

BREAUX ACT
Coastal Wetlands Planning, Protection and Restoration Act

TASK FORCE MEETING
5 June 2012

Minutes

I. INTRODUCTION

Colonel Edward Fleming convened the 81st meeting of the Louisiana Coastal Wetlands Conservation and Restoration Task Force. The meeting began at 9:31 a.m. on June 5, 2012, at the Estuarine Fisheries and Habitat Center, 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 who were present.

Colonel Edward Fleming, Chairman, U.S. Army Corps of Engineers (USACE)
Mr. William Honker, U.S. Environmental Protection Agency (EPA)
Mr. Jeffrey Weller, U.S. Fish and Wildlife Service (USFWS)
Mr. Garret Graves, State of Louisiana, Governor's Office of Coastal Activities (GOCA)
Mr. Christopher Doley, National Marine Fisheries Service (NMFS)
Mr. Britt Paul (sitting in for Mr. Kevin Norton), Natural Resources Conservation Service (NRCS)

III. OPENING REMARKS

Colonel Fleming introduced himself, welcomed everyone, and asked the members of the Task Force to introduce themselves.

Colonel Fleming asked if the Task Force had any opening comments or changes in regards to the agenda.

Mr. Honker made a motion to remove Agenda Item 4 from the agenda and to move Agenda Item 11 to after Agenda Item 5. Mr. Graves seconded. The motion was passed by the Task Force. No other changes were made to the agenda.

Colonel Fleming explained that the public would be given the opportunity to comment on the agenda items and that when commenting, each commenter should give their name and affiliation, and that the comments should be related to the agenda item being discussed at that time.

IV. ADOPTION OF MINUTES FROM JANUARY 19, 2012 TASK FORCE MEETING

Colonel Fleming asked the Task Force members if they had any comments on the minutes from the January 19, 2012 Task Force meeting. There were no comments. Colonel Fleming declared the minutes adopted.

V. TASK FORCE DECISIONS

A. Agenda Item #5 – Decision: Fiscal Year (FY)13 Planning Budget Approval, including the PPL 23 Process, and Presentation of FY13 Outreach Budget

Mr. Brad Inman, USACE, reported that the Technical Committee recommends that the Task Force approve several items, including:

- a. The PPL 23 Planning Process Standard Operating Procedures (SOP) including selecting three nominees in the Barataria, Terrebonne, and Pontchartrain Basins; two nominees in the Breton Sound, Teche/Vermillion, Mermentau, Calcasieu/Sabine, and Mississippi River Delta Basins; and one nominee in the Atchafalaya Basin. If only one project is presented at the Regional Planning Team meeting for the Mississippi River Delta Basin, then an additional nominee would be selected for the Breton Sound Basin.
- b. The elimination of the Coast-wide Voting Meeting and the Abbeville November PPL Public Meeting. The coast-wide voting will be completed electronically via e-mail or fax.
- c. A placeholder for the FY13 Outreach Committee Budget in the amount of \$452,400.
- d. The FY13 Planning Budget, which includes the placeholder for the Outreach Committee Budget, in the amount of \$5,070,838.

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

Mr. Honker commented that the PPL 23 Planning Process should give full recognition to the 2012 State Master Plan. CWPPRA has historically looked for a Master Plan with which to work and wants projects to be consistent with the 2012 State Master Plan. The 2012 State Master Plan is more specific than the 2007 plan and makes hard choices, which could cause issues with CWPPRA project selection. Mr. Honker sees CWPPRA decisions as fitting into the National and Gulf-wide stage. Coastal restoration projects have the potential for serious infusions of money through BP oil spill penalties, Natural Resource Damage Assessment (NRDA), Louisiana Coastal Area (LCA), the Restore Bill, and other sources, and it is important that CWPPRA be seen as consistent with these overall efforts and not as a side program. CWPPRA needs to make an effort to align the PPL 23 process with the 2012 State Master Plan rather than going on with business as usual. He recommended amending the Technical Committee's recommendation with a sentence stating that PPL 23 projects selected will be consistent with the 2012 State Master Plan.

Mr. Paul agreed that aligning the PPL 23 projects with the 2012 State Master Plan makes good sense. The definition of "consistency" between CWPPRA and the 2012 State Master Plan

will have to evolve and develop, but at this stage having the Task Force publicly state that CWPPRA should be consistent with the 2012 State Master Plan is at least headed in the right direction.

Mr. Inman reported that the November meetings in Abbeville have had consistently poor attendance over the last five years. From 2008 to 2011, the number of public participants at this meeting has ranged from three to seven.

Ms. Browning stated that the placeholder for the FY13 Outreach Budget is the same amount that was budgeted for FY12.

Colonel Fleming opened the floor to comments from the public.

Mr. Sherrill Segrera, representing Vermillion Parish, stated that he understands that attendance at the Abbeville meeting is low and asked if there would still be an opportunity for the public to comment on project selection. Mr. Inman clarified that there would still be a public meeting in New Orleans. Mr. Segrera suggested moving the November Public Comment meeting from New Orleans to Baton Rouge to be more convenient for residents of the western portion of the state. Mr. Inman agreed that that could be a possibility.

Mr. Graves explained that in 2010, the President established the Gulf Coast Ecosystem Restoration Task Force, with Ms. Lisa Jackson of the EPA, a New Orleans native, as the Chairwoman. The Gulf Coast Task Force looks at the Gulf of Mexico region as a whole and suggests holistic restoration efforts. The Gulf Coast Task Force is comprised of the agencies in CWPPRA as well as others, such as the Department of Transportation, the White House Budget Office, the White House Environmental Office, all Gulf states, and others. Since the Gulf Coast Task Force has comprehensive membership, there is no one else that can be blamed for obstacles to coastal restoration within the Gulf of Mexico Region. The Gulf Coast Task Force created an approximately 125-page strategy document that looked at each agency's expertise and tried to integrate them into one vision instead of separate Federal and State programs. This strategy document talks about the fact that dredged material needs to be used beneficially, that it is important to shore up navigation channel banks to prevent further erosion, and that 90% of the freshwater impacts to the Gulf of Mexico come from Louisiana, so what happens in Louisiana has a profound impact on the overall health of the Gulf of Mexico. The strategy document discusses restoring distributaries and building diversions so that next time we have a severe flood event, Colonel Fleming and the USACE have more tools in their arsenal besides the Old River Control Structure, the Morganza Spillway, and the Bonnet Carre Spillway to get water out of the levees and into adjacent wetlands. The document also discusses ways to reduce hypoxia conditions, improve water quality, and begin coordinating the budgets and efforts of various agencies. Mr. Graves would like to commend the President for establishing the Task Force and Ms. Jackson for her leadership. Mr. Graves noted that the conditions surrounding coastal restoration and coastal restoration-oriented organizations are fundamentally different than when CWPPRA was initially established and that they must continue to evolve toward a complimentary use of resources. All of the agencies working on coastal restoration have an extraordinary task ahead of them. The 2012 State Master Plan is very much represented in the strategy document put together by the Gulf Coast Task Force.

Colonel Fleming agreed that by adjusting the PPL 23 process to make it consistent with the 2012 State Master Plan, CWPPRA can be integrated with other agencies and documents.

Mr. Honker made a motion to approve the Technical Committee recommendation that the PPL 23 Planning Process Standard Operating Procedures include selecting three nominees in the Barataria, Terrebonne, and Pontchartrain Basins; two nominees in the Breton Sound, Teche/Vermillion, Mermentau, Calcasieu/Sabine, and Mississippi River Delta Basins; and one nominee in the Atchafalaya Basin, but that a sentence be added stating that PPL 23 projects would be consistent with the 2012 State Master Plan. Mr. Doley seconded. The amendment and motion were passed by the Task Force.

Mr. Paul made a motion to approve the Technical Committee recommendation to eliminate the Coast-wide Voting Meeting and the Abbeville November PPL Public Meeting and to have coast-wide voting completed electronically via e-mail or fax. Mr. Honker seconded. The motion was passed by the Task Force.

Mr. Honker made a motion to approve the Technical Committee recommendation to include a placeholder for the FY13 Outreach Committee Budget in the amount of \$452,400. Mr. Doley seconded. The motion was passed by the Task Force.

Mr. Honker made a motion to approve the Technical Committee recommendation to include a placeholder for the FY13 Planning Budget in the amount of \$5,070,838. Mr. Doley seconded. The motion was passed by the Task Force.

B. Agenda Item #10 – Decision: Request to Transfer the Lead Federal Sponsor of the Sabine Refuge Marsh Creation Cycles 4 and 5 (CS-28-4&5) Project from the USACE to the USFWS

Mr. Inman reported that the Technical Committee held an electronic vote on May 1, 2012 to recommend approval of the request to transfer.

Colonel Fleming opened the floor to comments from the Task Force. There were no comments from the Task Force.

Colonel Fleming opened the floor to comments from the public. There were no public comments.

Mr. Weller made a motion to approve the Technical Committee recommendation to transfer the lead Federal sponsor of the Sabine Refuge Marsh Creation Cycles 4 and 5 (CS-28-4&5) from the USACE to the USFWS. Mr. Paul seconded. The motion was passed by the Task Force.

C. Agenda Item #12 – Decision: Standard Operating Procedures for Project Transfers between Federal Agencies

Mr. Inman, USACE, reported that Darryl Clark of the Technical Committee provided an updated version of the SOP for project transfers between Federal agencies. He will send this out to Technical Committee members and take an electronic vote. If the updated version passes the Technical Committee vote, it will be sent to the Task Force for an electronic vote. If it passes the Task Force vote, it will be added to the SOP.

Colonel Fleming opened the floor to comments from the Task Force. There were no comments from the Task Force.

Colonel Fleming opened the floor to comments from the public.

Mr. Chad Courville, with Miami Corporation, asked what the procedures are for a private landowner to request a transfer between Federal agencies. There is a lot of confusion about what is appropriate, such as asking the Technical Committee, the Task Force, the current Federal agency, or another Federal agency.

Colonel Fleming explained that the SOP currently under consideration does not state how a project transfer is initiated, but rather codifies what happens after the transfer between agencies is approved, so that the receiving agency has all of the necessary data and information. This only applies after the Task Force has approved the transfer.

Mr. Inman clarified that any member of the Technical Committee or the Task Force can request a transfer. At the last Technical Committee meeting, a private landowner requested a transfer, but no Committee member made a motion so the issue was dropped. A private landowner can send a letter to the agency that he wants to take over the project, with a rationale, and that agency can make a formal motion and the Task Force can vote on the issue.

Mr. Courville asked if it is appropriate for the private landowner to choose the receiving Federal agency. He noted that this may look bad if one agency is favored, and asking the current Federal sponsor may be more appropriate. He stated that any kind of guidance for private landowners would be welcome.

Mr. Honker noted that another option would be for the landowner to send the request to the Chair of either the Task Force or Technical Committee. Colonel Fleming added that just because a landowner sends a letter does not mean that the transfer will occur. Mr. Inman stated that in the example he cited previously, a letter was sent to NRCS and copied to the Chair of the Technical Committee, Tom Holder, which Mr. Inman felt was appropriate.

Mr. Honker suggested that the Task Force add some sort of guidance or establish a procedure for landowners within the draft SOP. This could be as short as one sentence and would not require a lot of work.

Mr. Graves asked for a clarification of the role of the State in project transfers. Mr. Inman noted that the State would be included in the vote and have the same role as other Task Force members since there is no transfer of Federal funds.

There were no additional public comments.

D. Agenda Item #14 – Decision: Request for a Change in Scope for the PPL 16 – Madison Bay Marsh Creation and Terracing Project (TE-51)

Mr. Inman reported that the Technical Committee voted to recommend approving a change in scope for the PPL 16 – Madison Bay Marsh Creation and Terracing Project (TE-51).

Colonel Fleming opened the floor to comments from the Task Force. There were no comments from the Task Force.

Colonel Fleming opened the floor to comments from the public. There were no public comments.

Mr. Doley made a motion to approve the recommendation by the Technical Committee for a change in scope for the PPL 16 – Madison Bay Marsh Creation and Terracing Project (TE-51). Mr. Honker seconded. The motion was passed by the Task Force.

E. Agenda Item #15 – Decision: Request for Approval to Initiate De-authorization of PPL 10 – Benneys Bay Diversion Project (MR-13)

Mr. Inman reported that the Technical Committee voted to recommend initiating de-authorization of the PPL 10 – Benneys Bay Diversion Project (MR-13).

Colonel Fleming opened the floor to comments from the Task Force. There were no comments from the Task Force.

Colonel Fleming opened the floor to comments from the public. There were no public comments.

Mr. Paul made a motion to approve the Technical Committee recommendation to initiate de-authorization of the PPL 10 – Benneys Bay Diversion Project (MR-13). Mr. Honker seconded. The motion was passed by the Task Force.

F. Agenda Item #16 – Decision: Request for Approval to Initiate De-authorization of the PPL 9 – Little Pecan Hydrologic Restoration Project (ME-17)

Mr. Inman reported that the Technical Committee voted to recommend initiating de-authorization of the PPL 9 – Little Pecan Hydrologic Restoration Project (ME-17).

Colonel Fleming opened the floor to comments from the Task Force. There were no comments from the Task Force.

Colonel Fleming opened the floor to comments from the public. There were no comments from the public.

Mr. Honker made a motion to approve the Technical Committee recommendation to initiate de-authorization of the PPL 9 – Little Pecan Hydrologic Restoration Project (ME-17). Mr. Paul seconded. The motion was passed by the Task Force.

VI. INFORMATION

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

Ms. Gay Browning, USACE, presented an overview of the status of CWPPRA accounts and available funding in the Planning and Construction Programs. There is currently \$500,000 remaining unobligated in the Planning budget which will carry into the FY13 budget.

CWPPRA anticipates \$79.2 million in Federal funding for FY12; \$74 million of this will go to construction and \$5 million will go to planning. Several items on the agenda today could affect the budget, including the scope change request and the two requests for de-authorization, which, if approved, would decrease the total current estimate by \$28 million.

The total Federal funds into the Program through FY12 are \$1.0396 billion. Total funds into the Program are \$1.113 billion. Total obligated funds are \$1.119 billion, and total expenditures are \$849.9 million.

There are currently 151 active projects; 95 have completed construction, 10 are under construction, and 46 are in engineering and design. In FY11, three projects began construction and four projects completed construction. Four projects are scheduled to begin construction in FY12; one project has actually started construction and the other three are scheduled to start between June and September. Five projects are scheduled to complete construction in FY12; two projects have finished construction and three projects are scheduled to complete construction.

There is currently \$15 million set aside for the West Bay closure, so \$9.2 million in funding is available today. There are no funding decisions on the agenda today. The total current estimate for PPL's 1 – 21 and planning is \$2.6728 billion. Total funding through FY19 is expected to be \$2.3469 billion, leaving a Program need of \$325.9 million.

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

Mr. Honker asked when CWPPRA will receive FY12 funding. Ms. Browning responded that they are hoping to get a continuing resolution through June 30th and then they will have to wait for funds through September to get the entire work allowance. Mr. Doley asked if the delay in funding would impact construction. Ms. Browning responded that it would not.

Colonel Fleming opened the floor to comments from the public. There were no public comments.

B. Agenda Item #4 – Report/Discussion: 2012 State Master Plan Update

Mr. Graves reported on the status of the 2012 State Master Plan. The 2012 State Master Plan attempts to integrate efforts in coastal restoration, flood control, and hurricane protection, while remaining cognizant of items such as the cultural significance of south Louisiana and the importance of their seafood, energy, and maritime industries because industry and community go hand-in-hand. The 2012 State Master Plan was presented to the public in January. Over 2,000 people participated through meetings and e-mail comments. The Plan was unanimously approved by the Louisiana House of Representatives Transportation Committee, Natural Resources Committee, and the full House, and the Senate Transportation Committee, Natural Resources Committee, and the full Senate. The Plan is currently in effect.

The 2012 State Master Plan contemplates approximately \$50 billion in projects over the next 50 years. This was a significant shift from previous efforts in that it contains a higher level of specificity than the 2007 or other previous plans. The 2012 State Master Plan has individual projects, schedules, budgets, and objectives. The 2012 Plan adjusts expectations based upon realistic parameters. In the past, people have been led to believe that everyone could have everything – that the Louisiana coast could be restored back to what it was in 1930 and no one would ever flood again from riverine floods or storm events. This is not realistic based on the resource parameters, and it was disingenuous to continue to tell this to the public. While he fully believes that the citizens of Louisiana deserve this, it would probably cost in excess of \$200 billion to implement the 2007 Master Plan, which the State will realistically not receive.

The Master Plan is a planning tool to help prioritize projects based on the goals of a particular community. This tool can be used to determine the most efficient way to obtain the objectives of that community from hundreds of different project and project portfolio options, based on monetary and schedule constraints, as well as realistic sediment and freshwater constraints.

The 2012 State Master Plan was a bold move, and Mr. Graves thanked everyone who worked on it. Every agency in CWPPRA participated in its development, although Mr. Graves did not want to suggest that every agency endorsed the Plan. The State of Louisiana would encourage CWPPRA to be cognizant of the 2012 Master Plan during the PPL process as they move towards a common objective of sustainable coastal communities and ecosystems in the future.

Colonel Fleming opened the floor to comments from the Task Force. He asked how the State sees CWPPRA and the 2012 Master Plan working together. Mr. Graves responded that CWPPRA has existed for 20 years and is one of the most successful restoration programs for several reasons, including a stable funding stream, the ability of all of the resource agencies to be at the table and work together, and an open process with opportunities for public input. CWPPRA is an important model for coastal Louisiana. However, it was established in 1990, and while it used to be the only organization involved in coastal restoration, the coastal restoration environment has fundamentally changed, with many new programs and billions of dollars in funding. The Task Force should take a new look at the CWPPRA and PPL process to determine the best way to integrate CWPPRA with the changing coastal restoration environment.

There were no further comments from the Task Force.

Colonel Fleming opened the floor to comments from the public. There were no public comments.

C. Agenda Item #6 – Report: Selection of Ten Candidate Projects and Four Demonstration Projects to Evaluate for PPL 22

Mr. Kevin Roy, USFWS, presented a brief description of the ten candidate projects and four demonstration projects that were chosen in April by the Technical Committee to evaluate for PPL 22. Four of these projects will be selected in November for Phase I funding. The candidate projects are:

| Region | Basin | PPL 22 Candidates | Net Acres | Fully-Funded Cost |
|--------|------------------|---|-----------|-------------------|
| 2 | Breton Sound | Lake Lery Marsh Creation & Terracing | 400-450 | \$30-\$35 M |
| 2 | Breton Sound | Terracing & Marsh Creation South of Big Mar | 300-350 | \$20-\$25 M |
| 2 | Barataria | Elmer’s Island Restoration | 250-300 | \$30-\$35 M |
| 2 | Barataria | NE Turtle Bay Marsh Creation & Critical Area Shoreline Protection | 350-400 | \$35-\$40 M |
| 2 | Barataria | Bayou Dupont Sediment Delivery – Marsh Creation 3 | 400-450 | \$40-\$50 M |
| 3 | Terrebonne | North Catfish Lake Marsh Creation | 200-250 | \$20-\$25 M |
| 3 | Terrebonne | Grand Bayou Freshwater Enhancement/Introduction & Terraces | 500-600 | \$25-\$30 M |
| 3 | Teche-Vermilion | South Little Vermilion Bay Terracing & Planting | 50-100 | \$5-\$10 M |
| 4 | Mermentau | Front Ridge Freshwater Introduction & Terracing | 150-200 | \$5-\$10 M |
| 4 | Calcasieu-Sabine | Cameron Meadows Marsh Creation & Wetland Restoration | 300-350 | \$35-\$40 M |

| | PPL 22 Demonstration Project Candidates | Construction Cost |
|------|--|-------------------|
| DEMO | Hay Bale Demo | \$1.5 M |
| DEMO | Reconnection of Hydrologically Isolated Wetlands | \$0.4 M |
| DEMO | CREPS: Coastal Restoration & Energy Production System | \$2.3 M |
| DEMO | Bioengineering of Shorelines & Canal Banks using Live Stakes | \$1.7 M |

Colonel Fleming opened the floor to comments from the Task Force. There were no comments from the Task Force.

Colonel Fleming opened the floor to comments from the public. There were no public comments.

D. Agenda Item #7 – Report: Public Outreach Committee Report

Ms. Susan Bergeron, United States Geological Survey (USGS), presented the Public Outreach Committee quarterly report. Ms. Bergeron extended her thanks to the public for participating in CWPPRA outreach efforts. She said that she sees a lot of the same people at many of the public meetings. She also thanked Colonel Fleming for his keynote address at the

Louisiana Environmental Education Symposium; his speech was very well received and she received many wonderful e-mails after the event from the educators who attended.

The CWPPRA Public Outreach Committee has been working with the youth in the Flag Program and Sassafras. Karen McCormick, EPA, did an excellent job of hosting a mock Task Force meeting. These youth were very interested in getting out into the field and learning more about wetlands restoration.

Recent outreach events included: a USACE booth at Earth Fest at Audubon Zoo, which was well attended; Baton Rouge Earth Day, with a wetlands jeopardy game which was well received and which she plans to use again; and USFWS Family Adventure Day, with a CWPPRA booth. Ms. Bergeron reported that the CWPPRA Public Outreach Committee received the Distinguished and Best in Show awards from the Society for Technical Communications for their *Partners in Restoration* book; the National Oceanic and Atmospheric Administration (NOAA) was the lead in getting this document together. She added that CWPPRA has been successful in targeting youth and women on Facebook. Additionally, the Outreach Committee is working on a video about why CWPPRA needs to educate and reach the youth. Bill Honker was interviewed for this video. John Tubbs, the Department of the Interior Deputy Assistant Secretary; Phil Turnipseed, the Director of the USGS National Wetlands Research Center; and Scott Wilson, the CWPPRA Outreach Committee Chair will be in the video. They visited the CWPPRA project Goose Point/Point Platte Marsh Creation (PO-33) and were very impressed with CWPPRA. Ms. Bergeron thanked the USFWS for making this video possible.

Ms. Bergeron thanked everyone for all of their outreach efforts this quarter.

Colonel Fleming opened the floor to comments from the Task Force. There were no comments from the Task Force.

Colonel Fleming opened the floor to comments from the public. There were no public comments.

E. Agenda Item #8 – Report: Draft 2012 Report to Congress

Ms. Karen McCormick, EPA, reported on the Draft 2012 Report to Congress. She thanked the USFWS, USGS, the State, and everyone on the Task Force for their input. The first draft is almost complete, but she needs another week to finish editing and organizing. She will send the draft to the Task Force for final comment soon. The goal is to have a draft to give to the Technical Committee by September, with a final version before the end of the year.

Colonel Fleming opened the floor to comments from the Task Force. He then asked if there would be another round of Task Force comments on the Draft 2012 Report to Congress. Ms. McCormick responded affirmatively. She stated that she would send the Task Force members the draft report within the next two weeks, and will probably want comments back from them a few weeks after that. Once she gets those comments back, she will start finalizing the report.

There were no additional comments from the Task Force.

Colonel Fleming opened the floor to comments from the public. There were no public comments.

F. Agenda Item #9 – Report: Coast-wide Reference Monitoring System (CRMS) Report

Ms. Dona Weifenbach, Louisiana Coastal Protection and Restoration Authority (CPRA), gave a presentation about CRMS. CPRA has been working on updates for six project summaries for the 2012 Report to Congress. These have been provided to the Technical Committee, and their comments have been incorporated. They are also working on 13 operations, maintenance, and monitoring reports to make recommendations on projects, which should be ready for review by July. These reports are staggered on a three-year rotation. They are also scheduling project review meetings in June and July to determine if current monitoring is adequate for projects in preparation for fall funding requests. Coast-wide aerial photography is being scheduled for this year to track land and water progress. An updated survey is also being planned; the current datum is NAVD88 and Geoid 1999. The renewed CRMS contract with Coastal Estuary Services will begin August 1, with no interruption in data collection. They are still working on hydrologic index and submergence vulnerability documents, which are in review for publication.

USGS and CPRA have attended several conferences over the past six months. Ms. Weifenbach was invited to the Aransas National Wildlife Refuge in March to share lessons learned from the CRMS program. Some USGS representatives were at INTECOL this week and will be at the State of the Coast Conference in June.

Ms. Weifenbach reported on website updates that were rolled out in May based on feedback from the Federal partners. There is a new interface, new tools, and quick clicks. Users now also have access to a bulk download tool and bulk charting tool. Users can also now get calculated or derived values such as time flooded, in addition to the raw data. Users can have these values sent to them via e-mail and can also use the charting tool to chart multiple sites for a defined parameter.

She explained how to look at specific project information and evaluate project success through project Report Cards and Hydrologic Index Scores, using the Delta Wide Crevasses Project (MR-09) as an example. The project information can then be compared within the basin or coast-wide. She pointed out that the trajectory line for the criteria is more important to consider than each individual point.

Colonel Fleming opened the floor to comments from the Task Force. He then asked if data was available from 1990 when the CWPPRA Program began. Ms. Weifenbach responded that CRMS started in 2005, and the data collection began in 2006. Colonel Fleming agreed that the trajectory of the line is more important than the actual Hydrologic Index Score, but pointed out that the trajectory of the line for the MR-09 project is not good. Ms. Weifenbach stated that the project sites are in degraded areas, whereas the reference sites are in higher quality areas.

Mr. Honker thanked Ms. Weifenbach for her work. Colonel Fleming stated that the CRMS data is very helpful. It can be used to judge whether the Program as a whole is performing the way it should be, and whether or not adjustments need to be made to projects throughout their 20-year lifespan.

Colonel Fleming opened the floor to comments from the public. There were no public comments.

G. Agenda Item #11 – Report/Discussion: Decision Structure for Projects Reaching 20-Year Life Span

Mr. Inman stated that the CWPPRA Task Force established the 20-year project life, but it is not part of any legislation and therefore can be changed by the Task Force. The Planning and Evaluation (P&E) Committee participated in a teleconference to discuss projects reaching their 20-year life and have identified several issues that will need to be addressed moving forward. Each lead agency has been reviewing their projects using a spreadsheet template and discussing options for closing projects with legal counsel. The lead agency needs to look at structural components to determine what might need to be removed, and get permission from the landowners if structures are going to remain on the property. A real estate title search will need to be conducted to get the proper sign off from landowners on projects. Task Force approval will be required to fund closure activities and site visits. If structures need to be removed, this could be a significant cost to the CWPPRA Program. The lead agency will need to complete succinct closure reports on all projects that reach the end of their 20-year lifespan. The closure report will have to include a project score that measures the project's success. Many landowners will probably want the structures to remain. Legal documents will have to be prepared that hold CWPPRA harmless.

CWPPRA needs to develop a policy to provide guidance on the decision structure for projects reaching their 20-year life, so the Task Force can decide whether to extend operations and maintenance (O&M) funding, transfer the project, or close the project. The Task Force needs to determine whether a portion of the project's O&M money should be reserved for closure activities. The policy should also set guidelines for which projects should be removed and which projects should be extended. For example, demonstration projects should not be extended. This decision will also depend on whether structures need to be removed and on the input of landowners.

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

Mr. Graves stated that he thinks CWPPRA has been successful, but that perhaps the uniform 20-year policy is not applicable for every project. Taking a new look at this policy is appropriate.

Colonel Fleming stated that this may be an issue that requires a half or full day meeting to allow for a more detailed discussion. Several projects will be reaching the end of their 20-year lifespan in 2014 and projects fall into multiple categories. Some well-performing projects are still providing benefits, and either CWPPRA needs to keep them going or a Federal agency, the

State, or a non-governmental organization (NGO) needs to take them over. Cost share and real estate agreements will need to be discussed. In some cases, continued O&M funding is not justified, and CWPPRA needs to decommission and deconstruct these projects. These activities will require money that is not currently in the budget. CWPPRA may have to have less robust PPL's in the future to save money for project deconstruction, decommission, or transfer.

Mr. Paul stated that each agency has already started to look into this issue. Each project is different, so a list of options that are applicable for a variety of situations is necessary.

Colonel Fleming requested that the P&E Committee review current CWPPRA policies and procedures and make recommendations by the September 2012 Technical Committee meeting on the following items:

1. Procedures to evaluate, extend, de-authorize, terminate, transfer, or otherwise alter the disposition of projects approaching or meeting the end of their 20-year lifecycle;
2. Whether the current uniform policy of 20-year project lifecycles should be modified to reflect the efficacy or projected benefits of individual projects;
3. Changes in financial or budgeting policies resulting from such recommendations that would result in improved stewardship of public funding and better investments in project outcomes; and
4. Modifications to real estate, permitting, cost share agreements, or other items to reflect potential modifications to projects, project lifespans, access requirements, long-term operations, maintenance, modification, repair, rehabilitation, replacement, or removal of CWPPRA projects or associated components.

In the development of the proposed recommendations, the P&E should consider necessary lifespans by project type, continued compliance with FEMA and other agency requirements regarding eligibility for disaster assistance, designation of permit holders, the need for project-specific monitoring, the length of land rights agreements, and other factors.

Mr. Honker agreed and added that the Task Force may need to have a retreat after they receive the P&E Committee's recommendations. It is important that the Task Force makes good decisions on how long to keep funding projects.

Colonel Fleming opened the floor to comments from the public. There were no public comments.

H. Agenda Item #13 – Report: Status of the PPL 1 – West Bay Sediment Diversion Project (MR-03)

Mr. Inman stated that Nick Sims, the Project Manager, had a presentation prepared, but was in a car accident and could not attend the meeting. The presentation that he would have given will be uploaded to the CWPPRA website and sent to the Technical Committee and Task Force members. Mr. Inman stated that rock closure is the alternative that has been chosen for the West Bay Diversion and that the design will have to undergo Agency Technical Review at another District, which will take about three months. The Real Estate group is moving forward

with action to acquire lands. There were delays because CWPPRA had to work with the State to obtain surveying rights to get onto the property in order to complete the closure design. If the landowner is unwilling to sell, they will have to acquire land through condemnation to close the Project; that legal process could take up to a year. In the meantime, plans and specifications are being completed for a dredging event. The latest surveys show that there are approximately 2.5 million cubic yards of material that needs to be dredged at the Pilottown Anchorage Area (PAA). The last dredging event in 2009 removed about 1.9 million cubic yards of material, so plans are being put together for the next dredging event.

The USACE Engineer Research and Development Center (ERDC) report says that 20%, plus or minus 10%, of the shoaling at the PAA can be attributed to the West Bay Diversion, depending on the river level and velocity. Mr. Inman expects information within the next few months that will estimate the shoaling rate at the PAA after the West Bay Sediment Diversion is closed.

There has been some discussion about whether or not the project is working to build land in the receiving area. From 2009 to 2011 (which includes the 2011 high water event), approximately three million cubic yards were gained in the receiving area, which averages out to ¼ inch a year accretion, although some areas are growing and others are eroding in such a dynamic environment.

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

Mr. Honker asked if CWPPRA is going to have to do two more dredging cycles to get the diversion closed. Mr. Inman responded that in order to live up to the cost share agreement, CWPPRA will have to perform one dredge event in the next year, and if they can work out everything to get the diversion closed in the next 18 months, then they will probably have to do another partial dredge event at close-out.

Mr. Honker expressed concern that when the decision was made two and a half years ago to close the diversion, the decision was based on using the next shoaling event to close the project. The next dredge event is here, but CWPPRA is still not ready to close the project and may not be ready for a few more years. Mr. Honker added that the ERDC report brings up the question of using CWPPRA funds to dredge all of the PAA when the diversion is only responsible for 10%-30% of the accretion. He emphasized that this project has the highest O&M costs in the Program right now, and this will have a long term impact on the budget. Mr. Honker expressed his frustration that the Task Force has not been able to reach closure on this issue over the past three years.

Mr. Inman responded that there have been multiple issues with closing out the project, particularly real estate issues. At this point, it is estimated that resolving these issues and finalizing plans for closure will take another year and a half, with some extra room to hit the next low water event.

Mr. Doley asked for the current cost estimate of closure and the dredge events. Mr. Inman responded that the USACE is working on the estimates. Mr. Sims has the current

estimate in his presentation. CWPPRA is spending the \$15 million set aside for closure on the upcoming dredge event, so the costs will probably be close to double the \$15 million that was estimated two and a half years ago.

Mr. Graves pointed out that the Task Force has been talking about this issue for at least three years now. The ERDC analysis fails to take into consideration the approximately two million cubic yards of material that transited the diversion into the receiving area in 2011, thereby reducing the dredging requirements for the USACE further downriver. There is the potential that the Task Force is operating outside the bounds of the legal confines of the Program by using CWPPRA funds for dredging. Another issue is that if the navigation industry needs the PAA, then a long term resolution needs to be determined because the PAA will continue to shoal in after the diversion is closed. CWPPRA has limited funding, and needs to focus on restoration as much as possible. If the PAA will continue to shoal even after closure of the diversion, then the stakeholders need to figure out how much dredging is going to cost, who will pay for the dredging, and how they will pay for it. These funding issues are outside the purview of the CWPPRA Program. CWPPRA has been very generous, and does not want to continue to bleed money without a long term solution.

Colonel Fleming opened the floor to comments from the public.

Mr. Sean Duffy, of the Louisiana Maritime Association, stated that he understands that this is a very complex project. He stated that there were a lot of questions about whether or not the diversion was working when it was agreed to close the project. At this point, it appears to be working. He is aware that the landowner intends to file an injunction and take legal action. Mr. Duffy stated that there is a beneficial use for the dredged material; every time this project is discussed it is about how the PAA needs to be dredged and how much dredging costs. However, the project is creating land, and it is important to remember that the dredged material from the dredge events is placed in the receiving area. On an acre/dollar basis, this project is within the range of other restoration projects. The navigation industry has met with the USACE, and is willing to meet with CWPPRA and other agencies, to discuss a long-term solution to this problem. The navigation industry is working on ways to increase funding, such as Congressman Boustany's current bill related to the Harbor Maintenance Trust Fund, which currently has about 194 co-sponsors. This effort could go forward by June 30th of this year. Additionally, this year there was significant supplemental funding for dredging because of the historic flows last year. However, there were equipment shortages. If Congress increases the dredging budget nationally, then new dredges will be built, which will decrease the cost of dredging because of new technology that can be implemented.

Mr. Graves responded to Mr. Duffy stating that the State did meet with him and others in the maritime industry. In that meeting, Mr. Duffy stated that the State's analysis was fundamentally flawed. Mr. Graves stated that Mr. Duffy is exactly right in regards to the dredged material being used beneficially. However, CWPPRA has the PPL process to decide how funds are spent. In this case, the process is being circumvented and the budget held hostage without the proper mechanisms for public participation.

Mr. Duffy stated that since this is an early PPL project, these decisions go back a long time. The discussions at that time were that if the diversion goes forward, it needs to be done in a way to address any negative impacts. There are negative impacts in the channel as well as the PAA, but the USACE can address the channel impacts in their general budget because they have the authority to dredge the channel. The USACE does not have regulatory authority to dredge the PAA.

Mr. Honker thanked Mr. Duffy for his input. Mr. Honker stated that he wanted to find a path forward that is workable for all stakeholders and that does not require a lot of litigation. Mr. Duffy responded that he would be glad to hold another meeting with the various agencies, and that the navigation industry wants to do whatever it can to help find a resolution to this problem.

There were no additional public comments.

VII. ADDITIONAL AGENDA ITEMS

There were no additional agenda items.

VIII. REQUEST FOR PUBLIC COMMENTS

There were no additional public comments.

IX. CLOSING

A. Announcement: Date of Upcoming CWPPRA Program Meeting

Colonel Fleming announced that the next Technical Committee meeting will be held September 12, 2012 at 9:30 a.m. at the LA Department of Wildlife and Fisheries, Louisiana Room, 2000 Quail Drive, Baton Rouge, Louisiana.

B. Announcement: Scheduled Dates of Future Program Meetings

FY 2012

| | | | |
|------------------------------|----------------------|--|----------------------|
| September 12, 2012 | 9:30 a.m. | Technical Committee | Baton Rouge |
| October 11, 2012 | 9:30 a.m. | Task Force | New Orleans |
| November 14, 2012 | 7:00 p.m. | PPL 23 Public Comment Meeting | Abbeville |
| November 15, 2012 | 7:00 p.m. | PPL 23 Public Comment Meeting | New Orleans |
| December 12, 2012 | 9:30 a.m. | Technical Committee Meeting | Baton Rouge |

C. Adjournment

Colonel Fleming called for a motion to adjourn the meeting. Mr. Honker so moved and Mr. Doley seconded. Colonel Fleming adjourned the meeting at 11:30 a.m.