

**BREAUX ACT**  
**Coastal Wetlands Planning, Protection and Restoration Act**

**TASK FORCE MEETING**  
**3 June 2009**

**Minutes**

**I. INTRODUCTION**

Colonel Alvin Lee convened the 72<sup>nd</sup> meeting of the Louisiana Coastal Wetlands Conservation and Restoration Task Force. The meeting began at 9:40 a.m. on June 3, 2009 at the Estuarine Fisheries and Habitat Center, Conference Room 119, 646 Cajundome Boulevard, Lafayette, LA. The agenda is shown as Enclosure 1. The Task Force was created by the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA, commonly known as the Breaux Act), which was signed into law (PL 101-646, Title III) by President George Bush on November 29, 1990.

**II. ATTENDEES**

The attendance record for the Task Force meeting is presented as Enclosure 2. Listed below are the six Task Force members 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 3-4, 6-7, and 10-19.]  
Colonel Alvin Lee, Chairman, U.S. Army Corps of Engineers (USACE)  
Mr. Kevin Norton, Natural Resources Conservation Service (NRCS)  
Mr. William Honker, U.S. Environmental Protection Agency (USEPA)

**III. OPENING REMARKS**

Mr. Honker announced that Mr. Tim Landers, USEPA, is leaving the USEPA Region 6 office to work at the USEPA Headquarters in Washington, DC. On behalf of the Task Force, Colonel Lee presented Mr. Landers with a Certificate of Appreciation for exemplary service from October 2008 to June 2009 in the CWPPRA Program as a representative for the USEPA on both the Technical Committee and Planning and Evaluation (P&E) Subcommittee. Colonel Lee also presented Mr. Landers with a USACE Commander's coin. Mr. Landers said that his participation in CWPPRA for the last 15 years has been a highlight of his career. Mr. Landers hopes that he can continue to support the CWPPRA Program through his future work at the USEPA Headquarters.

Mr. Honker thanked Dr. Jane Watson, USEPA, for doing an excellent job as a substitute for Mr. Honker's position as a Task Force representative over the past year.

Mr. Garrett Graves requested that Agenda Items 8 (River Reintroduction into Maurepas Swamp) and 9 (West Bay) be discussed earlier in the meeting. Colonel Lee also requested that Agenda Item 5 (FY10 Planning Budget Development) be covered earlier.

*Mr. Honker made a motion to discuss Agenda Items 5, 8, and 9 after Agenda Item 2 (Adoption of Minutes). Mr. Norton seconded. The motion was passed by the Task Force.*

#### **IV. ADOPTION OF MINUTES FROM JANUARY 2009 TASK FORCE MEETING**

Colonel Lee called for a motion to adopt the minutes from the January 21, 2009 Task Force Meeting.

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

#### **V. TASK FORCE DECISIONS**

##### **A. Agenda Item #5 – Discussion/Decision: Initial Discussion of FY10 Planning Budget Development (Process, Size, Funding, etc.)**

Mr. Kevin Roy, USFWS, reported that the FY10 Planning Budget process would begin in June 2009 with agency review of budget line items, development of costs associated with each task, and discussion of the supplemental tasks. The budget development may also include consideration of returning to four annual meetings for the Technical Committee and Task Force. The P&E Subcommittee will meet in August 2009 to finalize the budget within the \$5 million cap and will present the FY10 budget at the September 2009 Technical Committee Meeting.

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

Colonel Lee said that he does not support adding a fourth meeting because of scheduling conflicts. Mr. Honker agreed and added that he would rather spend an additional hour or two at each meeting to reduce travel time for attendees associated with an additional meeting. Mr. Boggs also agreed.

Mr. Graves recommended that the Task Force add extra meetings on a case-by-case basis. Colonel Lee agreed that the Task Force could decide to call a special meeting as needed.

*The Task Force directed the P&E Subcommittee not to pursue the potential to have four meetings per year any further and to continue the FY10 Planning process based on three meetings per year.*

Mr. Roy stated that the P&E Subcommittee will develop the PPL 20 project selection process to mirror the PPL 19 process. There has been discussion by the agencies and parish representatives to conduct project nominee voting via an online web and phone conference instead of holding a face-to-face coastwide voting meeting. The details will need to be worked out with a test run later this summer to work through any technological glitches.

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

Mr. Honker liked the idea of an online voting process. Colonel Lee agreed and added that the capability of a webinar-type meeting would help reduce costs.

*Mr. Boggs made a motion to direct the P&E Subcommittee to move forward with the development of the FY10 Planning Budget and PPL 20 Process. Mr. Honker seconded. The motion was passed by the Task Force.*

**B. Agenda Item #8 – Discussion: Project Update and Request for Project Scope Change for PPL 11- River Reintroduction into Maurepas Swamp Project (PO-29)**

Colonel Lee stated that the current construction estimate for the River Reintroduction into Maurepas Swamp Project is \$151 million, which is more than \$120 million over the currently approved project costs. Colonel Lee asked Mr. Tom Holden, USACE, to brief the Task Force.

Mr. Holden reported that the Technical Committee passed a motion at the April 15, 2009 meeting requiring that the USEPA, State, and USACE develop an action plan to facilitate continuation of the engineering design for the River Reintroduction into Maurepas Swamp Project under CWPPRA or a seamless transition for final design and construction under another program such as the Louisiana Coastal Area (LCA). The USEPA and USACE have achieved a resolution for a path forward based on the State and USEPA's original proposed action plan and the USACE's revisions to that proposed action plan. The action plans were provided to the Task Force along with a summary of the USACE's legal opinion on their ability to move forward and a detailed assessment of the technical aspects of the 30 percent design that need to be addressed. Although the Technical Committee has not recommended the action plan, Mr. Holden feels that the USACE and USEPA have agreed on a path forward to either move the project into another program or to continue it under CWPPRA.

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

Mr. Graves asked Mr. Holden if there was anything else other than fiscal law, environmental regulations, and Planning and Guidance Guidelines for Water and Related Land Resources Implementation Studies adopted by the Water Resources Council (P&G) that factored into the decision for the Maurepas Swamp Project. Mr. Holden replied that as Commander of the USACE New Orleans District, Colonel Lee has the flexibility to support either direction. If the project continues design under the CWPPRA Program and is later transferred to LCA, there will be a risk that the plan selected under CWPPRA will not be the preferred selected alternative under LCA. The action plan outlines what is needed to resolve the 30 percent design comments to make sure the project is ready to move forward under CWPPRA or another program. The Corps, EPA, and State can work together towards a project management plan (PMP).

Mr. Graves asked if development of the Maurepas Swamp Project has been within P&G compliance. Mr. Holden stated that he could not determine if the project will comply with the P&G requirement under the LCA. Mr. Graves commented that the focus is to identify where there is a divergence in the P&G under the existing USEPA and State relationship. Mr. Holden said that this was correct.

Colonel Lee said that the 30 percent design review is typically when the USACE would have a tentatively selected plan. A gap analysis is needed to determine if the project as it is being developed under CWPPRA would meet requirements of the P&G.

Mr. Graves asked Mr. Holden to clarify the fiscal law factor identified. Mr. Holden said that the USACE's intent is to support continuing this project either with the State and USEPA completing the design or moving the project to another program. The USACE attorneys confirmed that neither CWPPRA nor LCA is more specific or takes precedence over the other. It is the Commander's prerogative to support the Task Force's decision. The gap analysis is essential and it is prudent to begin to reduce risk if the project is moved into LCA. The 30 percent design review comments should be addressed anyway. The USACE engineers would make a recommendation on whether or not the Commander should present this to the Mississippi River Commission (MRC) for construction regardless of how the project is moved forward either by CWPPRA, the Coastal Impact Assistance Program (CIAP) or LCA.

Colonel Lee added that from fiscal law, the decision could go either way. There is flexibility to continue with the design or transfer the project to LCA.

Mr. Graves asked about the specific fiscal law statute to which Mr. Holden referred. Mr. Holden said that if the Task Force were to move the project into the LCA, then the project needs to be tied in with the fiscal year. The USEPA as the Federal sponsor would notify the Task Force Chair who would then notify Congress of the program's intent to move the project under the LCA authorization and that CWPPRA would suspend funding in the next fiscal year. Moving the project forward under LCA would require a partnership agreement between the LCA and State as well as a Project Management Plan and other documents. If the gap analysis were to show that another alternative, such as a siphon, were just as viable and would meet the P&G guidance of the benefit-cost ratio, then there is a risk that further funds expending time and funds to complete the project design under CWPPRA could be wasted if the CWPPRA selected plan is not the preferred alternative under LCA.

Mr. Graves asked Mr. Holden to clarify the statement that inferred that there was a prohibition of using multiple funding sources to advance a project. Mr. Holden said that the document provided to the Task Force states that the USACE has to use one authority and funding source and would be prohibited from using the LCA funds concurrently with CWPPRA funds. Mr. Graves said that he knows of many projects that were built or progressed with the use of multiple funding sources from different agencies. Mr. Graves asked Mr. Holden to provide the specific statute of regulation that deals with the prohibition of multiple funding sources. Mr. Holden said that he would get this information to Mr. Graves.

Mr. Honker questioned if the risk would be eliminated by proceeding under CWPPRA with full engagement by the USACE during the gap and alternatives analysis. Mr. Holden replied that his hope is that steps taken by the USEPA and State would concur with the P&G and NEPA compliance and that the selected alternative under CWPPRA would be the preferred alternative under LCA. Mr. Holden added that the risk occurs if the gap analysis indicates the possibility of another alternative that wasn't considered or did not thoroughly address impacts to adjacent communities or levee boards.

Colonel Lee asked the Task Force to discuss how to move forward with the gap analysis and finalizing the Work Plan.

Mr. Honker said that on behalf of the sponsoring agency, USEPA, he does not feel that there is enough information for the Task Force to make a good transition time horizon decision at this time. He believes the Task Force should approve the change in scope because it is obvious that the project's construction cost will far exceed what was originally approved. A change in project scope is no additional cost to the program. Mr. Honker also feels that the USEPA and State should engage the USACE in this process so that the gap analysis and other components can be fully assessed to ensure that the design proceeds in a way to minimize risk if the project is eventually transferred into the LCA. The USEPA should begin working with the State and USACE on options and a timeline for transition. There are also budgetary issues to consider as far as the costs of the USACE's involvement. Mr. Honker believes the design process should continue under CWPPRA. Colonel Lee said that Mr. Honker presented some good concepts.

Mr. Graves asked if there was an estimate for the additional costs to pursue the gap analysis and continued design concurrently. Mr. Honker did not have that information. Mr. Holden said that he did not have a cost estimate at this time and added that the USACE has achieved an agreement among the USEPA and State to develop the gap analysis, which includes the scope, cost, and schedule. Mr. Holden proposed taking Mr. Honker's suggestion and phrasing it in the form of a motion. Mr. Graves said that he is supportive of the concept, but just wanted to understand the cost implications of pursuing the gap analysis.

Mr. Norton said that there are two costs to consider: the cost of the gap analysis and the cost to continue the design. If the current design does not end up being the preferred plan, then the amount of money expended on the design process would essentially be lost because the preferred plan design would have to start over. Mr. Norton asked if there could be a scenario in which the MRC would have to approve the project. Mr. Holden answered that this scenario would occur if the State were to move the project under CIAP and if the technical issues were satisfactorily addressed. The difficulty comes when the project is moved to the LCA. Mr. Holden agreed with Mr. Honker's point that the 30 percent design comments must be resolved before the project can move forward. Mr. Graves noted that there is risk no matter which path is taken regardless of the funding source. Mr. Holden clarified that there would be risk no matter which path was taken right now, however beyond the 30 percent design, it would be possible that further design efforts could be at risk if it is not the LCA preferred alternative.

Col. Lee asked about the timeline to conduct the gap analysis. Mr. Holden asked Mr. Troy Constance, USACE, to reply to Col. Lee's question. Mr. Constance stated that he does not

know how much effort is involved with conducting the review. Mr. Constance added that the USACE is proposing to meet with the State and USEPA to develop a working plan for the gap analysis including a scope, cost, and timeline by mid-July.

Mr. Doley asked if the Task Force would have a risk analysis on the preferred project after the gap analysis has been completed to be able to move forward past the 30 percent design. Mr. Constance replied that he would propose to do a plan evaluation and solicit comments on the report. The hope is that the plan selected would be identical to what would be submitted through the USACE. If this isn't the case, then CWPPRA would have to address the reasons why.

Mr. Doley asked if the USACE would be able to tell within the next three or four months whether or not the design is consistent with the USACE's view of what the preferred alternative should be. Mr. Constance replied: Yes. Mr. Holden cautioned that additional public comment may be needed.

Mr. Doley asked Mr. Holden what degree of confidence the USACE would have that the action will result in the preferred alternative before the design gets to the 95 percent level. Mr. Holden said that the USACE would be able to provide a scope, schedule, and cost necessary to close the gaps in the analysis by mid-July.

Mr. Norton commented that the Technical Committee motion stated that the USEPA, State, and USACE would develop an action plan and submit it to the Task Force prior to this meeting. Although there has been a proposed action plan by the USEPA and State and a response to that action plan by the USACE, there really is no action plan for this meeting. Colonel Lee said that a finalized action plan was not ready. Mr. Norton said that some issues need to be communicated and worked out, but does not feel there is an item to vote on at this time. Mr. Norton proposed the State, USEPA, and USACE finalize the action plan and then the Task Force can have a fax vote on the plan in mid-July. Colonel Lee agreed with Mr. Norton.

Mr. Graves expressed concern over the path of the discussion. Waiting another month to make this decision means another month of time will be lost that could have been spent doing additional design work. The State's action plan that was provided to the Federal partners involved more than adequate time to provide comments and come to a resolution at this meeting. The comments were not received in a timely manner. Mr. Graves believes the risk is minimal with proceeding with the 30 percent design and there would be an opportunity to do a course correction in the next month. Mr. Norton suggested voting on the scope change at this meeting, which would allow the design to continue through the next month. Mr. Graves agreed with Mr. Norton's suggestion.

Mr. Honker said, in response to Mr. Holden and Mr. Constance's comments, that he envisions the USACE functioning not only as an external review in the gap analysis, but also working with the USEPA and State to fix any problems with design components as the project moves forward. Colonel Lee said that some of this has already occurred with the 30 percent design review comments. Mr. Norton commented that the intent of the Technical Committee's original motion was that the three agencies would work toward a seamless transition for the final

design. The finalized action plan should facilitate that transition and the State needs to determine if they want to fund the project with a different program or move the project into the LCA.

Colonel Lee opened the floor to comments from the public. There were none.

*Mr. Norton moved to approve the scope change and current construction cost estimate of \$151 million for the River Reintroduction into Maurepas Swamp Project. Mr. Honker seconded. The motion was passed by the Task Force.*

Colonel Lee asked the Task Force if the P&E Subcommittee should be tasked with finalizing the action plan and the have the Technical Committee review the plan before the Task Force fax vote. Mr. Honker said that the USEPA, State, and USACE should be charged with finalizing the action plan.

Mr. Holden said that the USACE, State, and USEPA have met the Technical Committee's direction and now just needs to work through the action plan, which includes the gap analysis and resolution of the 30 percent design comments. The three agencies should be in a position to present the action plan in six weeks.

Mr. Doley asked if the Technical Committee would be informed of the action plan. If there is a budget change, will Technical Committee approval be sought? Is the decision coming back to the Task Force after the action plan is finalized?

Mr. Norton said that the Task Force should set a date for completion and resolution of the action plan. Colonel Lee agreed. Mr. Honker said that there should be a final action plan which would include the gap analysis, time frame, and cost by July 15<sup>th</sup>.

Mr. Holden said that the three agencies will work to develop the gap analysis, scope, schedule, and cost and present this by July 15<sup>th</sup>. They will also continue resolving the 30 percent comments. Mr. Holden suggested tabling the issue of providing support for any furtherance of the design.

*Mr. Norton moved to task the USEPA, State, and USACE with providing a final action plan by July 15<sup>th</sup>. The action plan shall consist of a gap analysis, cost for the USACE's efforts, and scope of work beyond the action plan. The agencies shall also continue to resolve the 30 percent design review comments. Mr. Boggs seconded. The motion was passed by the Task Force.*

### **C. Agenda Item #9 – Report/Discussion: Status of the PPL 1 - West Bay Sediment Diversion Project (MR-03)**

Mr. Holden highlighted the minutes from the January 2009 Task Force meeting discussion on the West Bay Sediment Diversion Project. The approved Task Force motion passed at the January 2009 meeting was as follows:

“To require the USACE and State of Louisiana, with participation from with the CWPPRA Technical Committee and consultation with the Maritime industry and other interested

parties, to finalize a Work Plan on the river shoaling in the area of the West Bay Sediment Diversion Project by February 28, 2009. The Work Plan shall include an analysis of the current and historic bathymetry and other related data on this region of the Mississippi River and a quantification of the total historic and recent shoaling that has occurred in the area before and after 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 final Work Plan and report be independently reviewed by a team of experts within thirty days of completion of each document. The independent review team should consist of the CWPPRA Academic Advisory Group and the LCA Science and Technology (S&T) Program.”

Mr. Holden said that since the January Task Force meeting, the Technical Committee has been engaged and the final draft Work Plan has been provided to the Task Force. On May 21<sup>st</sup>, the State’s consultant, BCG, presented results from their effort on a geomorphic and bathymetric analysis to the USACE. Mr. Holden said that the USACE requested a copy of BCG’s report, but have not yet received it. The USACE has provided the Task Force with an assessment of the results presented and how the State’s effort can be used to supplement the USACE’s Work Plan. Mr. Holden stated that the USACE, in coordination with the State, are executing the Work Plan and have begun critical portions to take advantage of the high river conditions. The correspondence will be delivered within the six month period as directed. Mr. Holden asked Ms. Cherie Price, USACE West Bay Sediment Diversion Project Manager, to present more details on the project.

Ms. Price said that a special CWPPRA Technical Committee meeting was held on February 27<sup>th</sup> to present all technical items for inclusion in the draft Work Plan. The draft Work Plan was reviewed by nine agencies that provided 130 comments. These comments were integrated into the Work Plan. Work Plan efforts have been initiated and three data collection events have been completed to date with the first data collection effort funded by the LCA S&T Office.

Ms. Price said that the Work Plan is a decision-making tool and will identify if there are any significant or measurable impacts of the West Bay Diversion on shoaling in the Pilottown Anchorage Area (PAA) and show how shoaling varies with river stage, flow, and seasonal effects over 20 to 50 years. The USACE received a presentation prepared by BCG on the geomorphic assessment. The BCG effort will fit in with one component of the Work Plan’s assessment, but the Work Plan contains six more components on a larger scale both temporally and spatially. The Work Plan also includes an analysis of river stage and discharge gage records and an analysis of suspended sediment and bed material to assess the characteristics of shoal material both pre- and post-construction. Significant engineering activities on the lower river will be studied to help determine the effect of these events on the bathymetric and hydrodynamic changes in the river. Components of the Work Plan will help determine if the shoaling trends are resulting from large-scale, long-term effects or if shoaling is a direct result of the West Bay Sediment Diversion. The USACE provided a presentation to the Task Force in November 2008



that showed that the PAA had been shoaling significantly before construction of the West Bay Diversion, but the USACE since realized that there was not enough information to quantify the direct shoaling effects of the diversion.

Ms. Price continued to explain that the Work Plan 1-D modeling effort will predict deposition and scour trends in the river for with and without diversion conditions. Ms. Price noted that the data collection is significant for the Work Plan effort and that previous modeling efforts lacked the necessary field data to determine the amount of sediment leaving through the diversion. It will also analyze the effects of other natural diversions such as Cubit's Gap. A multi-dimensional modeling effort will predict the 3-D nature of flow and sediment transport. Ms. Price said that the migration and change in discharge of the conveyance channel will also be studied. The channel discharge capacity has nearly doubled from 14,000 cubic feet per second (cfs) to 27,000 cfs at Venice stage. The Work Plan will help to determine why some of these changes are occurring and what the future trends might be.

Ms. Price said that the Work Plan was well received by the two peer review groups: the CWPPRA Academic Advisory Board and LCA S&T Office. The two peer review groups offered comments and suggestions to improve the Work Plan. These suggestions are listed below:

1. Extend the geomorphic analysis in the 1-D modeling effort to the East Jetty on Southwest Pass to look at the entire Mississippi River system effects on the diversion.
2. Collect additional bed material samples and conduct an additional analysis of survey data in the lower reaches of the river.
3. Include a sea level rise analysis in the 1-D modeling effort.
4. Prepare a sensitivity analysis to estimate the uncertainty in the modeling results and to quantify the accuracy of data and modeling tools.
5. Include a sediment budget in the receiving area, which will require additional core samples.

Ms. Price stated that the addition of the above mentioned efforts in the Work Plan would require an additional six months, which would result in a total of 12 months for the completion of the overall Work Plan. The USACE recommends the 12-month Work Plan effort because of these additions and the multi-dimensional analysis of silts and clays. The cost for the 6-month plan is \$936,836, while the cost of the 12-month plan is \$1,552,172. Ms. Price believes it is essential to learn more about the suspended sediment and bed load in the river. The Work Plan offers an opportunity to expand the knowledge of river sediment transport and hydrodynamics and use this knowledge for adaptive management techniques on future diversions. Ms. Price noted that the West Bay Project cost estimate through 2011 is \$33 million. Solicitations for the dredging contract for the PAA were posted on May 28<sup>th</sup> and the bid openings should occur within the next three weeks.

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

Mr. Honker asked if the Work Plan was already being implemented. Ms. Price replied that three data collection events were initiated to take advantage of high water conditions. Mr. Honker asked how the costs for implementing the Work Plan were being covered. Ms. Price said

that the costs are currently coming out of the authorized Operations and Maintenance (O&M) budget for the project. Ms. Price added that the O&M budget should be adequate to cover the cost of the Work Plan, but that final cost estimates are not yet known.

Mr. Holden responded to Mr. Honker's question and said the O&M should cover the current costs, but the final costs are not yet known until the contracts are negotiated.

Colonel Lee asked Ms. Price to re-state the differences between the 6-month and 12-month plans. Ms. Price said that there are six additional data collection events in the 12-month plan. The 12-month plan will also include the sea level rise analysis.

Colonel Lee clarified his question to focus on the technical standpoint of the 6-month versus 12-month plan. What additional information does the 12-month plan provide the Task Force to help them make future decisions? Ms. Price answered that by extending the model further downstream, additional information can be gleaned to help identify where the sediment is going and if the diversion is reducing sediment loads downstream. The multi-dimensional fine grain analysis will show what grain sizes are in the river and the sea level rise analysis is important to consider in the modeling and analysis. The sensitivity analysis is also needed to determine the level of uncertainty in model results.

Mr. Honker asked Ms. Price when the six-month time frame officially started. Ms. Price replied that it started three days ago. Ms. Price added that the LCA S&T Office felt that it was unreasonable to complete the Work Plan effort within six months and recommended the 12-month plan.

Mr. Doley asked Ms. Price when the dredging would occur. Mr. Price stated that dredging should occur in mid-July. Colonel Lee pointed out that the river water levels have to drop before dredging can begin. Mr. Doley asked about the extent of dredging in the anchorage and how many additional anchorages will be available to the maritime community during this time. Ms. Price said that the anchorage will be dredged according to elevations that existed at the time of construction, which is to dredge a 200-foot wide swath from river mile 1.5 to 6.7.

Mr. Norton asked how the decision to move forward with the 12-month versus the 6-month plan was determined and when did the draft Work Plan become final. Mr. Norton also asked if there were resources within the USACE to study channel dynamics and why was CWPPRA extending beyond the West Bay Project area. Colonel Lee referenced the previous motion from the January 2009 Task Force meeting, which stated that the Work Plan shall include estimates on the volume of shoaling resulting from the project and by natural processes and provide an estimate of the volume of sediment removed from the river resulting in a decrease in dredging required in the vicinity of and down river from the West Bay Diversion. Colonel Lee stated that extending the geomorphic analysis down river would help to address the requirement in the motion.

Mr. Norton asked that once the Work Plan has been accepted, would the USACE use the existing \$1.2 million in O&M funds to conduct the 12-month study. Ms. Price replied that they

have already started with the six-month effort, but the recommendation is to move to the 12-month plan.

Mr. Honker commented that the motion from the January Task Force meeting stated that there was supposed to be a Work Plan by February 28<sup>th</sup> and then a final report six months following the January meeting. Ms. Price said that the draft Work Plan was submitted on February 28<sup>th</sup> and two weeks were allowed for comments. The Work Plan was finalized on April 24<sup>th</sup>. Mr. Honker said that the schedule appears to be six months behind. Ms. Price said that the six months starts from the date of Work Plan approval. Mr. Graves said that this was incorrect and that the record clearly states that the Work Plan was to be provided to the Task Force by this meeting so that the Task Force could make a decision today. Colonel Lee said this is the first time external peer review was used and 130 comments had to be resolved before the Work Plan could be finalized on April 24<sup>th</sup>.

Mr. Graves asked Ms. Price to discuss the process by which the Work Plan was finalized. How did the Task Force or Technical Committee determine that the Work Plan was final and that the comments had been appropriately addressed? Ms. Price said that the final Work Plan was sent to all Technical Committee and Task Force members and no feedback was received. Mr. Graves said that the USFWS, National Oceanic and Atmospheric Administration (NOAA) NMFS, USEPA, and NRCS expressed concerns in April via email about proceeding with the \$1 million Work Plan when it was already two months behind schedule. Mr. Graves said that he was not aware that the Work Plan was truly finalized.

Mr. Holden said that once the comments were resolved and the peer review was complete, the Work Plan was circulated to Technical Committee members for concurrence to move forward. Mr. Holden said that the USACE was asked to hold the Work Plan until BCG was able to present their results. This meeting was delayed due to scheduling conflicts. The meeting was finally held on May 21<sup>st</sup>, where BCG presented a PowerPoint presentation. The USACE has requested a copy of BCG's report from the State. Mr. Holden added that the peer review group believes that the 12-month plan would provide a more detailed analysis to better understand what is occurring in the area.

Mr. Graves said that the State requested appropriate dates for a meeting between BCG and the USACE to occur in mid-April. Mr. Graves expressed concerns that the Work Plan is continuing outside the confines of what was authorized. The deadline has passed and every Task Force member's agency, with exception of the USACE, has expressed concern about moving forward. Mr. Graves said that he was not aware that anyone on the Task Force granted approval for a final Work Plan. It appears that the USACE has unilaterally determined that the Work Plan should extend for another 12 months. CWPPRA has committed \$11 million for FY09 to dredge this project area and can't continue to contribute dredging money. The Task Force was supposed to have a document in hand today so that a decision could be made. The anchorage must be sustainable. Mr. Graves does not believe that the 12-month plan is an appropriate path. Mr. Graves questioned the ability of the USACE to carry out a 12-month Work Plan within the confines of the \$1 million that is needed to proceed considering the fact that the State expended significant funds and provided a product that addresses some of the goals of the Work Plan.

Colonel Lee said that although the USACE received a briefing from the State on May 21<sup>st</sup>, the reports from BCG have not been submitted. The USACE does not believe that BCG's presentation provides adequate information to determine if an accurate assessment of the river system has been made. Colonel Lee submitted a letter from the Engineer Research and Development Center (ERDC) dated June 1<sup>st</sup> to the record. The letter provides comments, issues, and concerns from the BCG West Bay Diversion Study presentation. Colonel Lee asked Mr. Fred Pinkard from ERDC to provide an overview of the assessment.

Mr. Pinkard, Research Hydraulic Engineer with ERDC, attended the May 21<sup>st</sup> presentation given by the State and BCG. Mr. Pinkard said that it was difficult to perform a technical analysis on a Power Point presentation without the supporting documentation, which has not yet been received. A geometric assessment of the channel is an important part of a detailed geomorphic assessment. In order to do a proper assessment, the limits of BCG's work needs to be expanded further upstream and downstream. BCG looked at data from 1992 to 2008; Mr. Pinkard recommends going back to 1960 because it may take decades to see the effects of factors that impact channel changes. Data over a longer period of time is needed to do a proper assessment.

Mr. Graves said that had the meeting occurred in mid-April as the State requested, then the State could have had time to answer questions about the technical data. Mr. Graves noted that the State's analysis comprised of plotting the USACE's data; there were no assumptions. Mr. Graves was not sure why the USACE had concerns.

Mr. Pinkard clarified that they did not have any concerns over the plotting. The concerns are that the impact of the West Bay Diversion cannot be determined by just looking at data from 1992 to 2008 in the PAA. There are other factors to consider such as natural factors from storms, flood events, and human impacts that determine what actually occurs in a river system and how the system changes over time. The Work Plan would detail what those changes are and how they actually impact the West Bay Diversion area. Mr. Graves said that he did not dispute anything Mr. Pinkard said as the State's effort was never designed to achieve all of the goals of the Work Plan, but was simply designed to look at river conditions before and during operation of the diversion.

Mr. Graves asked if Mr. Pinkard felt that the area is an accumulating point bar. Mr. Pinkard replied that the PAA is shoaling, but that he could not provide an answer without doing a more detailed analysis on the data. Mr. Graves asked if, based on the channel cross sections, there appeared to be shoaling occurring above the diversion. Mr. Pinkard replied that based on the cross sections above the anchorage presented by the State, he does not recall that it looked like shoaling was occurring above the cut. Mr. Graves did not agree. Colonel Lee asked what this meant and if it gave a full assessment of what is happening in West Bay. Mr. Pinkard said that he could not answer that without a more detailed study.

Mr. Graves asked Mr. Brian Vosberg with the Office of Coastal Protection and Restoration (OCPR) and Mr. Luke LeBas, OCPR, to explain if the cross sections provided by BCG demonstrate conclusive evidence that there was shoaling prior to the opening of the

diversion channel. Mr. Pinkard added that the best he could recall, BCG presented one cross section above the diversion and he doesn't remember exactly what it showed.

Mr. Brian Vosburg, OCPR, stated that the one cross section presented above the West Bay Diversion did in fact show massive shoaling upwards to 10 feet, not in the anchorage itself, but in the actual navigation channel. In regards to the temporal and spatial scales of the State's data, Mr. Vosberg said the data was provided by the USACE and the State thought that this was the earliest data available that provided regular surveys of the channel's condition. Mr. Vosberg recommended including South Pass and Pass a Loutre if the geomorphic assessment area is extended. Mr. Vosberg commented that nearly all of ERDC's comments listed in the letter Colonel Lee submitted to the record are addressed in the written BCG report.

Colonel Lee said that the USACE asked for a copy of the written report in January and the USACE has yet to receive it. A written copy of the report would be very helpful as it is difficult to make an analysis based on Power Point slides. Mr. Graves said that a report was not provided in January because one did not exist. Colonel Lee stated that the USACE requested that a report be provided as soon as it was completed. Mr. Graves said that the State would provide Colonel Lee with a copy of the report during the week and reminded Colonel Lee that these items could have been addressed sooner had the meeting occurred before May 21<sup>st</sup>.

Ms. Price added that as she recalled from the presentation, BCG determined that the rate of deposition could not be ascertained between 1992 and 2008, and that much of the shoaling could be a result of a flood that occurred in 2008. So the specific impacts of West Bay on the anchorage area and navigation channel cannot yet be quantified. Colonel Lee said that until the State's report is reviewed, the USACE will not be able to make those assessments.

Mr. Graves apologized for his frustration, but some of the issues faced today will be exponentially greater with projects like Myrtle Grove that is estimated to cost \$450 million compared to the \$8 million for West Bay. This is not a good example of how CWPPRA can work through these issues to ensure a sustainable and thriving maritime industry and ecosystem, while protecting and restoring the coastal communities. Mr. Graves feels that the Task Force has to find a better way to address these issues. Waiting another year for information and spending more money for dredging is not in the best interest of the CWPPRA Program, particularly with the potential for the program revenue stream to decrease. Mr. Graves feels that the Task Force should make a decision whether or not the 12-month Work Plan is a prudent path forward at this point. Twelve months is too much time and the State doesn't have the money to spend on continued dredging.

Mr. Graves presented several slides of information and background on the current situation, which he hoped would provide a basis for the Task Force to make decision on how to move forward. Mr. Graves said that CWPPRA cannot continue to contribute millions of dollars annually for dredging; there has to be a more efficient use of CWPPRA funds. Louisiana has lost 2,300 square miles of land since the 1930s. The majority of this land loss is due to the construction of levees on the river system. The construction of the levees, the Mississippi River and Tributaries Project, is one of the most successful public works projects in the world and has had benefitted the navigation channel and prevented flooding. However, the levees have also cut

off the sediment flow to the Mississippi River deltaic plain. This is a fragile ecosystem and the levees have had a profound impact.

Mr. Graves said that at the November 2008 meeting the Task Force moved to develop a Work Plan to evaluate the potential for induced shoaling caused in the PAA by the West Bay Project. The Work Plan was to be completed by February 28<sup>th</sup>. It was very clear that the Work Plan was to be provided at this meeting so that the Task Force could make an informed decision. The Task Force received a copy of the Work Plan on April 8<sup>th</sup> and was not given sufficient time to provide comments. The Technical Committee never took any action to actually approve the Work Plan and Task Force members expressed concern about proceeding as a result of the evaluation performed by the State. The State asked BCG to review the existing USACE bathymetric data. The data revealed that there has been long-term shoaling in the PAA and the navigation channel and that the anchorage area is located on a building point bar. The data shows that even if the project were closed, there would still be shoaling in the area. Mr. Graves said that some of the dredging performed in 2006 occurred two miles north of the diversion and it was confusing to him why this would be attributable to the project. Mr. Graves presented cross section data that indicated that shoaling occurred prior to construction of the diversion channel.

Mr. Graves said that CWPPRA states that “the primary purpose of the CWPPRA Diversion shall not be to provide navigation benefits.” The purpose is for coastal wetlands restoration. Most of the Task Force members may feel threatened that the Task Force is operating outside the confines of the law and may be sued if the Task Force keeps appropriating funds for dredging. The attorneys have advised the Task Force that it is in a precarious situation.

Mr. Graves said that CWPPRA is currently paying for 100 percent of the dredging. There was an artificial baseline for depth when the area was dredged during construction. Mr. Graves talked about the agreement provision that states that “if at anytime the work exceeds 125 percent of the projected total cost, that no new contracts for the projects shall be awarded until such times as the government and State agree in writing to resume work on that or any other phase of the project.” Mr. Graves said that even with the \$11 million appropriated by the Task Force for the next dredging event, 125 percent of the projected total cost has already been exceeded.

Mr. Graves said that there has been extraordinary land loss since 1937. This is a dynamic system. The dynamic nature is not confined to outside of the levees. Mr. Graves wanted everyone to be aware that things may not remain static in the channel and this is what the data is showing. The State’s consultants advised that the area north of the anchorage appears to be at a sustainable depth and the cost of relocating existing pipelines would be between \$12 million and \$14 million. Mr. Graves asked if the Task Force should consider taking the dredging dollars and using them to fund pipeline relocations so there will be a sustainable anchorage area?

Colonel Lee asked about Mr. Graves’ statement that there was absolutely no connection between the West Bay Diversion and induced shoaling north of the PAA for the two mile area.

Is this the analysis given in the BCG report? Mr. Graves asked Mr. Luke LeBas, OCPR, to respond. Mr. LeBas stated that it is clear that shoaling occurred before the diversion was cut.

Mr. Graves clarified that there has been incredible changes in the Bird's Foot Delta. Mr. Graves believes that the outlets in the lower river system have contributed to these changes. He said that the addition of outlets in the river system would change the velocity in the river, however any shoaling that would occur above the diversion would be minimal in terms of attribution to the West Bay Project as compared to any other natural or system changes that are causing shoaling in the area.

Colonel Lee commented that the USACE has expended millions of dollars to dredge the navigation channel adjacent to the anchorage area based on the authorities and appropriations under the MRC for O&M. It took 12 years to get this project built after working through the challenges and issues associated with impacts to navigation and the anchorage area. Everyone recognized that there would be some induced shoaling in the PAA and the navigation community agreed to go forward because there was a Federal cost-share agreement that states that the induced shoaling would be rectified. Dredging of shoaled material has occurred twice and 100 percent of the material has been beneficially used. The only accretion of wetlands in the West Bay receiving area has been from the beneficial use material from these two dredging cycles. From the USACE's perspective, this is a project feature. The USACE is committed to finding out why this is happening, not just for West Bay, but for the adaptive management concept for application to other diversion projects. The MRC has to approve any diversion put on the Mississippi River and the Work Plan is essential to provide the information necessary to make an informed decision.

In response to Colonel Lee's comment about the beneficial use of dredge material being the only accretion in the area, Mr. Graves said that the surveys and core samples from receiving area indicate that there has been some accretion. Mr. Graves feels that the project should be fully analyzed in terms of benefits. CWPPRA needs to find an accurate baseline area to determine what has actually happened as a result of the project and what the impacts from storms and subsidence are.

Mr. Graves stated that he is concerned by the lack of an affirmed Work Plan and the exceeded time frame. Mr. Graves would like to identify a path forward to constrain costs and make a decision on the re-development of the West Bay Project to complement the navigation channel and CWPPRA's restoration efforts. Mr. Graves would like to task the Technical Committee with developing a revised Work Plan based on information the State has provided. The Technical Committee should provide a guidance document in a couple of months. The Task Force can then hold a special meeting to take affirmative action on the path forward for the West Bay Project.

Mr. Holden said that the USACE was tasked by the Task Force to develop a Work Plan that has undergone external peer review. The Task Force's direction was met. The recommendation of the Task Force was to provide an answer within six months from the April Task Force meeting. The peer reviewers recommend a 12-month plan to provide the highest standards and present the Task Force with the best information to make an informed decision.

The USACE could implement the 6-month effort if the Task Force desires, but this would not provide as high a standard as the 12-month plan. Mr. Holden asked if the Task Force would like the USACE to continue with the higher standard 12-month plan to provide the best science and quantification for an informed decision.

Mr. Graves said that there has been a misunderstanding because the answer should have been available today and not in another 12 months. The deadline was firm. The approach should have been what can be done within the confines of the time frame instead of taking liberties to decide on tripling the time frame. Many funds are being expended outside the confines of any authority the Task Force has been granted and it is not appropriate.

Colonel Lee responded that the BCG report was supposed to be ready months ago and there were several months of delays when the 6-month deadline was set. The modelers and other people working on the Work Plan said that it would take longer than 6-months. Colonel Lee said that he made the decision to drive the process. The USACE has coordinated with nine agencies, the State, Project Managers, and two Independent Technical Review (ITR) teams throughout the development of the Work Plan. The ITR teams recommend a 12-month study. If the Task Force does not want to do the 12-month study, then the 6-month study can be executed. Mr. Graves commented that the USACE's Work Plan was not approved.

Mr. Norton said that as time passes, it is easy to lose connectivity with the way decisions were made. Initially, when the timeline was laid out, everyone thought that the dredging activities would have been already completed by this meeting. The minute the dredging is complete, CWPPRA starts accruing a debt against the program because the area will immediately start to shoal again. The maritime industry is not happy with this delay. Mr. Norton stated that the NRCS is a proponent of sediment and freshwater diversions. Everyone believed that if the Task Force closed West Bay, it would be the end of diversions in the Mississippi River. The peer review is important, so that there is a solid understanding of how to proceed with future diversions.

Mr. Norton continued that the Task Force missed the mark at the beginning of the project with regards to West Bay's shoaling impacts in the anchorage areas. Now CWPPRA seems to own everything in the anchorage area whether West Bay is the cause or not. The Work Plan is supposed to define how much of the shoaling is really attributable to West Bay and how much is naturally occurring. The maritime industry feels that CWPPRA should dredge the whole area because of the inability to show any incremental difference. There is evidence that shoaling occurred before the diversion and it will continue to occur if the diversion is closed, but there is no science or information to provide an increment. Mr. Norton's concern is that if the Task Force can't come to a reasonable answer and get all parties at the table working towards a solution and shared responsibility, then the Task Force may have to close the West Bay Diversion. Mr. Norton said answers are needed within six months. Waiting a year will only make the situation worse. The question is: should the Task Force take the time to provide the information or should the Task Force realize that the project is too expensive and needs to be decommissioned? Another option would be to find another location for a diversion.



Mr. Honker expressed concern that no matter what the rigor of study, there will still be people who do not accept its conclusions. The real question is: what degree of rigor is needed to make a decision on how to proceed? The Task Force cannot forecast what other parties may consider an adequate study or not. The Task Force needs to know what percent of shoaling is due to the diversion so that a decision can be made on whether to continue to fund dredging over the project's life or move towards closure.

Colonel Lee said that the USACE is not authorized to dredge anchorage areas unless authorized by Congress. The USACE has been working with the State to inform the Congressional delegation to give the USACE authorization to dredge the anchorage area and appropriate the funds needed. Mr. Boggs asked if this Congressional authorization had short-term possibility. Mr. Holden responded that the USACE provided information to Congress about navigation safety and anchorages, but it is out of the USACE's control right now.

Mr. Graves said that the Task Force has to take advantage of the time given by the dredge cycle to make a long-term decision regardless of Congressional action. Mr. Graves appreciates the technical assistance provided by the USACE. CWPPRA must aggressively pursue a Congressional action to authorize the USACE to dredge anchorage areas. The maritime industry has expressed concern about the safety issues associated with the current condition of the PAA. CWPPRA cannot keep bleeding program funds to sustain the PAA and the project. Mr. Graves wanted it noted that he is concerned that the Task Force made a \$30 million decision without any basis for the decision. The Task Force needs something to base decisions on and the state will accept any guidance that is provided from the report and will act on its recommendations.

Mr. Holden requested that the Task Force provide direction on which study to pursue: the 6-month or 12-month plan. Mr. Honker questioned if the 6-month plan was adequate or if something more should be done with the peer review.

Mr. Graves commented that he would like the Technical Committee to determine what components of the Work Plan are most important and provide the Task Force with their guidance. The Task Force should call a special meeting to make a decision.

Colonel Lee asked Ms. Barb Kleiss, LCA S&T Office, to address Mr. Honker's comment about the 6-month versus 12-month option. Ms. Kleiss said that she asked for a volunteer group of experts to review the Work Plan. The experts included Dr. John Wells, Director of the Virginia Institute of Marine Science, Dr. Joe Fernando, Arizona State University, and Dr. Bob Dean, University of Florida. Ms. Kleiss said that the LCA S&T was concerned about the sampling time period. The river should be sampled for at least an annual cycle to collect data during high and low flow conditions. The LCA S&T also felt that a sensitivity analysis was needed and could not be completed within six months. Ms. Kleiss said that it wasn't that the 6-month plan was bad; the 6-month plan does not allow time for additional data collection and detailed analysis.

Dr. Jenneke Visser, CWPPRA Academic Advisory Group Chairman, asked Dr. Ehab Meselhe from the University of Louisiana – Lafayette to review the hydrodynamics aspects of the Work Plan. Dr. Meselhe's assessment was that to fully understand the amount of accretion

that is attributable to the diversion, a 3-D modeling effort is needed and this effort would be very difficult to accomplish within a six-month period. This is the reason why the CWPPRA Academic Advisory Group recommends a 12-month plan.

Colonel Lee asked the Task Force to discuss whether to pursue the 6-month or 12-month plan. Does the Task Force want to move forward with the 6-month plan as suggested by Mr. Graves with a review of progress in two months?

Mr. Graves said that that work that is ongoing is not authorized. He would like the Technical Committee to review the Work Plan, develop a document that could be executed within two months, and provide the report to the Task Force within two months. Mr. Graves also suggested that the private sector could perform the work or that another Federal agency could take the lead. He added that if the Task Force determines that the Technical Committee's report is insufficient to make a decision, then the Task Force could ask for additional work. Mr. Graves expressed concern that the Work Plan is taking too long and will go beyond the \$1 million approved.

Mr. Honker agreed with Mr. Graves that the Work Plan process is taking too long and that the Task Force should have had some answers by now. Mr. Honker asked about the two-month option mentioned by Mr. Graves. It seems that there is more uncertainty in the two-month option. Mr. Honker is more inclined to go with the better defined 6-month or 12-month options.

Colonel Lee opened the floor to comments from the public.

Mr. Mike Lorino, President of the Associated Branch Pilots for the Port of New Orleans, thanked the Task Force for moving forward with the \$11 million to fund this year's dredging event. Mr. Lorino reported that a grounding of a 22 foot ship recently occurred in the PAA. This has never happened before in the PAA and it is unacceptable. The anchorage is important because the State commissions his organization to bring the ships in safely. Mr. Lorino suggested putting a cutterhead dredge in the PAA and dredging from the edge of the channel. He asked how much it would cost to do this. The use of cutterhead dredging would bring the PAA back to the 1992 depth and allow another 12 to 13 years to study the diversion. Mr. Lorino feels that the 12-month plan will take too long. He added that part of the problem is that the State and USACE are on different sides and the pilots are in the middle. The ships are carrying 600,000 barrels of oil and an accident would cause environmental problems. Mr. Lorino wanted to go on record stating that the channel and anchorages are unsafe for navigation. Mr. Graves commented that this is why the State immediately signed the documents and agreed to transfer the funds to pay for 100 percent of the dredging. Mr. Lorino added that the Federal government needs to grant an exception to allow the USACE to dredge the PAA.

Mr. Sean Duffy, President of the Gulf States Maritime Association and representing the Maritime Navigation Safety Association and the National Association of Maritime Organizations, said that the USACE and State are at different sides of the table and the maritime industry is left in the back of the room. The maritime industry needs more of a voice to move forward in ways that promote coastal restoration and maintain safe navigation. The Task Force

motion made in January said that the Work Plan would be developed with consultation from the maritime industry. Mr. Duffy said that the maritime industry has had a few chances to speak and provide comments, but he doesn't feel his organization has really been heard. He suggested holding a meeting outside of a public forum where the maritime industry and USACE can discuss ways to promote restoration and navigation safety. Mr. Duffy commented that a speaker at a recent Coastal Protection and Restoration Authority meeting said that along with the levees, the addition of hydroelectric dams on the upper Mississippi River system has also taken sediment away. It is almost a year since the navigation safety issues were discussed with the Task Force. Maintaining the anchorage is important to prevent incidents like the one Mr. Lorino mentioned. Mr. Duffy realizes the dynamics of the river and that the BCG study says that the comparison of deposition rates is non-conclusive due to extreme events between 2003 and 2008. Mr. Duffy would like for the river pilots to be involved in these decisions. There needs to be open dialogue between the river pilots and the Task Force. Mr. Duffy summarized by saying that he does not feel that the maritime industry has been an equal partner, which was the intent of the original Task Force motion.

Mr. George Duffy, with NSA Agencies, Vice Chairman of the Governor's Maritime Task Force Advisory and representing the American Association of Brokers and Agents, said that he was involved with the original project proposal. The reason the maritime industry had the agreement put in place is because they knew this was going to happen. The diversion was first dredged to provide a sump area. The cost of dredging has gone up since the original estimate was made. He also stated that the West Bat Diversion is larger and does not have the same flow angle as before. The PAA never had to be dredged before the diversion. Mr. Duffy said that the BCG study is inconclusive. One cannot look at the diversion without having a pre-diversion history, which was not included in the report's sediment analysis. Mr. Duffy said that Mr. Lorino and other members of the maritime industry have stated that ships cannot use the anchorage and shallow draft vessels that normally use the anchorage area are now out in the channel. There is also a potential for chemical spills and loss of life as these boats have started using the main channel. The Task Force needs to make a decision based on everyone's input. Mr. Duffy said that he has not seen any resulting land built except from the beneficial use of material dredged from West Bay.

Colonel Lee commented that funding is in place for a dredging event that will take place as soon as water levels come down. Mr. George Duffy said that he appreciates that this will be done.

Mr. Graves said he was confused by Mr. George Duffy's comment that the data did not indicate that shoaling occurred prior to construction of the project. Mr. Graves stated that the cross sections above, below, and at the diversion seem to indicate otherwise. Mr. Duffy said that the data wasn't detailed enough.

Mr. Graves wanted to make it clear that BCG fulfilled their task of plotting the cross sectional data that was provided by the USCAE. The USACE asked for the BCG report, which is being assembled and will be available by Friday, June 5<sup>th</sup>.

Colonel Lee said that currently there is a working plan that has been reviewed by nine Federal agencies and independently reviewed by two external peer review groups. Comments from the review teams recommend a 12-month Work Plan. Colonel Lee asked: What is the next step? Does the Task Force move forward on the 6-month study or approve additional costs and time for the 12-month study?

Mr. Doley thought that the 6-month study should give enough information to provide the Task Force with management insight to make a decision, but the 12-month study would provide scientific value. Mr. Doley asked Mr. Holden and Mr. Constance about the additional uncertainty and if the Task Force would have enough information with the 6-month plan to make an informed decision. Mr. Holden said that the 6-month plan may give enough information to make an informed decision with some risk, but there will not be a full understanding of what is happening through an entire cycle. Mr. Doley said that he was concerned about missing another budget cycle with the 12-month plan. Mr. Holden said that the 6-month plan fits in with the budget cycle, while the 12-month plan does not. Mr. Holden asked Ms. Kleiss to address Mr. Doley's question. Ms. Kleiss said that the 12-month study includes the 3-D modeling of silts and clays, which is an important component to help determine the proportion of grain sizes in the receiving area, a sensitivity analysis to help address the uncertainty and risk analysis, and an analysis on how sea level rise may have affected the river. Another component in the 12-month plan is to extend the geomorphic analysis area further south. Ms. Kleiss said that all of these components would not be included in the 6-month plan.

Colonel Lee asked Ms. Kleiss if she believed that the 6-month study would give the Task Force the information needed to make an informed decision on the allocation of induced shoaling. Ms. Kleiss replied that the ERDC hydrologic engineers say that the 6-month study will allow them to make those recommendations.

Colonel Lee asked the Task Force if there was a motion to proceed. Mr. Graves said that the Task Force has already burned six months and that he does not have any confidence that this Work Plan will be issued on time. Mr. Graves said that he would feel more comfortable if another agency took the lead, the Technical Committee approved the Work Plan, and the Task Force proceeded with a shorter time frame.

Mr. Doley said that he was concerned about moving the project to another Federal agency because that agency may not have the capacity to solicit contracts and hire engineering firms to perform the work within six months to match the USACE's timeframe. Mr. Graves suggested using ERDC to some degree, but have another agency manage the work. Colonel Lee did not agree with Mr. Graves' assessment and said that the USACE has the capability to execute the study.

*Mr. Graves proposed a motion to have the Technical Committee approve the Work Plan within two weeks from today (by June 17<sup>th</sup>) and to provide an interim report within two months and continue to proceed with the final report within six months. The Task Force could determine if the interim report offers sufficient information to call for a special Task Force meeting to make a decision on a path forward for the West Bay Project.*

Colonel Lee called for a break so the Task Force could prepare the motion. After the break, the Task Force resumed discussion on the issue.

Mr. Graves apologized for coming across too candidly, but added that his frustration is clear. He is concerned because the Task Force's direction was not fulfilled in terms of the Work Plan being approved within the set timeframe. The deadline has passed and current efforts are now outside of the confines of any Task Force resolution or action. Mr. Graves would like a motion that states that the Work Plan must be approved by the Technical Committee and that an interim report will be issued to make certain that there is a path to completion. Mr. Honker agreed that the Task Force needs to approve the Work Plan and that the Technical Committee is better suited for this. Mr. Honker also feels that the two-week timeframe is adequate. Mr. Honker proposed to go with the 6-month version of the study and require check-in points, one being at the October Task Force meeting.

Mr. Doley said that giving this back to the Technical Committee would only delay this further and suggested having the Task Force take ownership and make a decision today.

Colonel Lee asked Ms. Price about the start date of the Work Plan execution. Ms. Price stated that the Work Plan started on May 25<sup>th</sup>. Colonel Lee said that six months from May 25<sup>th</sup> would be November 24<sup>th</sup>. Colonel Lee asked if the six months would include the peer review of the final report. Ms. Price said that the peer reviewers would have to provide comments within 30 days beyond the six month time frame. Ms. Kleiss could not comment on the review deadline. Colonel Lee stated that it is currently undefined as to whether the external review is in coordination within the six month period or if it is 30 days after.

*Mr. Boggs made a motion that the Task Force approve the 12-month plan proposed by the West Bay Work Plan group. The Work Plan group would provide an interim report with findings and recommendations in six months. Future funding for the project will be held in abeyance pending the results of the study.*

Mr. Honker asked what the Task Force could expect to have with the interim report in six months. Ms. Price said that the six-month information and outputs would be ready. Mr. Doley asked if the study could be stopped after six months as he was under the impression that some of the 12-month aspects needed to start now. Ms. Price said that was correct; some items from the 12-month effort, such as 3-D modeling, would need to start now. Mr. Holden said that in six months the Task Force will get the same informed decision if the work is restricted to six months. If the Task Force is comfortable with the information presented in six months, then they can suspend any further work on those elements that need to be started now. Colonel Lee commented that if the Task Force can't come to an informed decision in six months and the other tasks haven't started yet, the risk is that the process would be delayed. Mr. Holden agreed and added that the Task Force will be given a document with findings and recommendations based on the effort outlined in the six-month plan.

*Colonel Lee asked for a second on Mr. Boggs' motion. Mr. Doley seconded. Colonel Lee opened the floor to additional discussion from the Task Force.*

*Mr. Norton proposed an amendment to Mr. Boggs' motion to further clarify that the six-month report will be an actionable report with conclusions and findings as originally requested. Mr. Boggs and Mr. Doley accepted Mr. Norton's amendment.*

*The amended motion is as follows: Mr. Boggs made a motion that the Task Force approve the 12-month plan proposed by the West Bay Work Plan group. The West Bay Work Plan group will provide an actionable report that was originally requested with findings and recommendations in six months. Future funding for the project will be held in abeyance pending the results of the study. Mr. Doley seconded. The motion was passed by the Task Force.*

#### **D. Agenda Item #10 – Discussion/Decision/Vote: Status of Unconstructed Projects**

Mr. Holden reported that the Technical Committee reviewed the status of four unconstructed projects (Brown Lake Hydrologic Restoration Project, Weeks Bay Project, Castille Pass Sediment Delivery Project, and the Mississippi River Sediment Trap Project) at their April 15<sup>th</sup> meeting. Mr. Holden asked Ms. Rachel Sweeney, NMFS, to present each project and the Technical Committee recommendations.

Ms. Sweeney announced that two years ago there were 46 unconstructed projects and that, much to the credit of the process of reviewing unconstructed delayed projects, there are currently 35 unconstructed projects. Ms. Sweeney presented the Technical Committee recommendations by project.

**1. Brown Lake Hydrologic Restoration Project (CS-09)** – The project sponsors have requested a change in scope to remove the hydrologic restoration feature and focus only on the construction of earthen terraces. **The Technical Committee recommends Task Force approval to change the project scope from a hydrologic restoration project to a terracing project in the same project area as requested by the Natural Resources Conservation Service (NRCS) and the state.**

*Mr. Honker moved to approve the change in scope request for the Brown Lake Hydrologic Restoration Project. Mr. Boggs seconded. The motion was passed by the Task Force.*

**2. Weeks Bay Project (TV-19)** – This project suffered setbacks in terms of the project scope due to the engineering feasibility of authorized project features. A main project feature is the construction of shoreline restoration techniques. Unfortunately, this area has many pipelines and poor geotechnical conditions. The original project construction cost was \$15 million, but more recent estimates are near \$30 million. The Technical Committee recommends that the Task Force grant the local project stakeholders, Vermilion and Iberia Parishes, a one-year extension to a previous decision to not deauthorize the project so that they may prepare a feasibility report using CIAP funds to demonstrate whether or not there is a feasible alternative project. The local stakeholders committed to coordinate with the Corps and state project managers to report the project's status at the December 2009 Technical Committee meeting. This is the third 1-year extension that has been granted to this project.

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

Mr. Zeringue said that Mr. Ernest Freyou, Iberia Parish President, wished to express support for the Weeks Bay Project.

*Mr. Norton moved to approve the one-year extension for the Weeks Bay Project. Mr. Boggs seconded. The motion was passed by the Task Force.*

**3. Castille Pass Sediment Delivery Project (AT-04)** – This project has not received Phase II funding approval over the past three years. There are potential induced shoaling concerns and the USACE permitting group asked project sponsors to commit to funding the cost of dredging project induced shoaling in perpetuity. The Technical Committee agreed with the State and NMFS to initiate deauthorization procedures.

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

Mr. Doley asked about the estimated volume of induced shoaling. Ms. Sweeney replied that induced shoaling was estimated at 10,000 cubic yards per year. Ms. Sweeney added that the stumbling block was the inability of CWPPRA to commit funds to address induced shoaling in perpetuity. Colonel Lee commented that the Atchafalaya River is not a major use waterway and there is limited funding available to maintain the channel.

*Mr. Boggs moved to approve the initiation of deauthorization procedures for the Castille Pass Sediment Delivery Project. Mr. Honker seconded. The motion was passed by the Task Force.*

**4. Mississippi River Sediment Trap (MR-12)** – The project cost estimate at the time of original authorization was around \$50 million, while current cost estimates are near \$150 million to include O&M. There has been disagreement about the location of the sediment trap. The USACE and State agreed to move the project forward with deauthorization. **The Technical Committee recommends that the Task Force initiate procedures to deauthorize the project due to the high cost to implement the project, as recommended by the Planning and Evaluation Subcommittee.**

*Mr. Honker moved to proceed with deauthorization of the Mississippi River Sediment Trap Project. Mr. Boggs seconded. The motion was passed by the Task Force.*

#### **E. Agenda Item #6 – Discussion/Decision: Task Force Consideration for Phase II, Increment I Funding for the Barataria Basin Landbridge Project (BA-27c(3))**

Mr. Holden stated that at the previous meeting, the Task Force agreed to defer action on the Barataria Basin Landbridge Project and allocation of the remaining \$15.7 million in Phase II, Increment I funding. The Task Force will now consider approving Phase II, Increment 1 funding for a feasible, separable increment of the Barataria Basin Landbridge Project. Mr. Britt Paul, NRCS, said that Mr. Quin Kinler, NRCS, would brief the Task Force.

Mr. Kinler reported that the Barataria Basin Landbridge Project was not funded for construction in January 2009, but was given consideration to fund a portion of the project. The project was separated into three feasible, separable increments. The NRCS requests that the Task Force fund 8,000 linear feet of shoreline protection (approximately 35 percent of the original length) at a cost of \$8.4 million. Mr. Kinler said that Mr. Rick Hartman, NMFS, suggested shifting the proposed shoreline protection area further south to include the intersection of Little Lake and Bayou Perot. The State and NRCS are willing to shift the shoreline protection further south per Mr. Hartman's suggestion.

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

Mr. Doley asked if there was any additional cost associated with shifting the shoreline protection area further south. Mr. Kinler replied that he does not have an exact estimate, but the cross sections of the structure are the same for the entire length. The only variability would be in the change in water depth at the shoreline. Mr. Kinler added that he is confident that this adjustment will not significantly increase the cost estimate.

Colonel Lee asked Mr. Kinler to explain the rationale behind shifting the shoreline protection further south. Mr. Kinler replied that the erosion rates are more significant in the southern area. The intersection of Bayou Perot and Little Lake is critical because continued erosion will increase the tidal exchange into the upper part of the basin.

Mr. Zeringue asked Mr. Kinler if there are any existing structures in the lower portion of the shoreline. Mr. Kinler said that there are no structural features in the project area.

Mr. Doley asked Ms. Browning when CWPPRA would expect to receive money being returned to the program that could be used to fund the Barataria Basin Landbridge increment. Ms. Browning answered that she hopes the money will be returned in the next two months.

Colonel Lee opened the floor to comments from the public.

Mr. Nic Matherne, Lafourche Parish Coastal Zone Management, gave his support for the Barataria Basin Landbridge Project as this is a critical area of marsh. He understands that funding is contingent upon money coming back into the program. Task Force approval of this request would allow the NRCS to take the necessary steps to prepare for when the money is available and not have to wait until the next meeting. Mr. Matherne said that Lafourche Parish is in full support of the project.

*Mr. Norton moved to approve Phase II approval with an Increment 1 cost of \$8.5 million for a portion of the Barataria Basin Landbridge Project (BA-27) Construction Unit 7, consisting of approximate 8,000 linear feet of shoreline protection with an Increment 1 cost of \$8.5 million, contingent upon funds returned to the program. Mr. Boggs seconded. The motion was passed by the Task Force.*

**F. Agenda Item #7 – Discussion/Decision: O&M Incremental Funding Correction for Little Lake Shoreline Protection/Dedicated Dredging near Round Lake (BA-37)**



Mr. David Burkholder, O&M manager for OCPR, said that the Little Lake Shoreline Protection/Dedicated Dredging near Round Lake Project O&M incremental funding request made on November 5, 2008 for \$65,124 inadvertently did not include some expenditures. The correct incremental funding request should have been \$113,739. The Technical Committee recommends Task Force approval of \$48,615 to cover the shortfall.

*Mr. Honker moved to approve the Technical Committee's recommendation for the OCPR request of \$48,615 to cover the O&M shortfall for the Little Lake Shoreline Protection/Dedicated Dredging near Round Lake Project. Mr. Norton seconded. The motion was passed by the Task Force.*

### **G. Agenda Item #11 – Discussion/Decision: Funding Request for Post-Hurricane Operations and Maintenance on Sabine Structures Project (CS-23)**

Mr. Darryl Clark, USFWS, said that the Technical Committee recommends Task Force approval through a request from the USFWS and OCPR for an O&M budget increase of \$1,213,114, including three-year incremental funding of \$1,031,840 for post-Hurricanes Rita and Ike repairs and modifications to the Sabine Structures Project. The purpose of the project is to provide greater salinity and water level control to the eastern part of the Sabine National Wildlife Refuge. The structures have not been operating properly since construction due to electrical problems and damage from the Hurricane Rita. The proposed modifications and repairs include the replacement of actuators and gate adjustments. Monitoring results from 2004, when the structure was functioning, indicate that the project reduced salinities inside the project area as compared to reference areas. After Hurricane Rita, the USFWS used Federal supplemental funding to replace the electrical wiring for structures at a cost of \$230,000. The Tennessee Valley Authority (TVA) was unable to contract the remaining work and the rest of the funds were returned to the USFWS Regional office. The request is to fund modifications to enable the structure to operate properly. Mr. Clark said that Mr. Dewey Billodeau, Project Engineer, was available to answer any questions.

Colonel Lee opened the floor for comments by the Task Force.

Mr. Doley asked why the TVA was unable to bid out the remaining repair work. Mr. Clark replied that the TVA advertised the work twice, but received no bids. Mr. Clark was unsure the exact reason of this and speculated that the TVA's bid requirements may have been too strenuous. Mr. Billodeau added that the project was bid after the hurricanes and a number of the contractors already had work in place and may have been scared off by the complexity of the contract. Mr. Billodeau also said that recent bids for work in this area are more favorable and he does not foresee another bid issue.

Mr. Honker asked Mr. Clark to clarify why the money was returned. Mr. Clark stated that the post-hurricane supplemental funding was to only be used for repairs to damages from the hurricane and not for modifications.

Mr. Doley asked if the same benefits from 2004 were expected after the modifications. Mr. Clark replied: Yes.

Mr. Doley asked Ms. Browning how the anticipated funding would be affected with the approval of this request. Ms. Browning replied that there would still be a surplus of \$400,000. Mr. Clark stated that the O&M increase was included in the calculation of available funds in Agenda item 3. And those funds available were over \$6 M. Ms. Browning agreed.

*Mr. Boggs moved to approve the Technical Committee's recommendation for a budget increase of \$1,213,114 for O&M on the Sabine Structures Project. Mr. Norton seconded. The motion was passed by the Task Force.*

#### **H. Agenda Item #12 – Report/Decision: Scope Change Request for Little Pecan Bayou Hydrologic Restoration (ME-17)**

Mr. Paul said that the Little Pecan Bayou Hydrologic Restoration Project originally included a number of water control structures, but the number of structures was reduced in the revised project design. The project also includes a freshwater introduction feature. The change in scope is needed because the cost has decreased from \$15 million (original) to \$7 million (revised). The benefits have also been reduced by about 60 percent.

*Mr. Norton moved to approve the scope change for the Little Pecan Bayou Hydrologic Restoration Project. Mr. Boggs seconded. The motion was passed by the Task Force.*

#### **I. Agenda Item #13 – Discussion/Decision: Proposed Revision of the Ecological Review CWPPRA Standard Operating Procedure Requirement**

Mr. Clark said that the current Standard Operating Procedure (SOP) requires Ecological Reviews (ER) to be prepared by the State at the 30 and 95 percent design levels. So far, 44 projects have ERs completed for the following types of projects: barrier islands, hydrologic restoration, marsh creation, and shoreline protection. The ERs are becoming repetitious for similar types of projects. Most of the content prepared for the ER is similar to the Environmental Assessment performed by the Federal agencies. The Technical Committee recommends Task Force approval to revise the CWPPRA SOP to remove the ER requirement for most projects. The State and/or Federal project sponsors would have the option to request ERs on a project-by-project basis. Mr. Clark said that Ms. Mandy Green, OCPR, was available to answer any questions.

*Mr. Honker moved to approve the SOP change to remove the ER requirement and allow the State and/or Federal sponsors to have the option to conduct ERs on a project-by-project basis. 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 and projected funding situation. The Task Force approved a revised budget of \$5.447 million by fax vote on May 7, 2009. There is a

current surplus of \$778,581 in the Planning Program. The Construction Program has received \$882.6 million in total Federal funds from FY92 to FY09. The FY10 anticipated funds, including the Federal and non-Federal share, are \$95.4 million. To date, there are \$798.7 million in total obligations and \$466.7 million in expenditures. There are 146 active projects: 77 have completed construction, 18 are currently under construction, and 51 have not yet started construction. Three projects began construction in FY08 and nine projects scheduled to begin in FY09, six of which are past due. The unencumbered or available funding in the Construction Program is negative \$25,002. There is a potential return of \$6.09 million in Federal construction funds. The Construction Program FY10 Federal funding is estimated to be \$81.1 million. The total FY09 available funding balance, including the non-Federal cost share, is estimated to be \$7.17 million. Task Force approval of all funding requests (Agenda Items #7 and 11) would leave a funding balance of \$6.09 million.

Ms. Browning reported that the current unobligated balance is \$173.8 million. The programmed or set aside funds total \$749,167 and include \$778,581 in the Planning Program and negative \$29,414 in the Construction Program. The total program funding (Federal and non-Federal) is \$1.2 billion. The Department of Interior’s projection through FY19 is estimated to be \$2.43 billion. The total cost for all projects on PPLs 1-18 including Planning is \$2.3 billion. The total funds into the program (FY92 to FY 20) are \$2.431 billion. A total of \$1.307 billion is required to fund projects approved for construction over the 20-year project life. The gap between the total funds into the program and the total funds required for construction-approved projects is \$1.123 billion. The gap increases to \$1.129 billion when unapproved cost increases for non-cash flow projects are included. Ms. Browning asked Mr. Clark to discuss the reauthorization of the CWPPRA funding instrument.

Mr. Clark reported that the Sportfish Restoration and Boating Trust Fund, which supports the CWPPRA program, will expire at the end of 2009. The trust fund is part of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The re-authorization agreement includes a reduction in CWPPRA’s percentage of the trust fund from 18.5 to 18.3 percent and reduction in aid to State fish and wildlife agencies from 57 to 56.8 percent. This means the entire trust fund will only receive \$645 million next year of which CWPPRA would receive about \$82.6 million instead of \$89.9 million. Ms. Browning noted that this estimate is only for construction costs. Mr. Clark added that these reductions are due to the economy and because CWPPRA was originally appropriated to receive revenue from the small engine gas tax, which has been less than expected.

**B. Agenda Item #4 – Selection of Ten (10) Candidate Projects and up to Three (3) Demonstration Projects to Evaluate for PPL 19**

Mr. Holden announced that at the April 15<sup>th</sup> meeting, the Technical Committee selected 10 projects and 3 demonstration projects as PPL 19 candidates for Phase 0 analysis. The projects are listed in the table below:

Region	Basin	PPL 19 Project Candidates
1	Pontchartrain	Fritchie Marsh-Northshore Marsh Creation and Terracing Project
1	Pontchartrain	Labranche East Marsh Creation Habitat Enhancement
2	Breton Sound	Monsecour Siphon
2	Breton Sound	Dedicated Sediment Delivery and Water Conveyance for Marsh

		Creation West of Big Mar
2	Breton Sound	Breton Marsh Restoration
2	Barataria	Bayou Dupont to Bayou Barataria Marsh Creation
2	Barataria	Chenier Ronquille Barrier Shoreline Restoration and Marsh Creation
3	Terrebonne	Lost Lake Marsh Creation and Hydrologic Restoration
4	Mermentau	Freshwater Bayou Marsh Creation
4	Calcasieu-Sabine	Cameron-Creole Watershed Grand Bayou Marsh Creation Project
<b>PPL 19 Demonstration Project Nominees</b>		
Coastwide	DEMO	Bayou Backer Demo
Coastwide	DEMO	Ecosystems Wave Attenuator
Coastwide	DEMO	Viperwall

### **C. Agenda Item #14 – Report: Public Outreach Committee Report**

Mr. David Marks, CWPPRA Outreach Committee Coordinator, reported that the Outreach Committee represented CWPPRA at three conferences this year. Over 1,800 of the interactive CWPPRA CDs were distributed at the National Science Teacher’s Association conference. Mr. Marks thanked the Task Force for a successful dedication ceremony on April 22, 2009. The Breaux Act Newsflash currently has 1,849 subscribers, many of whom are active volunteers. The latest issue of *WaterMarks* is now available and is titled “Synergy Among Stakeholders.” The next issue of *WaterMarks* will include an update on the barrier islands. Mr. Marks also said that Channel 10 news is covering the meeting today.

Ms. Cheryl Brodnax, National Oceanic and Atmospheric Administration (NOAA)-NMFS, reported on a project NMFS and the Outreach Committee are working on together. The project is a collection of high-resolution photographs showing construction on different restoration techniques. The product was developed by the NOAA Restoration Center to educate the general public and major stakeholders about the CWPPRA restoration program. A 5,000 edition printing will be distributed this fall to key constituents, stakeholders, Congressional and State legislative audiences, and public libraries.

### **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**

Mr. Scott Wandell, USACE, announced that the next Technical Committee Meeting will be held on September 9<sup>th</sup> in Baton Rouge. Colonel Lee announced that the Task Force Meeting

originally scheduled for October 14<sup>th</sup> has been rescheduled to October 7<sup>th</sup>. Mr. Wandell said that the two PPL 19 Public Meetings would be held on November 17<sup>th</sup> in Abbeville and November 18<sup>th</sup> in New Orleans. There will also be a Technical Committee Meeting on December 2<sup>nd</sup> in Baton Rouge and a Task Force meeting on January 20, 2010 in New Orleans.

**B. Adjournment**

Colonel Lee adjourned the meeting at 4:05 p.m.