Technical Committee's recommendation to modify the SOP by eliminating development of the prioritization score for each project. Dr. Watson and Mr. Boggs seconded. The motion was passed by the Task Force.

VI. INFORMATION

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

Ms. Browning briefed the Task Force on the current funding situation. The Task Force approved \$5.4 million for the FY09 Planning Budget on November 5, 2008. There is a current surplus of \$738,997 in the Planning Program. The Construction Program has received \$797.7 million in Federal funding from FY92 to FY08. Anticipated FY09 Federal construction funds total \$84.9 million. The non-Federal share is estimated to be \$12.7 million. There are \$781.6 million in obligations and \$447.2 million in expenditures to date. There are 141 active projects: 76 have completed construction, 18 are currently under construction, and 47 have not yet started construction. There are 12 projects scheduled to begin construction in FY09. There is a potential return of \$6 million in project construction funds. Because CWPPRA has not yet received the FY09 work allowance, the current unencumbered Federal balance in the Construction Program is negative \$10 million. The total FY09 available construction funding balance is estimated to be \$94.7 million. Task Force approval of all Technical Committee recommendations would leave a balance of \$4.4 million.

Ms. Goodman reported on the total program obligations for FY92 through FY09. The current unobligated balance is \$212.2 million, which includes the estimated FY09 funds. Current funds available to spend on new work total \$95.4 million and include \$738,997 in the Planning Program and \$94.7 million in the Construction Program. Total program funding from FY02 to FY09 is \$1.2 billion. The total funds, both Federal and non-Federal, over the life of the program are projected to be \$2.43 billion, including \$5 million a year for Planning. The total cost for all PPL 1-17 projects including Planning is \$2.18 billion. Twenty years of funding required for projects that have been approved for construction is \$1.25 billion. The gap between the projected \$2.43 billion and \$1.25 billion is \$1.18 billion. If unapproved cost increases for non-cash flow projects are included, the gap becomes \$1.09 billion

B. (Agenda Item #8) Report/Discussion: Status of Unconstructed Projects

Mr. Robert Routon, Office of Coastal Protection and Restoration, provided an update on the Brown Lake Hydrologic Restoration Project. The project team is currently reviewing the project history and scope. The State does not fully support the current scope and is reviewing alternatives. The State is also in the process of meeting with stakeholders and the Federal sponsor (NRCS) and will bring recommendations to the Task Force once they are determined.

C. (Agenda Item #9) Report/Discussion: Status of the PPL 8 – Sabine Refuge Marsh Creation Project, Cycle 2

Ms. Goodman reported that the Task Force recently approved via fax vote to fund the remaining Sabine Refuge Marsh Creation Project budget in the amount of \$2.9 million. Ms. Fay Lachney, USACE Project Manager, reported that the project plans and specifications are complete. The pre-solicitation notice is scheduled to be posted on January 23rd with the

advertisement going out to bid on February 9th. Bid openings are scheduled for March 11th and a contract should be awarded in April.

D. (Agenda Item #10) Report/Discussion: EPA and Louisiana OCPR Request for Task Force Fax Vote to Increase the Phase 2 construction budget for PPL 13 – Whiskey Island Back Barrier Marsh Creation Project

Ms. Goodman announced that the Technical Committee voted by e-mail to recommend Task Force approval via fax vote to increase the budget for the Whiskey Island Back Barrier Marsh Creation Project in the amount of \$2.5 million to cover bid overruns and additional work, including vegetative planting elements as well as a 5 percent contingency. The Task Force has made a fax vote to approve those funds.

VII. ADDITIONAL AGENDA ITEMS

There were no additional agenda items.

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 19 Regional Planning Team Meetings would be held January 27-29, 2009. The Region IV meeting will be on January 27th at the Rockefeller Refuge. The Region III meeting will be January 28th in Morgan City. Regions I and II meetings will be held on January 29th at the USACE New Orleans District. The Coast-wide voting meeting will be February 18th in Baton Rouge. The next Technical Committee Meeting will be held April 15, 2009 in New Orleans, and the next Task Force Meeting will be on June 3, 2009 in Lafayette. PPL 19 public meetings, where we announce the results of the candidate evaluations, will be on November 17th in Abbeville and November 18th in New Orleans. The December 2nd Technical Committee meeting will consider Phase I approvals along with Phase II.

B. Adjournment

Colonel Lee adjourned the meeting at 1:35 p.m.