

**COL. PETER J. ROWAN**

# **BREAUX ACT**

**COASTAL WETLANDS, PLANNING, PROTECTION  
AND RESTORATION ACT**

**TASK FORCE MEETING**

**JANUARY 16, 2003**

**COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT**

**TASK FORCE MEETING**

**January 16, 2003, 9:30 a.m.**  
**Army Corps of Engineers – District Assembly Room**  
**New Orleans, Louisiana**

**AGENDA**

- | <b><u>Agenda Item No.</u></b> | <b><u>Tab Letter</u></b> | <b><u>Agenda Item Description</u></b>                                                                                                                                                                                                                                                              |
|-------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>I.</b>                     | <b>A, B</b>              | <b>Meeting initiation: 9:30 a.m. to 9:40 a.m.</b><br>a. Introduction of Task Force members or alternates.<br>b. Opening remarks of Task Force members.                                                                                                                                             |
| <b>II.</b>                    | <b>C</b>                 | <b>Adoption of Minutes from October 2002 Task Force Meeting: 9:40 a.m. to 9:45 a.m.</b>                                                                                                                                                                                                            |
| <b>III.</b>                   | <b>D</b>                 | <b>Status of Breaux Act Program Funds and Projects (Browning): 9:45 a.m. to 10:00 a.m.</b><br>Ms. Browning will discuss the construction program and status of the CWPPRA accounts.                                                                                                                |
| <b>IV.</b>                    | <b>E</b>                 | <b>Request: Selection of the 12<sup>th</sup> Priority Project List (Saia): 10:15 a.m. – 10:45 a.m.</b><br>a. Overview of PPL 12 candidate projects.<br>b. The Technical Committee recommends approving the four full-scale and one demonstration project listed below to the 12 <sup>th</sup> PPL. |

<u>PROJECT NAME</u>	<u>PHASE I COST</u>
South White Lake Shoreline Protection	\$1,588,085
Bayou Dupont Sediment Delivery System	\$2,192,735
Avoca Island Diversion and Land Building	\$2,229,876
Lake Borgne and MRGO Shoreline Protection	\$1,348,345
Freshwater Floating Marsh Demonstration Project	\$1,080,900*
	*(demo total cost)

- |           |          |                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>V.</b> | <b>F</b> | <b>Request: Phase II Funding Approval for Four Mile Canal Terracing and Sediment Trapping Project (Saia): 10:45 a.m. to 10:50 a.m.</b><br>Mr. Saia will present the Technical Committee's recommendation that approval be granted for constructing the Four Mile Canal Terracing and Sediment Trapping Project in Vermilion Parish, Louisiana. The fully funded cost of the project is \$4,939,011. |
|-----------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- VI. G Request: Phase II Funding Approval for Timbalier Island Dune and Marsh Creation Project (Saia): 10:50 a.m. to 11:00 a.m.**  
The Environmental Protection Agency and Louisiana Department of Natural Resources are seeking authorization to construct the Timbalier Island Dune and Marsh Creation Project (TE-40) in Terrebonne Parish. The project will restore 473 acres of wetlands at a fully funded cost of \$18,549,374. The Technical Committee recommends contingent construction approval to the Task Force. The contingent approval is based upon the need to complete an expert review of barrier island restoration templates and to re-survey site conditions because of Tropical Storm Isidore and Hurricane Lili.
- VII. H Request: Phase II Funding Approval Barataria Landbridge Phase 3, Construction Unit 4 and Construction Approval for Barataria Landbridge Phase 1 and 2 (Saia): 11:00 a.m. to 11:10 a.m.**  
The Natural Resources Conservation Service and LDNR are seeking authorization to construct the following projects:
- a. Barataria Basin Landbridge Shoreline Protection Project Phase 3 (BA-27c) “Cash-Flow” Authorization Request for portion of Construction Unit 4. The Phase 3, Construction Unit 4 project will construct 10,500 feet of shoreline protection at a fully funded cost of \$4,825,871. The construction authorization request is being sought contingent upon the anticipated Completion of a 95% design review in April 2003. The Technical Committee recommends contingent construction approval to the Task Force.
  - b. Barataria Basin Landbridge Shoreline Protection Project Phases 1 and 2 (BA-27) “Non-Cash-Flow” approval of Construction Unit 4. This effort will construct 20,000 feet of shoreline protection at a fully funded cost of \$8,777,430. The Technical Committee recommends construction approval to the Task Force.
- VIII. I Request: Upper Oak River Freshwater Introduction Siphon Project De-authorization (Saia): 11:10 a.m. to 11:15 a.m.**  
In August 2002, the Task Force initiated de-authorization procedures for this project. Letters were sent to affected landowners and elected officials seeking comments regarding the proposal to de-authorize the project. No letters of response to the intended action were received. The Task Force is being asked to de-authorize the project.
- IX. J Request: De-authorization of the Bayou L’Ours Ridge Hydrologic Restoration Project (Saia): 11:15 a.m. to 11:20 a.m.**  
The Natural Resources Conservation Service and Louisiana Department of Natural Resources are recommending that this project be de-authorized because of problems associated with obtaining rights of entry to collect engineering data and other information to support project planning. The

Technical Committee recommends that the Task Force initiate project de-authorization procedures.

- X. K Request: Louisiana Department of Wildlife and Fisheries FY 2003 CWPPRA Participation Budget (Saia): 11:20 a.m. to 11:30 a.m.**  
The Louisiana Department of Wildlife and Fisheries is seeking \$71,529 in program funds to support their participation in FY03 CWPPRA planning activities. The Technical Committee recommends approval of the requested funding amount.
- XI. L Report: State of Louisiana Oyster ad hoc Committee (Caldwell): 11:30 a.m. to 11:45 a.m.**  
The Oyster ad hoc Committee has developed a general agreement on an approach to lease valuation procedures and related matters. The LDNR has developed a proposed CWPPRA Oyster lease policy. The work of the ad hoc committee and the LDNR proposed policy will be presented to the Task Force for their review and consideration.
- XII. M Report: The Final Draft of the Hydrologic Investigation of the Louisiana Chenier Plain (Good): 11:45 a.m. to 11:50 a.m.**  
Announcement of the completion of the final draft of the Hydrologic Investigation of the Louisiana Chenier Plain.
- XIII. N Report: Outreach Committee (Bodin): 11:50 a.m. to 12:00 p.m.**  
Mrs. Bodin will report on the Breaux Act outreach program.
- XIV. O Report: Planning Efforts for the 13<sup>th</sup> Priority Project List (Miller) 12:00 p.m. to 12:20 p.m.**
- XV. P For Discussion: Options to Prioritize Future Phase II Funding Decisions 12:20 p.m. to 12:35 p.m.**
- XVI. Q Update: Louisiana Coast Area Comprehensive Feasibility Study (Constance) 12:35 p.m. to 12:45**
- XIV. R Presentation: The U.S. Maritime Administration's Vessel Retirement Program – the potential for partnership in Louisiana (Carnes) 12:45 p.m. to 1:00 p.m.**
- XIV. S Additional Agenda Items: 1:00 p.m. to 1:15 p.m.**
- XV. T Request for Public Comments: 1:15 p.m. to 1:20 p.m.**
- XVI. U Date and Location of the next Task Force Meeting**  
The next meeting of the Task Force is scheduled for 9:30 a.m., April 23, 2003, in Lafayette, Louisiana.

**XVII.**

**Dates of Future Program Meetings**

March 26, 2003, 9:30 a.m.	Technical Committee	New Orleans
April 23, 2003, 9:30 a.m.	Task Force meeting	Lafayette
July 16, 2003, 9:30 a.m.	Technical Committee	Baton Rouge
August 14, 2003, 9:30 a.m.	Task Force meeting	New Orleans
September 17, 2003, 9:30 a.m.	Technical Committee	Baton Rouge
October 16, 2003, 9:30 a.m.	Task Force meeting	Baton Rouge
December 10, 2003, 9:30 a.m.	Technical Committee	New Orleans
January 28, 2004, 9:30 a.m.	Task Force meeting	New Orleans

**XVIII.**

**Adjourn: 1:05 p.m.**

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

**TASK FORCE MEMBERS**

Task Force Member

Member's Representative

Governor, State of Louisiana

Karen Gautreaux  
Executive Assistant for Coastal Activities  
Office of the Governor  
State Lands and Natural Resources Bldg.  
Capitol Annex  
1051 North 3rd Street  
Baton Rouge, LA 70802  
(225) 342-4738; Fax: (504) 342-8320

Administrator, EPA

Mr. Miguel Flores  
Director, Water Quality Protection Division  
Region VI  
Environmental Protection Agency  
1445 Ross Ave.  
Dallas, Texas 75202  
(214) 665-7101; Fax: (214) 665-7373

Secretary, Department of the Interior

Mr. Dave Frugé  
Field Office Supervisor  
U.S. Fish and Wildlife Service  
U.S. Department of the Interior  
646 Cajundome Blvd.  
Suite 400  
Lafayette, Louisiana 70506  
(337) 291-3115; Fax: (318) 291-3139

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

**TASK FORCE MEMBERS (cont.)**

<u>Task Force Member</u>	<u>Member's Representative</u>
Secretary, Department of Agriculture	Mr. Donald Gohmert State Conservationist Natural Resources Conservation Service 3737 Government Street Alexandria, Louisiana 71302 (318) 473-7751; Fax: (318) 473-7682
Secretary, Department of Commerce	Mr. Rollie Schmitten National Oceanic and Atmospheric Administration Director, Office of Habitat Conservation, National Marine Fisheries Service 1315 East-West Highway, Rm 15253 Silver Spring, Maryland 20910 (301) 713-0174; Fax: (301) 713-0184
Secretary of the Army (Chairman)	Col. Peter J. Rowan District Engineer U.S. Army Engineer District, N.O. P.O. Box 60267 New Orleans, LA 70160-0267 (504) 862-2204; Fax: (504) 862-2492

# COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

## TASK FORCE PROCEDURES

### I. Task Force Meetings and Attendance

#### A. Scheduling/Location

The Task Force will hold regular meetings quarterly, or more often if necessary to carry out its responsibilities. When possible, regular meetings will be scheduled as to time and location prior to the adjournment of any preceding regular meeting.

Special meetings may be called upon request and with the concurrence of a majority of the Task Force members, in which case, the Chairperson will schedule a meeting as soon as possible.

Emergency meetings may be called upon request and with the unanimous concurrence of all members of the Task Force at the call of the Chairperson. When deemed necessary by the Chairperson, such meetings can be held via telephone conference call provided that a record of the meeting is made and that any actions taken are affirmed at the next regular or special meeting.

#### B. Delegation of Attendance

The appointed members of the Task Force may delegate authority to participate and actively vote on the Task Force to a substitute of their choice. Notice of such delegation shall be provided in writing to the Task Force Chairperson prior to the opening of the meeting.

#### C. Staff Participation

Each member of the Task Force may bring colleagues, staff or other assistants/advisors to the meetings. These individuals may participate fully in the meeting discussions but will not be allowed to vote.

#### D. Public Participation (see Public Involvement Program)

All Task Force meetings will be open to the public. Interested parties may submit written questions or comments that will be addressed at the next regular meeting.



## II. **Administrative Procedures**

### A. Quorum

A quorum of the Task Force shall be a simple majority of the appointed members of the Task Force, or their designated representatives.

### B. Voting

Whenever possible, the Task Force shall resolve issues by consensus. Otherwise, issues will be decided by a simple majority vote, with each member of the Task Force having one vote. The Task Force Chairperson may vote on any issue, but must vote to break a tie. All votes shall be via voice and individual votes shall be recorded in the minutes, which shall be public documents.

### C. Agenda Development/Approval

The agenda will be developed by the Chairperson's staff. Task Force members or Technical Committee Chairpersons may submit agenda items to the Chairperson in advance. The agenda will be distributed to each Task Force member (and others on an distribution list maintained by the Chairperson's staff) within two weeks prior to the scheduled meeting date. Additional agenda items may be added by any Task Force member at the beginning of a meeting.

### D. Minutes

The Chairperson will arrange for minutes of all meetings to be taken and distributed within two weeks after a meeting is held to all Task Force members and others on the distribution list.

### E. Distribution of Information/Products

All information and products developed by the Task Force members or their staffs will be distributed to all Task Force members normally within two weeks in advance of any proposed action in order to allow adequate time for review and comment, unless the information/product is developed at the meeting or an emergency situation occurs.

## III. **Miscellaneous**

### A. Liability Disclaimer

To the extent permitted by the law of the State of Louisiana and Federal regulations, neither the Task Force nor any of its members individually shall be liable for the negligent acts or omissions of an employee, agent or representative selected with reasonable care, nor for anything the Task Force may do or refrain from doing in good faith, including the following: errors in judgement, acts done or committed on advice of counsel, or mistakes of fact or law.

B. Conflict of Interest

No member of the Task Force (or designated representative) shall participate in any decision or vote which would constitute a conflict of interest under Federal or State law. Any potential conflicts of interest must clearly be stated by the member prior to any discussion on the agenda item.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT  
TASK FORCE MEETING

January 16, 2003

**ADOPTION OF MINUTES FROM THE OCTOBER 9, 2002, TASK FORCE MEETING**

**For Information and Discussion**

Mr. Saia will present the minutes from the last Task Force meeting. Task Force members may provide suggestions for additional information to be included in the official meeting minutes.

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

**TASK FORCE MEETING**  
**October 9, 2002**

**Minutes**

**I. INTRODUCTION**

Colonel Peter J. Rowan convened the forty-eighth meeting of the Louisiana Coastal Wetlands Conservation and Restoration Act Task Force. The meeting began at 9:45 a.m. on October 9, 2002 in the Louisiana Room, at the Louisiana Department of Wildlife and Fisheries, in Baton Rouge, Louisiana. 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.

Colonel Rowan introduced Ms. Karen Gautreaux as the state's new representative on the Task Force. He thanked Dr. Len Bahr for his service on the Task Force as the state's representative. Ms. Gautreaux made a few remarks about her role as the governor's assistant for coastal activities. The other members of the Task force introduced themselves. Mr. David Frugé, also, commended Dr. Bahr for his service.

**II. ATTENDEES**

The attendance record for the Task Force meeting is presented as enclosure 2. Listed below are the six Task Force members:

Ms. Karen Gautreaux, State of Louisiana  
Mr. Miguel Flores, Environmental Protection Agency  
Mr. David Frugé, U.S. Department of the Interior  
Mr. Don Gohmert, U.S. Department of Agriculture  
Mr. Rollie Schmitten, U.S. Department of Commerce  
Colonel Peter J. Rowan, U.S. Army Corps of Engineers

All of the Task Force members except Mr. Rollie Schmitten were in attendance. Dr. Erik Zobrist represented Mr. Schmitten.

**III. APPROVAL OF MINUTES FROM PREVIOUS MEETING**

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Colonel Rowan called for comments on the minutes from the previous Task Force meeting. There were none.

A motion was made by Mr. Don Gohmert to approve the minutes from the January 16, 2002, Task Force meeting. Mr. Flores seconded the motion. The motion passed unanimously.

#### **IV. TASK FORCE DECISIONS**

##### **A. Request: Approval of the FY03 Planning Budget**

Mr. John Saia presented the recommendation of the Technical Committee to approve the FY03 planning budget for \$5,303,450. He pointed out that there were funds in the budget for Federal agency coordination with the Corps and state Louisiana Coastal Area Comprehensive Ecosystem Restoration Feasibility Study. He also stated that the budget did not include additional items to be requested by the outreach committee later in the meeting.

Mr. Frugé moved to approve the FY03 planning budget.

Mr. Gohmert seconded the motion.

The motion passed unanimously

##### **B. Request: West Bay Sediment Diversion Construction Approval**

Mr. Saia presented the recommendation of the Technical Committee to approve construction funding in the amount of \$22,306,712 for construction of the West Bay Sediment Diversion Project (MR-03) to create 8,932 acres of wetlands in Plaquemines Parish, Louisiana.

Mr. Gohmert moved to approve the Technical Committee recommendation.

Colonel Rowan cited a letter of concern that he had received from the shipping industry.

Mr. Frugé seconded the motion.

The motion passed unanimously.

##### **C. Request: Outreach Funding Initiatives FY03 (Bodin)**

Ms. Gabrielle Bodin presented two outreach proposals recommended by the outreach committee:

Request #1

The Task Force approved funding for two EPA special strategic initiatives in October 2001. One was to conduct field tour/briefings for \$55K. The use of \$15K was recently approved to support

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a White House tour. The other special initiative was for business/industry workshops on coastal Louisiana wetland loss for \$45K. *The Outreach Committee is seeking guidance from the Task Force concerning the remaining funds. Options include retaining the funds in the budget for related opportunities in FY03.*

Ms. Beverly Ethridge, EPA, made a case for retaining funds for future tours and briefings and reported on the status of the evolving business/industry workshops proposal. She recommended retaining those funds for a future proposal. Mr. Frugé asked if the Public Outreach Committee would come back to the Task Force with specific proposals? Ms. Bodin responded in the affirmative.

Mr. Frugé moved to retain the unexpended funds for future Public Outreach Committee proposals.

Mr. Gohnert seconded the motion.

The motion passed unanimously

Request #2

*The Public Outreach Committee is submitting three new proposed strategic initiatives for the Task Force's consideration for funding above the current base level of Outreach funding. New strategic initiatives are delivered to the Task Force annually at the October meeting, as per previous Task Force guidance. The three initiatives, their sponsoring agencies, and level of funding are (see attached fact sheets for details):*

1. "Protect the Purchase" – USGS – \$79,000
2. Media Initiative – NRCS – \$8,000
3. "Louisiana Wetlands Functions and Values" CD-ROM Update – USGS – \$23,000

Dr. Len Bahr (replacing Ms. Gautreaux for a short period) moved to approve the three previously unbudgeted outreach committee proposals.

Mr. Frugé seconded the motion.

The motion passed unanimously

## **V. INFORMATION**

### **A. Remarks from the Chairman of the Governor's Advisory Commission on Coastal Restoration, Mr. R. King Milling.**

Mr. R. King Milling asked the Task Force to re-evaluate their activities. He credited the Breaux Act with building the existing knowledge base. He urged the Task Force to use every dollar toward sustaining a coastal ecosystem, to pick projects that fit into a comprehensive plan, and to let science and engineering dictate solutions. He asked the Task Force to reconsider its demonstration program with a view towards implementing large-scale strategies. He asked that

we consider new methodologies to ensure that CWPPRA meshes with the LCA Comprehensive Study.

Mr. Frugé pointed out to Mr. Milling that the Task Force over the last couple of years has tried to link project selection to the 2050 comprehensive plan and has used Breaux Act funds for other Federal agencies to join the Corps' comprehensive feasibility study.

## **B. Status of Breaux Act Program Funds and Projects**

Mr. Tom Podany presented the status of the Breaux Act funds. The status of construction funds taking into consideration approved current estimates, project expenditures through present, Federal and non-Federal cost sharing responsibilities, is an estimated amount of \$27,815,730 in Federal funds available, based on Task Force approvals to date. Mr. Podany pointed out to the Task Force that the ratio of Breaux Act project expenditures to total allocated funds is low compared to other Corps programs. A total of \$426M Federal to be matched by \$80M non-Federal has thus far been allocated and only \$154M has been spent. Mr. Podany stated that the Corps headquarters is questioning that level of Breaux Act performance as they are providing guidance on how to structure the Louisiana Coastal Area Comprehensive Ecosystem Restoration Feasibility Study to secure funding under a Water Resources Development Act. He reported on the amounts being reserved for future operations and maintenance and monitoring. Ms. Gautreaux asked if the Breaux Act committees should be charged with developing a means to bring the program in line with the larger study effort. Mr. Flores wanted to make sure there is money for monitoring. Dr. Zobrist agreed and further stated that we should ensure that actual O&M on projects matched projected expenditures. Colonel Rowan called for motions but none were forthcoming. Mr. Frugé suggested an off-site meeting. Some discussion about the need for and format of such a meeting followed. Mr. Hanchey interjected the idea of applying cash flow to PPL's 1-8. He also asked the Task Force if it was willing to change its annual list process and committee structures. Colonel Rowan brought up the idea of using an outside consultant. Mr. Frugé suggested that using a facilitator would help. Mr. Gohmert wanted to fix any expenditure problems in open working sessions and take up Mr. Hanchey's ideas with a facilitator. Colonel Rowan charged the Breaux Act committees with developing the background information and agenda for the off-site discussions.

## **C. Report: CWPPRA Funding and Expenditure Overview (LeBlanc) and Guidance from Task Force on future Project Priority Lists**

Ms. Julie LeBlanc reported on the funding status of all approved priority list projects (PPL1-11, including complex projects). Construction of all of these projects, excluding Myrtle Grove and Bayou Lafourche, would require nearly \$300M more than the total of all anticipated Breaux Act allocations through 2009. This brought up a discussion as to why Bayou Lafourche funding

**TAB C**

was left out of the total. Ms. Gay Browning indicated that we could include Bayou Lafourche in future funding status reports if the Corps is provided an estimate for the amount to be paid for under Breaux Act. There was some discussion as to what technically constituted an obligation of funds in the Corps financial system. The Task Force generally agreed to continue approving projects. Colonel Rowan stated that some projects would fall by the wayside. Mr. Flores advised being judicious in the selection of future projects.

#### **D. Report: Outreach Committee**

Ms. Gabrielle Bodin reported on the annual activities (October 2001 – September 2002) of the Breaux Act outreach program.

#### **E. Report: Adaptive Management Review**

Mr. Rick Rainie presented an overview of the findings of the adaptive management review. The review group had looked at several of each type of project and drew conclusions and made some recommendations. The results had been presented at a workshop on August 12-13, 2002, in Baton Rouge.

#### **F. Announcement: Public Meetings to Present PPL12 Candidate Project Evaluation Results**

Mr. Greg Miller announced that two public meetings would be held to present the results of candidate projects under review and consideration for the 12<sup>th</sup> Priority Project List. They are November 19 in Abbeville (7 pm, at the Vermilion Parish Police Jury Courthouse Building, Courtroom 1, 2<sup>nd</sup> floor) and November 20 in New Orleans (7 pm, at the Corps of Engineers, District Assembly Room). The Technical Committee will meet on December 10, 2002 to recommend projects for selection to the 12<sup>th</sup> list. On January 16, 2003, the Breaux Act Task Force will select the 12<sup>th</sup> Priority Project List.

#### **G. Report: Initial Damage Assessment of Impacts from Tropical Storm Isidore and Hurricane Lili**

Dr. Shea Penland reported on an aerial damage assessment of impacts from tropical storm Isidore and hurricane Lili. Photos of the pre and post storm barrier islands and headlands were shown. Damage to the islands was apparent. Island dunes did not appear to have washed over to the backside of the islands. Broader, flatter islands with marsh on the bayside seemed to fair better. This observation prompted Mr. Hanchey to suggest that we should revisit the barrier

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island project designs that are currently in the works. Dr. Penland advised the Task Force that maintenance of the islands should be anticipated and planned. Mr. Garrett Broussard reported on a project damage assessment that had been undertaken by the Louisiana Department of Natural Resources (DNR). Marsh Island took a big hit but most of the interior projects came out all right. Dr. Zobrist apprised the group of the need for contingency funds to repair monitoring data stations.

Mr. Bob Stewart showed aerial video footage of the post storm marshes and islands that had been taken by the U. S. Geological Survey (USGS).

## **H. Report: Update on Louisiana Coastal Area Comprehensive Study**

Mr. Randy Hanchey reported on the status of the Louisiana Coastal Area Comprehensive Ecosystem Restoration Feasibility Study. He stated that the study had progressed about one third of the way and that mid course adjustments were being made. An ecological model would be commissioned. The study is pursuing Coast 2050 strategies. Outside consultants will be employed. Discussions of objectives are ongoing. He mentioned the states' interest in the Acadiana Bay initiative, reef restoration, a physical model of the Mississippi River, the 3<sup>rd</sup> delta, and convening a group to look at the lower Mississippi River. The draft report is needed by mid-2003 to make it into a 2004 WRDA. He stated that the framework development team had become a major player, that the National Research Council would evaluate the 2050 plan and the course of the comprehensive study, and that a National Technical Review Committee was providing technical oversight. Dr. Zobrist asked if the barrier island study is still ongoing. Mr. Hanchey indicated that it will be pulled into the comprehensive study. Dr. Zobrist stated that it is important to note that there are quite a few CWPPRA barrier island projects that will come up for Task Force approval before 2004. He indicated the need to be able to mesh the barrier island approach under WRDA and CWPPRA. Mr. Stewart advised the inclusion of infrastructure benefits. Mr. Flores stated the intention of the EPA to pursue a pipeline slurry demonstration, as a means to move Mississippi River sediment into the marsh.

## **VI. Additional Agenda Items**

There were no additional agenda items offered.

## **VII. Request for Public Comments**

The Task Force chairman offered members of the public an opportunity to comment on issues of concern.

A. Mr. Mark Davis, Executive Director of the Coalition to Restore Coastal Louisiana, stated that he agreed with Mr. Milling's earlier comments about the need to look at our process, and that much more was expected of everybody involved. He advised taking stock of what has been learned and planning for storms, coordinating emergency money, seeking Federal Emergency Management Agency (FEMA) funds for projects, and coordinating repairs. He also, advocated taking a holistic approach in regards to disaster assistance and looking at demonstration projects.

B. Mr. Woody Cruse, Jefferson Parish Marine Fisheries Advisory Board, spoke in favor of the Bayou Dupont Sediment Delivery Project.

### **VIII. Date and Location of the Next Task Force Meeting**

The next meeting of the Task Force will be held on January 16, 2002, at the Corps of Engineers, New Orleans District, Assembly Room A, beginning at 9:30 a.m.

The meeting was adjourned at 1:05 p.m.

**TAB C**



## ATTENDANCE RECORD



DATE 09 OCT 2002	SPONSORING ORGANIZATION COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT	LOCATION LA Dept of Wildlife & Fisheries Baton Rouge, LA
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PURPOSE  
BREAUX ACT TASK FORCE MEETING

## PARTICIPANT REGISTER\*

NAME	JOB TITLE AND ORGANIZATION	E MAIL ADDRESS	TELEPHONE NUMBER
John Lopez	Coastal Biologist USACE	John.A.Lopez@MUNOZ.USACE	(504) 862-1945
Jay Ratcliff	USACE	jay.ratcliff@MUNOZ.USACE	504-862-2958
Jimmy Johnston	USGS	Jimmy-Johnston@USGS	337-266-8950
Sue Howes	USACE		504-862-2578
ROB KELLY	PARSONS CORP	ROB.KELLY@PARSONS.COM	678-969-2302
KEVIN RIZZO	T BAKER SMITH	KEVINR@TBSMITH.COM	985 868/0520
Vicki Ludden	Gulf Restoration Network	vludden@gulfrestorationnetwork.org	504-525-1528
Dawn Frue	USFWS/DOI		337/291-3100
Jennifer Visser	LSU	COMUSS@LSU.EDU	225 578 6377
Hayden	COE		504-862-2255
Phil Pittman	LDNR/CRD	PHILP@DNR.STATE.LA.US	(225) 342-0981
Greg Steyer	USGS/NWRC	gsteyer@USGS.GOV	225 578 7201
Martin Concurrence	Comd Billy Tauzin		225-621-8490
MANUEL L RUIZ	LDWF/Habitat	luiz-mj@WLF.STATE.LA.US	225-765-2373
Henry Picard III	Vice Pres Burk-Klempke	hpicard@bkusa.com	225 925 0930
		8641 United Plaza D S 301 BR 70809	

Attendance Record

Date:

~~RPT Region~~ CWJ PRA  
Task Force Mtg 10/9/02

Name

Affiliation

phone #

<u>Paul E Emmer</u>	<u>REED/Amn</u>	<u>225-923-3743</u>
<u>Woody Crews</u>	<u>JP Marine Fisheries</u>	<u>504-888-7790</u>
<u>Beverly Etchridge</u>	<u>EPA - Baton Rouge</u>	<u>225 389 0737</u>
<u>Shirley Johnson</u>	<u>Vermilion</u>	<u>337 893 - 2368</u>
<u>Michelle Deshotel</u>	<u>DOTD</u> <sup>PO Box 94245</sup> <sub>BR 70804-9245</sub>	<u>225-379-1226</u>
<u>Eddie Olivier Jr</u>	<u>DOTD</u>	<u>" 274-4326</u>
<u>Honora Buras</u>	<u>LDNR</u>	<u>225 342-4103</u>
<u>GORDON BURGESS</u>	<u>TANGI PSH</u>	<u>985-748-3211</u>
<u>Rick Raynie</u>	<u>LDNR/CRD</u>	<u>225-342-9436</u>
<u>Carol Franze</u>	<u>UNO</u>	<u>504 280-7041</u>
<u>SM. Gagliano</u>	<u>CEI</u>	<u>225-383-7455</u>
<u>M. Davis</u>	<u>CRK</u>	<u>225 344 6555</u>
<u>Scott Wilson</u>	<u>USGS</u>	<u>337-266-8644</u>
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COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT  
TASK FORCE MEETING  
January 16, 2003

**STATUS OF BREAUX ACT PROGRAM FUNDS AND PROJECTS**

**For Information**

1. CWPPRA Program Planning Budget.
  - a. Planning Budget by FY (pg 1-3). Compares approved/actual budgets from FY99 through FY03. Reflects the FY03 Planning Program budget approved 9 October 2002 for **\$5,413,450**.
  - b. FY03 Detailed Budget Tasks (pg 4-11). The FY03 Planning Program budget reflected through specific tasks.
2. Construction Program.
  - a. CWPPRA Project Summary Report by Priority List (pg 1-2). A priority list summary of funding, baseline and current estimates, obligations and expenditures, for the construction program as furnished by the lead agencies for the CWPPRA database.
  - b. Status of Construction Funds (pg 3-4). Taking into consideration approved current estimates, project expenditures through present, Federal and non-Federal cost sharing responsibilities, we estimate **\$45,265,885** Federal funds to be available, based on Task Force approvals to date.
  - c. Status of Construction Funds for Cash Flow Management (pg 5-6). Status of funds reflecting current, approved estimates and potential Phase 2 estimates for PPL's 1 through 11 and potential Phase 1 requirements for complex projects.
  - d. Cash Flow Funding Forecast.
    - i. Schedules for requests of Phase 1 (for complex projects) and Phase 2 funding approvals (pg 7-8).
    - ii. Phase 2 funding requirements reflected by FY (pg 9-10).
    - iii. Anticipated Funding of Remaining Balances (pg 11)
  - e. Construction Program Potential Cost Changes (pg 12-13). This table depicts potential future construction program cost increases and decreases affecting available Federal funds. If these increases and decreases are taken into consideration, **\$56,955,140** in Federal funds will be available for FY03 (inclusive of FY03 work allowance).
  - f. Projects Returning Excess Funds (p14). A total of **\$3,082,228** may be returned from projects that have completed or almost completed construction.
  - g. Analysis of Construction Funds (p16). This table analyzes Federal and non-Federal cost sharing responsibilities as determined by the current approved project estimates.
  - h. Analysis of Construction Program Estimates, Obligations, & Expenditures by PPL (p17-24)

- i. Construction Schedule (pg 25-28). Construction start/completion schedule with construction estimates, obligations and expenditures.
- j. CWPPRA Project Status Summary Report (pg 29-114). This report is comprised of project information from the CWPPRA database as furnished by the lead agencies.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING

January 16, 2003

**SELECTION OF THE 12<sup>th</sup> PRIORITY PROJECT LIST**

**For Information**

A presentation will be given that provides an overview of the PPL 12 candidate projects.

**For Decision**

Mr. Saia will present the results of the 12<sup>th</sup> year candidate project evaluations. During the spring of 2002, the public, academic community, and agency staff nominated 12 projects for consideration. The Technical Committee selected 7 projects as candidates for detailed evaluation by the environmental, engineering, and economic working groups.

**Recommendation of the Technical Committee**

The Technical Committee recommends approving the four full-scale projects and one demonstration project listed below to the 12<sup>th</sup> PPL.

<u>FULL-SCALE PROJECT NAME</u>	<u>PHASE I COST</u>
South White Lake Shoreline Protection	\$1,588,085
Bayou Dupont Marsh Creation	\$2,192,735
Avoca Island Diversion and Land Building	\$2,229,876
Lake Borgne and MRGO Shoreline Protection	\$1,348,345
Subtotal:	\$7,359,041
<u>DEMONSTRATION PROJECT NAME</u>	<u>DEMO TOTAL COST</u>
Freshwater Floating Marsh Demonstration Project	\$1,080,900
TOTAL:	\$8,439,941

TAB E



# Priority Project List Number 12

## Candidate Projects



**Public Meetings -- November 2002**

**Abbeville**

**New Orleans**

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## The 12<sup>th</sup> Priority List Planning Process

- √ Citizens nominated 13 projects across the Louisiana coastal zone at regional meetings during Spring 2002.
- √ At the direction of the CWPPRA Task Force, the Technical Committee selected 7 candidate projects for detailed evaluation in May 2002.
- √ Interagency project site visits were conducted with the participation of interested landowners and local government representatives during the late spring and early summer.
- √ Members of the Environmental and Engineering work groups met to review project features, aerial videotapes, and field notes to determine project boundaries.
- √ Environmental Work Group conducted Wetland Value Assessments (WVA) on each candidate project to estimate environmental benefits.
- √ Engineering Work Group reviewed designs and cost estimates for each project.
- √ The work groups jointly applied the Coast 2050 criteria to score each project to indicate support for the goals of the Coast 2050 plan.
- √ Economics Work Group projected fully funded costs to construct, monitor and maintain each candidate project.
- Hold public meetings to present project evaluation results.
- On December 10, 2002, the Technical Committee will review project evaluation results and develop a recommendation to the Task Force for project selection.
- The CWPPRA Task Force will select the 12<sup>th</sup> Priority Project List on January 16, 2002.

## **Hydrologic Restoration in the Swamps West of Lake Maurepas (1-1)**

**Coast 2050 Strategies:** 1) Offshore and riverine sand and sediment sources; 2) Diversions and riverine discharge; 3) Management of diversion outfall for wetland benefits.

**Project Location:** Region 1, Lake Pontchartrain Basin, Livingston Parish in cypress/tupelo swamps West of Lake Maurepas, north and south of the Amite River Diversion Canal.

**Problem:** Swamps north and south of the Amite River Diversion Canal are highly stressed by a lack of Mississippi River inflow and the impounding effects of the spoil bank along the canal. The Amite River Diversion Canal could compensate for the lack of Mississippi River water, but the spoil banks prohibit input of sediment- and nutrient-laden water from the canal into the swamps during high water, and they prohibit draining of the swamps during low water periods.

**Goals:** 1) Increase productivity and regeneration of cypress and tupelo swamp; 2) increase sediment accretion and nutrient loading in swamp; 3) decrease frequency, intensity, and duration of salinity spikes in swamp; 4) increase water flows through swamp; 5) increase the frequency and duration of periods when the swamp surface is not flooded to promote regeneration; 6) increase frequency and duration of periods when water depths in the swamp <1ft to support survival of new cypress and tupelo recruits; 7) decrease nutrient loading to Lake Maurepas from Amite River.

**Proposed Solution:** Construct a total of eight 40'-wide cuts in the spoil banks on the north and south banks of the Amite River Diversion Canal to facilitate water exchange. The two northwestern-most cuts would include bridge crossings, while others would not. Each cut would be approximately 250' long, to a depth of -1.0' NAVD. Gaps in the old railroad grade, which traverses north to south across the project boundary, would be cut to facilitate better hydrologic connectivity within the project area.

**Project Benefits:** This project would benefit 6,458 acres of cypress-tupelo swamp, however it is not expected to directly create any additional forested wetland acreage over the 20-year project life. WVA attributed 1,878 AAHUs to the project due to improvements in vegetative cover and growth, hydrology, and reduced salinities.

**Project Costs:** The estimated total fully funded cost is \$5,997,700.

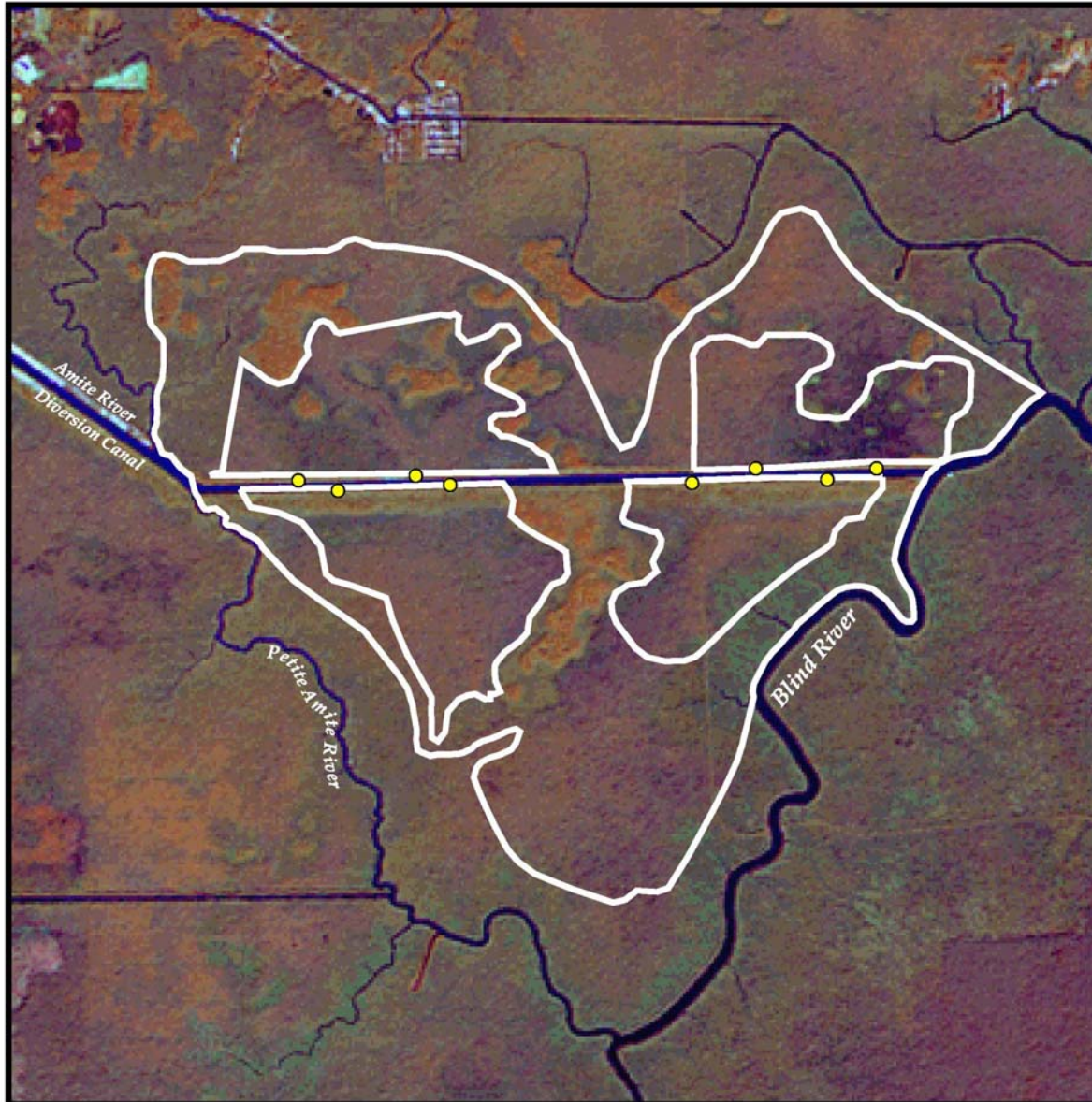
**Risk/Uncertainty and Longevity/Sustainability:** The joint Environmental/Engineering Work Group considered this project to have a high degree of risk/uncertainty because of uncertainty at this stage of planning as to whether project features and conditions would elicit the desired effects as proposed. The project is expected to continue providing wetland benefits 30-40 years after construction because project features are simple and should be durable over time.

### **Sponsoring Agency and Contact Persons**

Ken Teague, EPA-Dallas (214-665-6687)

Tim Landers, EPA-Dallas (214-665-7533)

Brad Crawford, EPA-Dallas (214-665-7255)



# Hydrologic Restoration of the Swamps West of Lake Maurepas

PPL12 Project Candidate

- Proposed Spoil Bank Cuts
- Project Boundary Subareas



0.5 0 0.5 1 Miles

0.5 0 0.5 1 Kilometers

Map Produced By:  
U.S. Department of the Interior  
U.S. Geological Survey  
National Wetlands Research Center  
Coastal Restoration Field Station

Background Imagery:  
Thematic Mapper Satellite Imagery 2000

Map Date: October 24, 2002  
Map ID: USGS200311027  
Data accurate as of: October 24, 2002

## **Lake Borgne and MRGO Shoreline Protection (R1-3)**

### **Coast 2050 Strategies**

- maintain Lake Borgne shoreline integrity
- stabilize the entire north bank of the MRGO

### **Project Location**

Region 1, Pontchartrain Basin. St. Bernard Parish. Along the Lake Borgne shoreline between Doullut's Canal and Jahncke's Ditch and along the north bank of the Mississippi River Gulf Outlet between Doullut's Canal and Lena Lagoon.

### **Problem**

Shoreline erosion rates along Lake Borgne were estimated at 9 ft/yr along Lake Borgne and 24 ft/yr along the MRGO.

### **Goals**

This project would help preserve marsh between Lake Borgne and the MRGO by preventing shoreline erosion.

### **Proposed Solutions**

Two features will be constructed. 1) An 18,500 linear foot rock dike along the Lake Borgne shoreline from Doullut's Canal to Jahncke's Ditch. The dike will be 4 feet high, with a 5-foot crown and side slopes of 1V on 2H. 2) A 14,250 linear foot rock dike along the north bank of the MRGO from Doullut's Canal to Lena Lagoon. The dike will be 6 feet high, with a 5-foot crown and side slopes of 1V on 1.25H. Both dikes will have a 3-foot layer of armor stone placed on top of a crushed stone core resting on a layer of geotextile. Any flotation channel needed will be excavated with the spoil being placed behind the rock dikes. Fish dips will be constructed so as to allow organism and water exchange.

### **Project Benefits**

The project would benefit about 465 acres of estuarine marsh. Approximately 266 acres of marsh would be created/protected over the 20-year project life.

### **Risk/Uncertainty and Longevity/Sustainability**

There is a low degree of risk associated with this project because rocks are effective at stopping shoreline erosion. The project should continue providing benefits 20-30 years after construction because adequate O&M funds are budgeted.

### **Project Costs**

The estimated total fully funded cost is \$25,062,900.

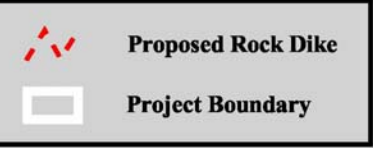
### **Sponsoring Agency and Contact Persons**

Gregory Miller, Corps of Engineers, (504) 862-2310  
Chris Monnerjahn, Corps of Engineers, (504) 862-2415



## Lake Borgne and MRGO Shoreline Protection

PPL12 Project Candidate



Map Produced By:  
U.S. Department of the Interior  
U.S. Geological Survey  
National Wetlands Research Center  
Coastal Restoration Field Station

Background Imagery:  
Digital Orthophoto Quarter Quadrangle

Map Date: October 23, 2002  
Map ID: USGS200311022  
Data accurate as of: September 16, 2002

## **Bayou Dupont Sediment Delivery System (2-1)**

**Coast 2050 Strategies Coastwide:** 1) Dedicated dredging; 2) Vegetative planting.

**Project Location:** Region 2, Barataria Basin. In the vicinity of Bayou Dupont (north of Bayou Dupont) and southeast of Cheniere Traverse Bayou to the Mississippi River in the vicinity of Ironton in Plaquemines Parish, and the Town of Jean Lafitte in Jefferson Parish.

**Problem:** The proposed project would dredge sediment for marsh creation from the Mississippi River, and deliver it to an adjacent area within the Barataria Basin. Project area marshes have degraded to almost entirely open water, due to a combination of causes including lack of natural freshwater and sediment input, subsidence, and the dredging of oil and gas canals. The proximity to the Mississippi River is an excellent opportunity to design a sediment delivery system that will utilize sediment from the River to restore and create wetlands in this area of critical need. Unlike most marsh creation projects, this project will not borrow material from existing shallow bay bottoms, which may have implications for surrounding sediment dynamics and water quality at the borrow area. Ideally this sediment would be transported into areas of need using freshwater/sediment diversions. However, it is difficult to divert large sediment loads using diversion structures in most locations, since smaller structures don't typically capture bedload, and sedimentation in diversion channels is a problem. Dedicated dredging of Mississippi River sediments is one way around this dilemma.

**Goals:** 1) Create 538 acres of brackish marsh using sediment dredged from the Mississippi River; 2) Provide features that would facilitate future marsh creation efforts in surrounding open areas.

**Proposed Solution:** Creation/restoration of approximately 538 acres of brackish marsh by delivering sediments dredged from the Mississippi River via pipeline, and planting marsh vegetation.

**Project Benefits:** The project would benefit 538 acres of estuarine marsh. Approximately 400 acres of marsh would be created/protected over the 20-year project life.

**Project Costs:** The estimated total fully funded cost is \$24,727,100.

**Risk/Uncertainty and Longevity/Sustainability:** There is a low degree of risk and uncertainty associated with this project because the methods are reasonably simple and in fairly wide use. The project should continue providing benefits 30-40 years after construction because sufficient sediment will have been delivered to maintain marshes beyond the 20 year project life. Created wetlands may also benefit from the planned Myrtle Grove freshwater diversion.

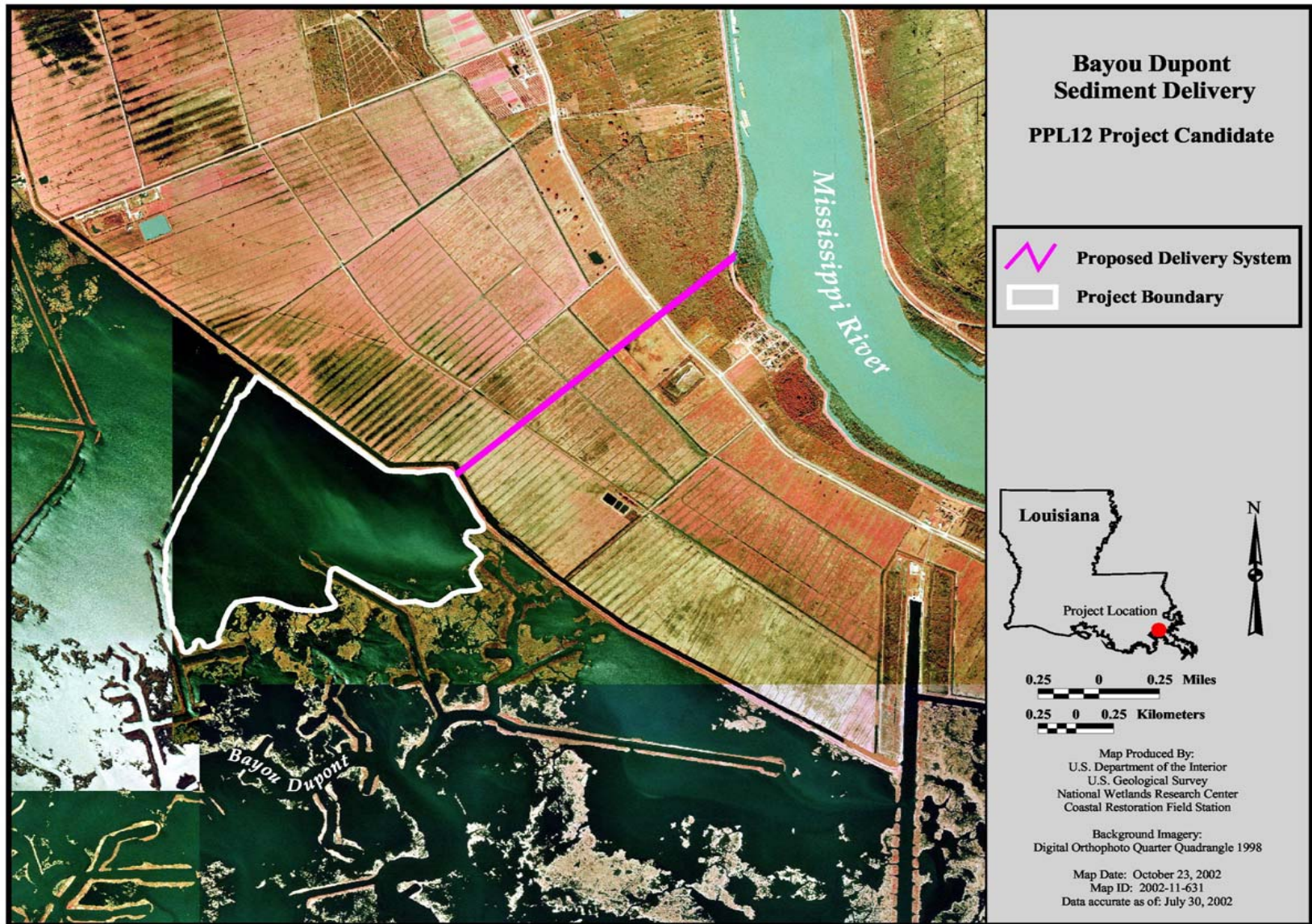
**Sponsoring Agency and Contact Persons:**

Tim Landers, EPA-Dallas (214-665-7533)

Ken Teague, EPA-Dallas (214-665-6687)

Brad Crawford, EPA-Dallas (214-665-7255)





## Shell Island Barrier Headland Restoration

### Coast 2050 Strategies

Regional strategy #21 restore/maintain barrier headlands, islands and shorelines  
Coastwide - beneficial use of dredged material; dedicated dredging

### Project Location

Region 2, Barataria Basin, Plaquemines Parish, west of Empire Waterway

### Problem

Historic and predicted future loss is high (erosion rate of 115.4 ft/yr). Historically, the island protected interior bays and marsh when it was whole. (Plaquemines Parish representatives voted this as the highest CWPPRA priority).

### Goals

Reestablish historic barrier separating bay from gulf, thereby adding protection to interior areas.

### Proposed Solution

Reestablish barrier through rock breakwater and marsh creation using pumped material (sand and overburden) as indicated on attached map with appropriate maintenance for 20-year project life. Areas will also be planted with appropriate woody and herbaceous vegetation for nesting and resting habitat while leaving some sections barren for nesting habitat desirable for other avian species.

### Project Benefits

The project would benefit 1,294 acres of barrier island habitat. Approximately 296 acres of marsh and barrier island habitat would be created/protected over the 20-year project life.

### Project Costs

The estimated total fully funded cost is \$98,456,700.

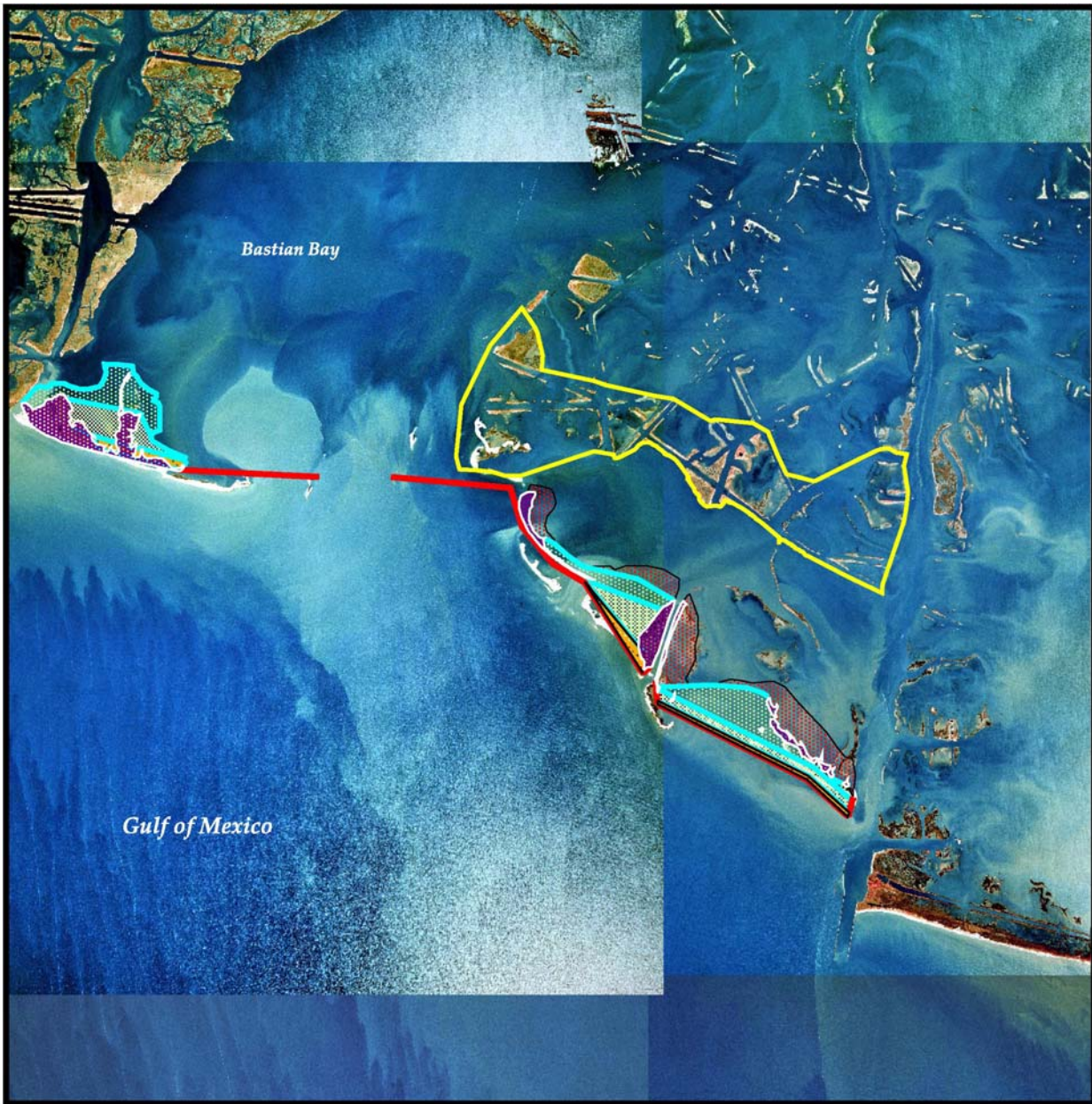
### Risk/Uncertainty and Longevity/Sustainability

There is a moderate degree of risk associated with this project because of the project used time tested materials, however in a high-risk area. The project should continue providing benefits 20-30 years after construction because sufficient maintenance is built into the project.

### Sponsoring Agency and Contact Person

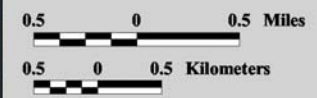
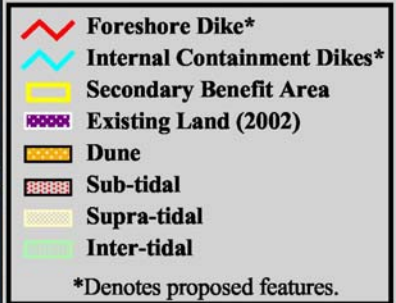
Marty Floyd, Biologist, NRCS, 318-473-7690, [marty.floyd@la.usda.gov](mailto:marty.floyd@la.usda.gov)

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## Shell Island Barrier Headland/Island Restoration

PPL12 Project Candidate



Map Produced By:  
 U.S. Department of the Interior  
 U.S. Geological Survey  
 National Wetlands Research Center  
 Coastal Restoration Field Station

Background Imagery:  
 1998 Digital Orthophoto Quarter Quadrangle

Map Date: October 23, 2002  
 Map ID: USGS200311024  
 Data accurate as of: October 23, 2002

## Shell Island Barrier Headland Restoration Increment

### Coast 2050 Strategy

Regional strategy #21 restore/maintain barrier headlands, islands and shorelines.  
Coastwide - beneficial use of dredged material; dedicated dredging

### Project Location

Region 2, Barataria Basin, Plaquemines Parish, west of Empire Waterway

### Problem

Historic and predicted future loss is high (erosion rate of 115.4 ft/yr). Historically, the island protected interior bays and marsh when it was whole. (Plaquemines Parish voted this as the highest CWPPRA priority).

### Goals

Reestablish historic barrier separating bay from gulf, thereby adding protection to interior areas.

### Proposed Solution

Reestablish barrier through rock breakwater and marsh creation using pumped material (sand and overburden) as indicated on attached map with appropriate maintenance for 20-year project life. Areas will also be planted with appropriate woody and herbaceous vegetation for nesting and resting habitat while leaving some sections barren for nesting habitat desirable for other avian species.

### Project Benefits

The project would benefit 1,114 acres of barrier island habitat. Approximately 223 acres of marsh and barrier island habitat would be created/protected over the 20-year project life.

### Project Costs

The estimated total fully funded cost is \$81,916,200.

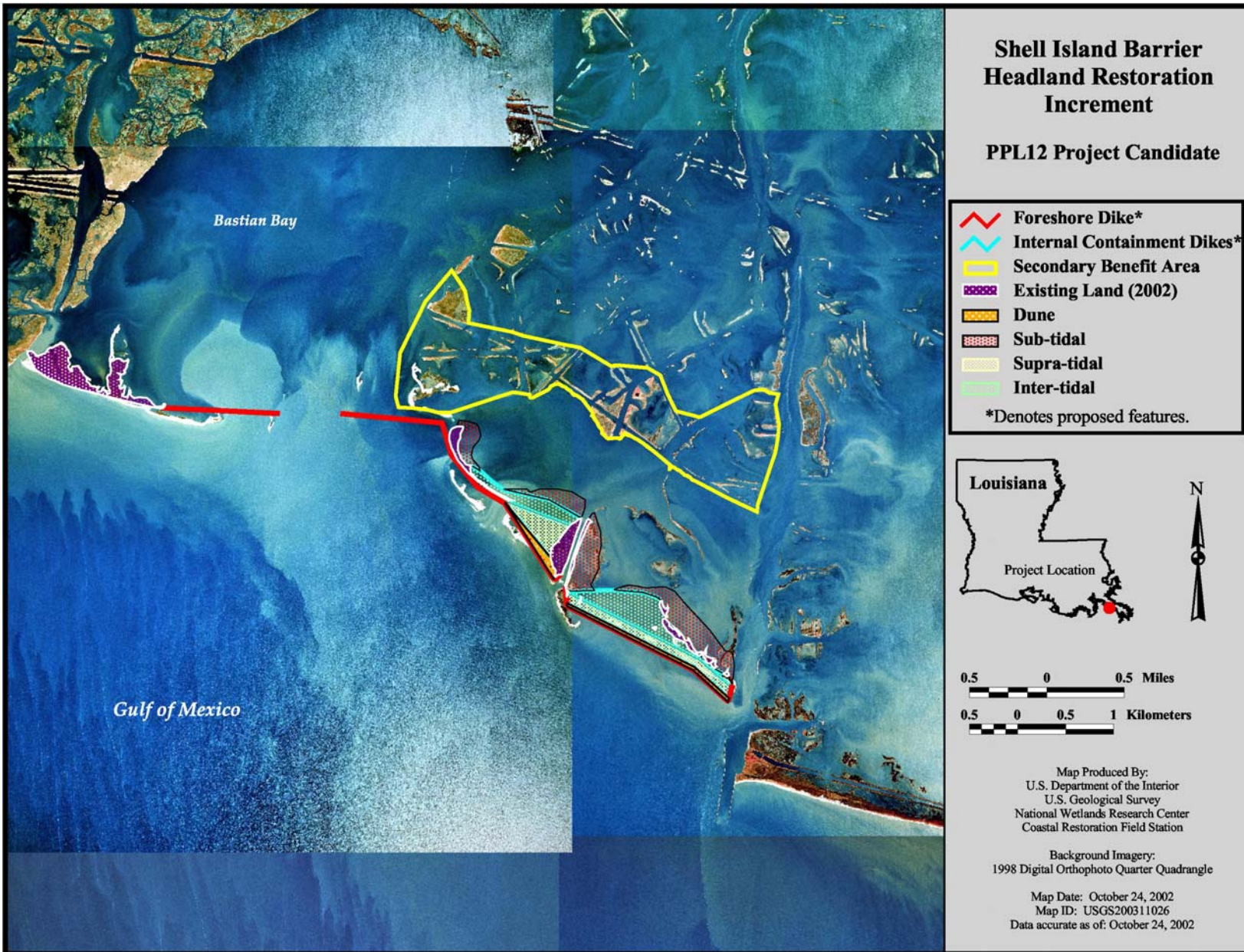
### Risk/Uncertainty and Longevity/Sustainability

There is a moderate degree of risk associated with this project because of the project used time tested materials, however in a high-risk area. The project should continue providing benefits 20-30 years after construction because sufficient maintenance is built into the project.

### Sponsoring Agency and Contact Person

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John Jurgensen, PE, NRCS, 318-473-7694, [john.jurgensen@la.usda.gov](mailto:john.jurgensen@la.usda.gov)



## **Avoca Island Diversion and Land Building (R3-2)**

### **Coast 2050 Strategies**

- Diversions and riverine discharge
- Stabilize banks
- Beneficial use of dredged material
- Protect lake shoreline

### **Project Location**

Region 3. Terrebonne and Atchafalaya Basins, St. Mary Parish, Avoca Island.

### **Problem**

The Coast 2050 Plan reported that the Avoca Island mapping unit lost ~5,000 acres of marsh between 1932 and 1990. Natural overbank flooding into the Avoca Island area has been eliminated by channelization and construction of flood protection levees.

### **Goals**

Rebuild eroded wetlands through the diversion of freshwater, sediment and nutrients.

### **Proposed Solution and Features**

1. A diversion structure would be installed through the Avoca levee to allow fresh water, sediment, and nutrients from Bayou Schaffer to enter Avoca Lake. The projected diversion design volume is 1,000 cfs.
2. A natural bayou would be used as the primary outfall channel for the diversion.
3. Outfall management measures will be evaluated and incorporated to increase benefits to aquatic habitats in the island system.

### **Project Benefits**

The project would benefit about 7,233 acres of fresh marsh, cypress forest, and open water. Approximately 143 acres of marsh would be created/protected over the 20-year project life.

### **Project Costs**

The estimated total fully funded cost is \$19,157,200.

### **Risk/Uncertainty and Longevity/Sustainability**

There is a low degree of risk associated with this project because river diversions are an effective wetlands restoration technique. The project should continue providing benefits 30 - 40 years after construction.

### **Sponsoring Agency and Contacts**

Gregory Miller, U.S. Army Corps of Engineers, (504) 862-2310






Chris Monnerjahn, U.S. Army Corps of Engineers, (504) 862-2415

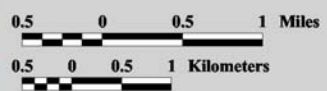
Richard Boe, U.S. Army Corps of Engineers, (504) 862- 1505



# Avoca Island Diversion and Land Building

PPL12 Project Candidate

-  Diversion Structure\*
  -  Diversion Channel\*
  -  Subunit Boundaries
  -  Land Creation\*
  -  Project Boundary
- \*Denotes proposed feature



Map Produced By:  
 U.S. Department of the Interior  
 U.S. Geological Survey  
 National Wetlands Research Center  
 Coastal Restoration Field Station

Background Imagery:  
 1998 Digital Orthophoto Quarter Quadrangle

Map Date: September 18, 2002  
 Map ID: USGS200311021  
 Data accurate as of: September 18, 2002

## **North Bully Camp Hydrologic Restoration**

**Coast 2050 Strategy** - Coastwide Regional Ecosystem Strategy 10 – Restore historic hydrologic conditions of major tidal exchange points or prevent adverse tidal exchange points between the Gulf/lake, lake/marsh, bay/marsh, Gulf/bay and marsh /navigation channel locations.

**Project Location** - Region 3, Lafourche Parish, Grand Bayou Blue watershed, near Catfish Lake

**Problem** - Oilfield canals and marsh deterioration are allowing excessive northward saltwater intrusion as evidenced by the rapid conversion of project area intermediate marshes to deteriorating brackish marshes. This problem is most evident in flows and channel depths showing that a substantial segment of lower Grand Bayou Blue has been short-circuited to Bay Courant and the lower reaches of the bayou are nearly non-functional. This short-circuiting is also allowing increased tidal exchange to occur in interior marshes.

**Goals** - The project hopes to reduce saltwater intrusion and excessive tidal exchange in northern area marshes by building a land bridge across the basin at the twin pipelines and by restoring flow patterns within Grand Bayou Blue.

**Proposed Solution** - Project features would include:

- a) 6,720 feet of foreshore armored dike along portions of the south bank of Catfish Lake
- b) 13 rock riprap canal plugs
- c) 4 earthen plug closures
- d) 2 sheetpile bulkhead closures across twin pipelines
- e) repair wingwalls of 1 existing fixed crested weir
- f) repair 7 spoil bank breaks along the twin pipelines
- g) 4 rock channel liners to prevent channel scouring
- h) 3,400 feet of embankment restoration along Grand Bayou Blue

**Project Benefits** – The project would benefit 26,377 acres of brackish and saline marsh. Approximately 125 acres of marsh would be protected over the 20-year project life.

**Project Costs** – The estimated total fully funded cost is \$18,541,100.

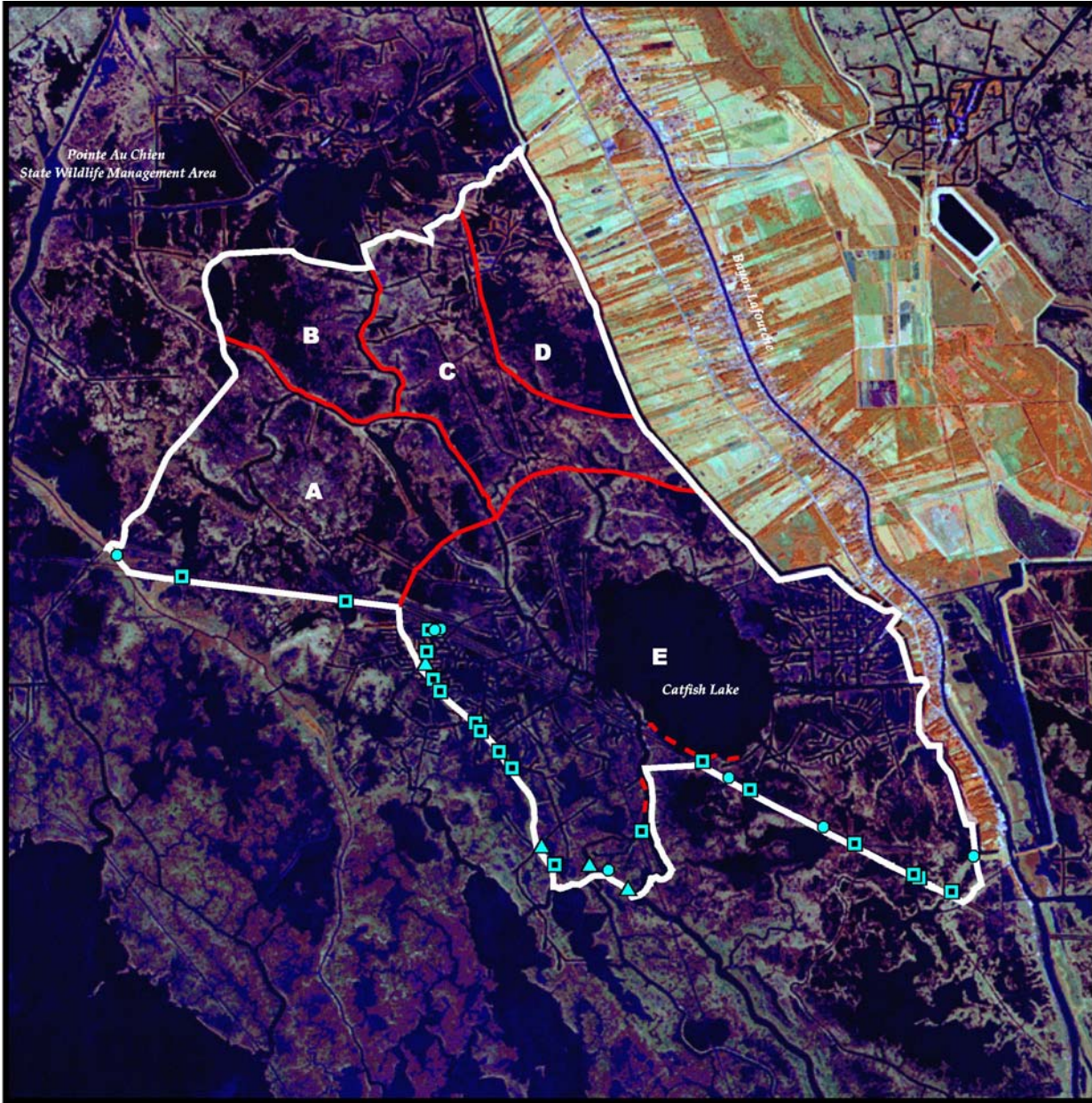
**Risk/Uncertainty and Longevity/Sustainability** – There is a high degree of risk/uncertainty associated with this project because it is not known if the features will reduce saltwater intrusion. Hydrologic modeling has been included in the project design and would be completed prior to project implementation. The project should continue providing benefits for 20 - 30 years after construction because maintenance of all features has also been included in the project costs.

**Sponsoring Agency and Contact Persons** –

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Loland Broussard, NRCS, 337/291-3069, [loland.broussard@la.usda.gov](mailto:loland.broussard@la.usda.gov)





# North Bully Camp Hydrologic Restoration

## PPL12 Project Candidate

-  Small plug\*
  -  Large Plug\*
  -  Channel Liner\*
  -  Shoreline Protection\*
  -  Subunit Boundaries
  -  Project Boundary
- \*Denotes proposed features.



Map Produced By:  
 U.S. Department of the Interior  
 U.S. Geological Survey  
 National Wetlands Research Center  
 Coastal Restoration Field Station

Background Imagery:  
 Thematic Mapper Satellite Imagery 2000

Map Date: October 23, 2002  
 Map ID: USGS200311023  
 Data accurate as of: October 23, 2002

## **South White Lake Shoreline Protection (R4-3)**

### **Coast 2050 Strategy**

- Stabilize Grand Lake and White Lake shorelines

### **Project Location**

Region 4, Mermentau Basin, Vermilion Parish, along the southern shoreline of White Lake from Will's Point to the western shore of Bear Lake.

### **Problem**

The south shoreline of White Lake is retreating at an estimated average rate of 15 feet per year as a result of wind-induced wave energy. As the shoreline erodes, it could breach low marsh management levees and increase interior marsh loss rates in the area.

### **Goals**

The goal of this project is to stop shoreline erosion and to promote accretion of marsh between the breakwater and the existing shoreline.

### **Proposed Solution**

This project would construct segmented breakwaters along 55,000 feet of shoreline. The four-foot high breakwaters would be built along the minus two-foot contour with a five-foot wide crown. The segmented breakwaters would be constructed in 200-foot sections with 50-foot gaps between each section. The gaps will allow organism and water exchange. An estimated 270,000 tons of stone would be placed on geotextile fabric. A flotation channel would be required for construction access and material dredged to build the access channel would be cast either in front of or behind the breakwater.

### **Project Benefits**

The project would benefit about 5,222 acres of fresh marsh and open water. Approximately 702 acres of marsh would be created/protected over the 20-year project life.

### **Project Costs**

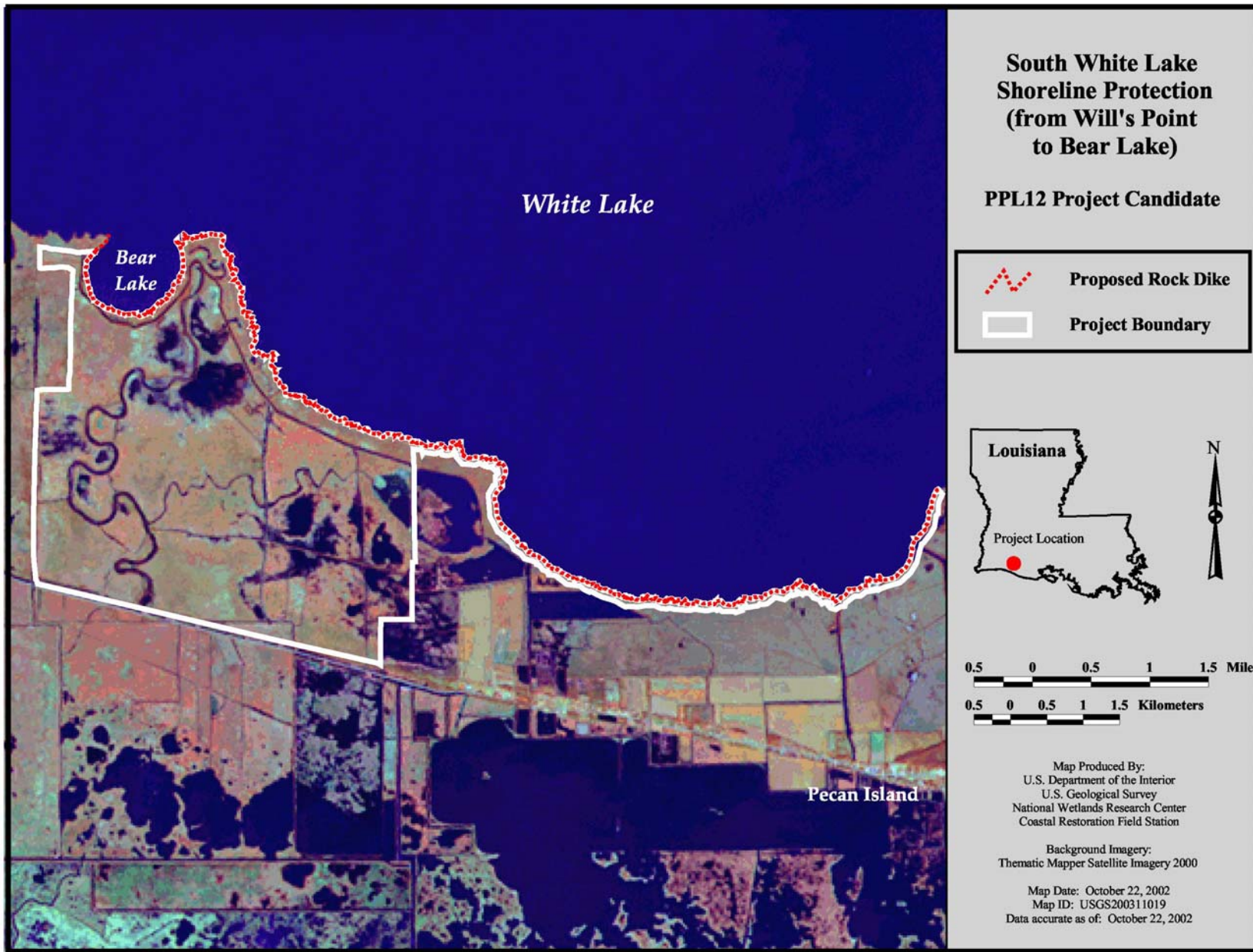
The estimated total fully funded cost is \$25,042,300.

### **Risk/Uncertainty and Longevity/Sustainability**

There is a low degree of risk associated with this project because rock dikes are an effective technique for stopping shoreline erosion. The project should continue providing benefits 20–30 years after construction because adequate O&M funds are budgeted through TY20.

### **Sponsoring Agency and Contacts**

Gregory Miller, Corps of Engineers, (504) 862-2310  
Chris Monnerjahn, Corps of Engineers, (504) 862-2415



## DEMONSTRATION PROJECTS

Section 303(a) of the CWPPRA states that in the development of Priority Project List, “. . . [should include] due allowance for small-scale projects necessary to **demonstrate the use of new techniques or materials for coastal wetlands restoration.**”

The CWPPRA Task Force on April 6, 1993, stated that: “The Task Force directs the Technical Committee to limit spending on demonstration projects to \$2,000,000 annually. The Task Force will entertain exceptions to this guidance for projects that the Technical Committee determines merit special consideration. The Task Force waives the cap on monitoring cost for demonstration projects.”

### What constitutes a demonstration project:

1. Demonstration projects contain technology that has not been fully developed for routine application in coastal Louisiana or in certain regions of the coastal zone.
2. Demonstration projects contain technology which can be transferred to other areas of the coastal zone.
3. Demonstration projects are unique and are not duplicative in nature.

### PPL 12 Demonstration Project Candidates

The following proposed demonstration projects were evaluated for the 12<sup>th</sup> Priority Project List.

- Ecological Wave Buffer Demonstration Project
- Freshwater Floating Marsh Creation Demonstration Project
- Ground Improvement Demonstration Project

## **Ecological Wave Buffer Demonstration Project**

**Coast 2050 Strategy** n/a

**Project Location** n/a

### **Problem**

Vessel wake erosion is occurring along the wetland fringes of the MRGO. Area soils have poor erosive resistance to relatively high, water velocities. Soil loss from around plant root masses eventually leads to successive loosening, dislodgement, and retreat of the wetland fringe. If these deteriorative processes remain unaddressed, the area's existing wetlands are threatened with conversion to shallow open water bottoms.

### **Goals**

This project is proposed to demonstrate the merit of using temporary wave buffer schemes for establishment of vegetation to protect existing fringe wetlands that are exposed to and are suffering loss from vessel-induced wave action.

### **Proposed Solution**

A combination of mats, prepared from locally abundant- and weathering-resistant vegetation (e.g. willow, reed, or coconut 'coir'), and a selection of suitable wetland plant species and/or ecotypes, with or without clay-layer strengthened slope-feet would be placed at several locations along the MRGO South Bank, using the mats as temporary wave buffers and medium for planting with the intent to attenuate wave action and establish vegetation for erosion reduction, concomitant with clay deposition for slope support. The mats would be expected to degrade as plants establish and become more resistant to wave action. Clay deposition is expected to reduce the erosion process initiated at the foot of slopes due to wave action from navigation. Each treatment would include a minimum shoreline length of 1000 ft, 3 replicates per treatment, and a distance of 6 ft between treatments for a total shoreline length of approximately 28,000 ft. In the event the total number of treatments exceeds available funding and/or suitable shoreline sites, the project would be resized to fit budget and site availability. The performance of project will be evaluated through a monitoring plan. The short-term component will involve observation and description of the treatments after one year (growth season) and rating for success in abating retreat of existing wetland fringes.

### **Project Benefits**

Develop low cost, soft armoring systems that would allow wetland vegetation to establish in high erosion areas.

### **Project Costs**

The estimated total fully funded cost is \$1,332,300.

### **Points of Contact**

Edward Perkins, Ph.D., USACE, (601) 634-2872, [edward.j.perkins@erdc.usace.army.mil](mailto:edward.j.perkins@erdc.usace.army.mil)

Edmond Russo, USACE (504) 862-1496, [edmond.j.russo@mvn02.usace.army.mil](mailto:edmond.j.russo@mvn02.usace.army.mil)

Julie LeBlanc, Corps of Engineers, (504) 862-1597

## **Freshwater Floating Marsh Creation Demonstration Project**

### **Coast 2050 Strategy**

n/a

### **Project Location**

n/a

### **Problem**

Within fresh and intermediate zones of Barataria and Terrebonne Basins tens of thousands of acres of marsh have converted to open water between 1968 and 1990. Within those basins large areas of fresh and intermediate open water exist in marsh interior presenting opportunities for re-establishment/creation. These open water areas are not well-suited for typical projects such as sediment diversions, beneficial use of dredge material or dedicated dredging.

### **Goals**

Develop and test unique and previously untested technologies for creating floating marsh for potential use in fresh and intermediate zones.

### **Proposed Solution**

Develop and test buoyant vegetated mats/artificial islands in controlled environment (Year 1) followed by deployment into open water marsh or abandoned canals (Year 2). Various combinations of plant species, planting methods and substrates will be tested to determine best mat-producing technique.

### **Project Benefits**

Provide needed technology that is transferable.

### **Project Costs**

The estimated total fully funded cost is \$1,080,900.

### **Sponsoring Agency and Contact Person**

Quin Kinler, NRCS, 225-382-2047, [quin.kinler@la.usda.gov](mailto:quin.kinler@la.usda.gov)

John Jurgensen, PE, NRCS, 318-473-7694, [john.jurgensen@la.usda.gov](mailto:john.jurgensen@la.usda.gov)

## **Ground Improvement Demonstration Project**

### **Coast 2050 Strategy**

n/a

### **Project Location**

n/a

### **Problem**

Poor soil conditions in coastal Louisiana limit the effectiveness of shoreline protection dikes because of high rates of subsidence. High subsidence requires frequent and expensive project maintenance lowering overall project cost effectiveness.

### **Goals**

Investigate subsurface ground improvement methods to reduce subsidence rates at shoreline protection sites.

### **Solution**

This project would (1) test multiple foundation treatment options and try to select subsurface conditions to minimize geo-variability, or (2) select a reach with known and quantified geo-variability in subsurface (multiple subsurface conditions) and one treatment option. Up to five different techniques would be tested including: Dry-Mix Options for Soil Mixing; Variations on a Sand Base; Using near surface grouting of very soft clays; and using Pre-formed low weight components and underground buoyancy methods. Post-construction monitoring data would be analyzed to evaluate structure performance for test cases and reference sections.

### **Project Benefits**

Develop one or more ground improvement technologies for application in coastal Louisiana to demonstrate alternative means to achieve bearing capacity and consolidation settlement design tolerances to lessen 20-year project life cycle costs.

### **Project Costs**

The estimated total fully funded cost is \$1,212,000.

### **Points of Contact**

Gregory Miller, U.S. Army Corps of Engineers, (504) 862-2310

Chris Monnerjahn, U.S. Army Corps of Engineers, (504) 862-2415

Richard Boe, U.S. Army Corps of Engineers, (504) 862-1505

Edmund Russo, U.S. Army Corps of Engineers, (504) 862-1496

### PPL 12 Candidate Project Evaluation Matrix

Project No.	Project Name	Parish	Avg Annual Habitat Unit (AAHU)	Project Area	Net Acres	Coast 2050 Criteria Score	Long./Sust.	Risk/Uncert.	Average Annual Cost (AAC)	Total Fully Funded Cost	Phase I Cost	Phase II Cost	Cost Effectiveness (AAC/AAHU)
PO-R1-1	Hydrologic Restoration in the Swamps West of Lake Maurepas	Livingston	1,878	6,458	n/a	45	30 - 40 years	High	\$476,700	\$5,997,700	\$972,625	\$5,025,075	\$254
PO-R1-3	Lake Borgne and MRGO Shoreline Protection	St. Bernard	70	465	266	43	20 - 30 years	Low	\$1,693,300	\$25,062,900	\$1,348,345	\$23,714,555	\$24,270
BA-R2-1	Bayou Dupont Sediment Delivery System	Plaquemines	189	538	400	27	30 - 40 years	Low	\$2,206,500	\$24,727,100	\$2,192,735	\$22,534,365	\$11,683
BA-R2-2	Shell Island Barrier Headland Restoration	Plaquemines	393	1,294	296	47	20 - 30 years	Moderate	\$8,419,100	\$98,456,700	\$5,357,586	\$93,099,114	\$21,437
BA-R2-2a	Shell Island Barrier Headland Restoration (Increment east only)	Plaquemines	319	1,114	217	47	20 - 30 years	Moderate	\$6,635,600	\$81,916,200	\$4,463,376	\$77,452,824	\$19,777
AT-R3-2	Avoca Island Diversion and Land Building	St. Mary /Terrebonne	132	7,233	143	33	30 - 40 years	Low	\$1,699,400	\$19,157,200	\$2,229,876	\$16,927,324	\$12,906
TE-R3-1	North Bully Camp Hydrologic Restoration	Lafourche	233	26,377	125	50	20 - 30 years	High	\$1,365,000	\$18,541,100	\$2,074,216	\$16,466,884	\$5,847
ME-R4-3	South White Lake Shoreline Protection	Vermilion	172	5,222	702	44	20 - 30 years	Low	\$1,756,600	\$25,042,300	\$1,588,085	\$23,454,215	\$10,194



**PPL 12 Demonstration Project Evaluation Matrix**

<b>Project</b>	<b>Objectives</b>	<b>Lead Agency</b>	<b>Total Fully Funded Cost</b>	<b>P1</b>	<b>P2</b>	<b>P3</b>	<b>P4</b>	<b>P5</b>	<b>P6</b>	<b>Total Score</b>
Ecological Wave Buffer	Reduce shoreline erosion	USACE	\$1,332,300	7	7	3	7	10	3	37
Freshwater Floating Marsh	Create floating marsh	NRCS	1,080,900	10	7	10	10	10	7	54
Ground Improvement	Reduce shoreline erosion	USACE	\$1,212,000	10	7	7	3	10	7	44

The following parameters constitute a demonstration project and were evaluated:

(P1) Innovativeness - Demonstration projects contain technology that has not been fully developed for routine application in coastal Louisiana or in certain regions of the coastal zone.

(P2) Applicability or Transferability - Demonstration projects contain technology that can be transferred to other areas of the coastal zone.

(P3) Potential Cost Effectiveness - An evaluation of the project must be made to compare the demonstration project's method of achieving the project objectives vs. a traditional method of accomplishing the project objective.

(P4) Potential Environmental Benefits - No Wetland Value Assessment (WVA) will be performed on candidate demonstration projects. Instead, the project will be evaluated on the pros and cons of the demonstration vs. traditional or other methods.

(P5) Recognized Need for Information to be Acquired - Demonstration Projects should be unique and are not duplicative in nature. They do not need to be in the Restoration Plan, but must contain technology that has not been fully developed for routine application in coastal Louisiana and can be transferred to other parts of the coastal zone.

(P6) Potential for Technological Advancement - Demonstration projects must clearly show what objectives will be gained from the project and an evaluation must be made of the demonstration project's method for achieving these objectives compared to a traditional project's methods of achieving the same objectives.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING

January 16, 2003

**PHASE II FUNDING APPROVAL FOR THE FOUR MILE CANAL TERRACING AND  
SEDIMENT TRAPPING PROJECT**

**For Decision**

Mr. Saia will present a request for authorization of Phase II funds to construct this project.

**Recommendation of the Technical Committee**

That the Task Force approve funds in the amount of \$4,939,011 for Phase II Construction of the project.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING

January 16, 2003

**PHASE II FUNDING APPROVAL FOR THE TIMBALIER ISLAND DUNE AND  
MARSH CREATION PROJECT**

**For Decision**

Mr. Saia will present a request for authorization of Phase II funds to construct this project.

**Recommendation of the Technical Committee**

The Technical Committee recommends contingent construction approval for this project in the amount of \$18,549,374. The contingent approval is based upon the need to complete an expert review of barrier island restoration templates and to re-survey site conditions because of Tropical Storm Isidore and Hurricane Lili.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

NOV 26 2002

Mr. John Saia  
Chairman, CWPPRA Technical Committee  
U.S. Army Corps of Engineers, New Orleans District  
P.O. Box 60267  
New Orleans, LA 70160-0267

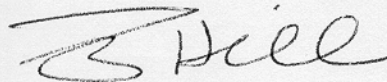
Dear Mr. Saia,

As the federal sponsor of the Timbalier Island Dune and Marsh Creation Project authorized by the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) Task Force on Priority Project List Nine, the Environmental Protection Agency (EPA) is requesting, in accordance with CWPPRA Standard Operating Procedures (SOP), approval to proceed with construction of this project. This project entails restoring approximately 473 acres of marsh, supratidal, and dune habitat on the east end of Timbalier Island. The project will enhance the sustainability of the island as a whole, and will assist in allowing Timbalier Island to continue performing its valuable storm surge protection functions.

Phase One tasks performed by EPA, the Louisiana Department of Natural Resources (LDNR), and engineering and design contractors have neared completion. One remaining issue, discussed at the previous Planning and Evaluation Subcommittee meeting, is the need for topographic re-survey of the east end of Timbalier Island to verify the estimated sand quantity required to construct the project. This issue arose as a result of impacts to the existing island template from storms Isidore and Lili. Storm impacts to estimated fill quantities will be evaluated from LIDAR data collected since these storm events, in combination with a one day ground truthing effort. This will provide an initial rough estimate. An additional ground survey will be conducted in spring 2003, just prior to construction. We believe this would be the most appropriate time to calculate more exact quantities, as some natural healing of storm-induced damages may have occurred by then, and the effects of any winter storms can also be assessed. As we continue to move the Timbalier Island Dune and Marsh Creation Project toward construction, we look forward to providing you with an update at the upcoming Technical Committee meeting.

Enclosed for your information is a summary of the status of compliance with the SOP requirements for Phase Two authorization requests. Please do not hesitate to contact me (214)665-6647 or Tim Landers (214)665-7533 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "T Hill". The signature is fluid and cursive, with a large initial "T" and "H".

Troy C. Hill, P.E., Chief  
Marine & Wetlands Section

CC w/enclosures: Dr. Bill Good, LDNR  
Mr. Chris Williams, LDNR  
Mr. Gerry Bodin, FWS  
Mr. Bruce Lehto, NRCS  
Mr. Rick Hartman, NMFS

**CWPPRA Project TE-40/XTE-45a: Timbalier Island Dune and Marsh Creation  
Request for Phase Two (Construction) Approval**

**Issue:** The Environmental Protection Agency (EPA) is requesting approval from the CWPPRA Task Force for Phase Two Construction of the Timbalier Island Dune and Marsh Creation Project.

**Background/Status:** The Timbalier Island Dune and Marsh Creation Project was approved for Phase One funding in January 2000 on CWPPRA Priority List Nine. EPA and the Louisiana Department of Natural Resources (LDNR) have since proceeded towards completion of Phase One engineering and design tasks and are requesting approval to proceed with Phase Two Construction. The following update information is being provided for consideration.

**1) Description of Phase One Project:** The original Priority List Nine project fact sheet and boundary map are attached.

**2) Overview of Phase One Tasks, Process and Issues:** Phase One analyses included but were not exclusive to: topographic and hydrographic surveys of Timbalier Island and candidate borrow areas; coastal processes investigation including wind, waves, sediment transport and water level fluctuations utilizing RCPWAVE, GENESIS and SBEACH model analysis; remote sensing survey of candidate borrow areas; geotechnical investigation of project area, nearshore and candidate borrow areas; bio-benchmark survey for determining marsh platform target elevation; NEPA compliance; and landrights. One issue remaining is the need for topographic re-survey of the east end of Timbalier Island to verify the estimated sand quantity required to construct the project. This issue arose as a result of impacts to the existing island template from storms Isidore and Lili. Storm impacts to estimated fill quantities will be evaluated from LIDAR data collected since these storm events, in combination with a one day ground truthing effort. This will provide an initial rough estimate. An additional ground survey will be conducted in spring 2003, just prior to construction. We believe this would be the most appropriate time to calculate more exact quantities, as some natural healing of storm-induced damages may have occurred by then, and the effects of any winter storms can also be assessed.

**3) Description of the Phase Two Candidate Project:** An updated project fact sheet, boundary maps, and typical design cross section are attached.

**4) Checklist of Phase Two Requirements:**

**A. Project Goals and Objectives:** The goal of this project is to restore the eastern end of Timbalier Island through direct creation of dune and marsh habitat. With this addition of sediment into the barrier nearshore system, the project would also enhance the sustainability of the island as a whole. Specific project objectives include creating approximately 264 acres of intertidal marsh habitat, 46 acres of supratidal habitat, and 163 acres of dune habitat. To achieve these objectives project features would include utilizing 200' of existing beach rim, a constructed dune with an elevation of +8.0' and top width of 400', bayside berm +4.0' high by 100' wide, and 800' wide marsh platform with elevations of +1.6' to +0.6'. Sediments would be dredged from Borrow Area 2 in the vicinity of Little Pass Timbalier. The project would also include vegetative planting of both the dune and marsh platform and the use of sand fencing.

**B. Cooperative Agreement:** The Cooperative Agreement between EPA and LDNR for Phase One efforts was awarded on September 18, 2000.

**C. Landrights:** LDNR Real Estate Section has nearly completed all landrights necessary to proceed to Phase Two Construction. Coordination is ongoing for the final required landowner signature.

**D. 30% Design Review:** The 30% Design Review meeting was held on May 9, 2002. A recommendation was made to continue moving towards the 95% Design Review. Summary correspondence was then submitted to the Technical Committee Chair on June 7, 2002.

**E. 95% Design Review:** The 95% Design Review meeting was held on September 10, 2002. Comments from participants at the meeting were incorporated into the project's final plans and specifications.

**F. Environmental Assessment:** The draft Finding of No Significant Impacts (FONSI) was signed and distributed on December 21, 2002, and published in Baton Rouge, New Orleans and Houma newspapers.

**G. Ecological Review:** LDNR submitted the final Ecological Review in September 2002. The final document found the project's benefits, goals, strategies and design acceptable.

**H. Permits:** LDNR is serving as the agent for Terrebonne Parish, the project permit applicant, in preparing the Clean Water Act Section 404 and Coastal Use Permit application. The permit package has been submitted to the LA Department of Natural Resources Coastal Management Division (LDNR-CMD).

**I. HTRW Assessment:** The EPA does not require preparation of a hazardous, toxic, and radiological waste assessment for the subject project.

**J. CWPPRA Section 303(e) Approval:** A request for Section 303(e) approval was submitted to the Corps of Engineers in September 2002. In December 10, 2002, correspondence LDNR certified that "land acquisitions have been and will be in accordance with all applicable Federal and State laws."

**K. Overgrazing Determination:** The Natural Resources Conservation Service overgrazing determination was submitted to EPA on March 21, 2002. The determination indicated overgrazing is not a problem in the project area.

**L. Revised Cost Estimate of Phase Two Activities:**

1.) \$18,413,164 is the estimated Phase Two funding request which includes project construction and contingency, supervision and inspection, LDNR and EPA administration (all at 125% of approved fully funded costs) plus Corps project management, and an initial three years of monitoring.

2.) \$18,549,374 is the estimated fully-funded 20-year project cost which includes the full cost of long term project monitoring.

**M. Estimate of Project Expenditures:** Total expenditures by EPA for project administration through fiscal year 2002 equal \$116,976. This is exclusive of the cooperative agreement amount with LDNR for Phase One E&D tasks. The total expenditures by the Louisiana Department of Natural Resources to date equal \$894,403.76 which includes time charged by the LDNR staff and by the E&D contractor, T. Baker Smith and Sons, Inc.

**N. Wetland Value Assessment:** A revised WVA has not been requested as a significant change in project scope did not occur in Phase One.

**Project:** TE-40, XTE-45a Timbalier Island Dune and Marsh Creation (Priority Project List 9)

**Federal Sponsor:** Environmental Protection Agency

**Location and Size:**

Timbalier Island is in Terrebonne Parish, Louisiana, south of Terrebonne Bay and west of East Timbalier Island. It is in Region 3 of the Coast 2050 Plan. Project area A (473 acres) is on the east end of the island and consists of approximately 254 acres of open water and 219 acres of remnant beach and marsh. It includes the area to be directly restored by creation of dune, supratidal and intertidal marsh. Area B (266 acres) includes the downdrift area proposed to be enhanced by addition of this sediment into the island nearshore system and consists of approximately 112 acres of land and 154 acres of open water.

**Problems:**

Timbalier Island is migrating rapidly to the west/northwest. Thus, the western end of Timbalier Island is undergoing lateral migration by spit-building processes, at the expense of erosion along the eastern end, while the island overall is shortening and narrowing. This loss can be attributed to an inadequate sediment supply, relative sea level rise, and the passage of storms. Timbalier Island is projected to disappear by the year 2050.

**Proposed Solutions:**

The goal of this project is to restore the eastern end of Timbalier Island by direct creation of dune and marsh habitat. With this addition of sediment into the barrier nearshore system, the project would also enhance the sustainability of the island as a whole. The proposed project will include utilizing 200' of existing beach rim as a sacrificial beach. The constructed dune will have an elevation of +8.0' with a top width of 400' and side slopes of 1 to 10. A +4.0' high by 100' wide berm will be constructed north of the toe of the dune. The marsh platform will have a width of 800' with elevations of +1.6' at the berm, sloping back on the bay side to an elevation of +0.6'. The project will entail building the majority of the marsh platform out into open bay water. Where there is existing marsh, the created marsh platform will be built around or with as minimal impact as possible. Approximately 3.9 million cubic yards of dredge material will be used in this project. Sediments are to be mined southeast of the island from Borrow Area 2 in the vicinity of Little Pass Timbalier. The project will include vegetative planting of both the dune and marsh platform, as well as the use of sand fencing.

**Original Estimated Cost and Benefits:**

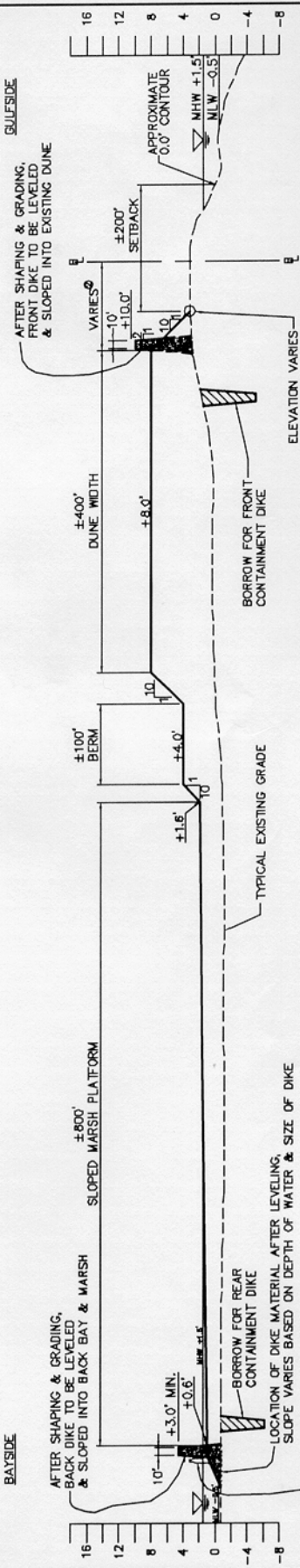
Phase 1 Fully Funded Cost	Phase 2 Fully Funded Cost	AAC/AAHU	AAHU	Acres Protected/Created
\$1,360,198	\$14,874,481	\$12,062	124	273

Note: A revised WVA has not been requested as a significant change in project scope did not occur in Phase One. Phase One design efforts have resulted in the recommendation of an overall wider island template. Therefore, it is estimated the Phase Two project described above will protect/create 359 acres of barrier island habitat over the 20 year project life.

**Status:**

Phase 2 construction is expected to begin in spring 2003.





**TYPICAL DUNE/MARSH RESTORATION SECTION**  
**TIMBALIER ISLAND DUNE/MARSH RESTORATION PROJECT**  
**SECTIONS 3-5, T 24 S - R 20 E**  
**TERREBONNE PARISH, LOUISIANA**

MHW +1.5 NAVD  
 MLW -0.5 NAVD

PURPOSE: 3.9 MILLION C.Y. OF SAND TO BE PLACED  
 AS DUNE/MARSH RESTORATION.

DATE: OCTOBER, 2002

AGENT: T. BAKER SMITH & SON, INC.  
 CIVIL ENGINEERS—LAND SURVEYORS  
 HOUMA, LOUISIANA

SHEET 10 OF 10

**REPORT OF THE  
LOUISIANA GULF SHORELINE RESTORATION SCIENCE  
ADVISORY BOARD  
CONCERNING THE PROPOSED  
TIMBALIER ISLAND DUNE AND MARSH CREATION (TE-40) RESTORATION  
DESIGN TEMPLATE  
JANUARY 8, 2003**

**BACKGROUND**

Since the storm impacts of the fall of 2002 and recent progress made in the CWPPRA Adaptive Management Barrier Shoreline Review, there has been considerable discussion concerning the optimum barrier island design template. At the first meeting of the Louisiana Gulf Shoreline Restoration Science Advisory Board (Advisory Board) on November 20, 2002, preliminary data from the pre- and post- storm rapid LIDAR survey, CWPPRA Adaptive Management data, and post storm rapid assessment data were presented. These data brought to light new observations and insights helpful for refining our understanding of project performance during the recent storm impacts. Questions such as: are low/wide restoration templates better than narrow/high restoration templates? emerged from these discussions. These questions and concepts need to be further evaluated and tested.

These new ideas all emerged since the TE-40 Timbalier Island Dune/Marsh Creation Project design template was finished. Dr. Bill Good requested the assistance of the Advisory Board to address the issues that have arisen since the completion of the engineering design phase of TE-40. Dr. Good's charge to the Advisory Board was as follows: "Are you aware of any supporting documentation or field data that would suggest there is a fundamental flaw with the proposed design for the Timbalier Island Dune/Marsh Creation Project whereby refuting the current design in favor of redesign efforts that would outweigh the risks and costs associated with potentially subjecting the island to another year of storms?"

**ADVISORY BOARD POSITION:**

1. TE-40 should move forward and not miss the upcoming critical construction window.
2. TE-40 raises many of the same issues that were raised by the impacts of Tropical Storm Isidore and Hurricane Lili on the projects TE-20, TE-24, TE-25/30, and TE-27 as it relates to the optimum design template. However, these optimum design template issues should not delay the construction of TE-40, but clearly these issues need to be addressed for future barrier shoreline projects that are in the initial engineering design phase.

## ADVISORY BOARD MEMBER COMMENTS

1. Tom Campbell – Coastal Planning and Engineering, Inc.

I have reviewed the information sent to me on the design of Timbalier Island and offer the following comments.

### General Review:

- A. Without the detailed information and analysis that was used by the engineer to develop the design it would be inappropriate to criticize the final design.
- B. The design appears to have sufficient volume to provide significant storm protection from expected coastal storms. The design has both a wide dune and wide marsh area that should perform adequately for a period of time.
- C. The design does not violate any known design standards or principles for this type of construction.
- D. It may be appropriate however to ask the designer to consider the new information now available from post storm findings to enable him to make minor adjustments to the design that would not delay the implementation of the project.

### Potential Application of Recent Post Storm Findings:

- A. Post storm LIDAR surveys and preliminary analysis of the data suggest potentially better performance for lower barrier island designs that allow for overwash and avoid “collision” type impacts. This might suggest consideration of a design modification by the designer to evaluate a lower dune elevation based on this new information.
- B. Wide marsh construction is already part of the proposed design and recent post storm data suggests a wide marsh is good as it protects against breaching. The proposed marsh however appears to be constructed in the intertidal zone initially at the ideal elevation without provisions for consolidation or subsidence. Since the proposed dune is higher than the natural dunes there will be limited and infrequent overwash to provide sediment to the marsh from the dune to counter consolidation and settlement. The designer may want to increase the constructed elevation of the marsh to account for these settlement effects.
- C. It would seem that the new information would enable the designer to maintain the design volume in the project while adjusting the elevation of the dune (down) and the marsh (up) without incurring delays or cost increases to the program.

Regardless of the apparent application of the above new findings I would defer to the designers in their consideration of this information as they have the advantage of a complete history and analysis of the project, which has resulted in the design they have produced. Indeed it is quite possible that I have oversimplified and or misconstrued the intent and approach taken by the designer. If this is the case, I apologize in advance.

2. Duncan Fitzgerald – Boston University

Here are my comments concerning the “Timbalier Island/Dune Marsh Restoration”

1. There are existing large areas of marsh scheduled to be inundated with dredge sediment. I would keep this practice to a minimum. If the intertidal area contains a healthy marsh, I would suggest that it be preserved and not thickly buried with additional sediment. Some burial (less than 0.5 feet) is probably okay but not more than this.
2. There is a large canal that runs perpendicular to the backside of the barrier that appears to be untouched in the construction plans. This waterway will eventually become a tidal inlet during a major storm. It should be filled to maintain the integrity of the barrier.
3. It at all possible, the sediment used to build the “sloped marsh platform” should consist of muddy sediment with a much lower fraction of sand compared to that used to reconstruct the dunes and beach. This type of sediment better supports the growth of marsh vegetation and is more resistant to wave erosion. It will also tend to resist gulleying during periods of overwash.
4. You may wish to vary the height and width of barrier to see what type of barrier geometry is preserved best during storms.

3. Mark Hester – University of New Orleans

On travel

4. Mark Kulp – University of New Orleans

We’ve all come to the conclusion that 8 feet dunes are not necessarily the answer but I’m not sure we are at the position of asking for a redesign of a template that may prove satisfactory and important for this years potential storm impacts. My feeling is that the current template can not, as of yet, be fully evaluated (until the most recent CWPRRA management and Lidar results are in) but clearly needs to be carefully evaluated before it becomes the standard practice and used on other islands.

## 5. Shea Penland – University of New Orleans

1. TE-40 raises the same issue concerning the 8 foot dune height as was illustrated by the Tropical Storm Isidore and Hurricane Lili impacts raised for TE-20, TE-24, TE-25/30, and TE-27. The fundamental question of height versus width is a very important design issue that should not interfere with TE-40's current construction window. But this issue of low/wide design templates versus high/narrow design templates does need to be worked out for future barrier shoreline restoration projects.

2. The TE-40 design template is superior when compared to TE-24 at Trinity Island.

3. There is a clear disconnect between the guidance given by the BVI model and the design template elevation selected by EPA. The BVI model gives maximum credit for dunes 4-5 feet high and the benefits decrease after the dune target elevation increases further.

4. The shore-normal oil and gas canal just west of TE-40 should have been addressed in the restoration template design. This access canal is a critical weak spot within Timbalier Island. This area could breach and a tidal inlet would form at this location.

5. Care should be taken to avoid filling in pre-existing backbarrier marsh as much as possible.

6. Hurricane Andrew demonstrated the importance of backbarrier marshes in forming the vegetated storm resistant core of the Terrebonne Parish barrier islands. The maintenance of a wide backbarrier marsh platform is the key to the long-term maintenance of these barrier islands. A 2-4 foot overwash berm backed by wide marsh would appear to be the optimum restoration design template for islands similar to Timbalier Island.

7. The location of the proposed 8 foot dune is area characterized by the highest rates of shoreline erosion on Timbalier Island. The eastern end of Timbalier Island eroded between 50 feet and 190 feet per year for the period of 1988 to 1996. The highest erosion rates occur at the very east end and decreases to the west. With erosion rates on this order of magnitude would suggest that easternmost end of the 8 foot dune structure would have a project life of 2-3 years and the project life would increase to 7-8 years on the westernmost end of the project.

## 8. Fundamental Design Principles

A. If the island is getting smaller, make it larger through restoration.

B. If the island is getting narrower, make it wider through restoration.

C. The restored dune/overwash berm elevation should conform with the natural surrounding dune/overwash berm elevation.

D. Aggressively vegetate as restored surfaces with native plant species.

6. Enrique Reyes – University of New Orleans

Based on the information provided in the Timbalier Permit sheets 3, 4, 5, and 10, it is clear that the engineering project will be advocated to the filling existing extension of the islands. It is not clear, however, if the material used for the frontal tidal dune will be appropriate for a rapid colonization by salt marshes and salt-tolerant plants that could be appropriate for a rapid colonization by salt marshes and salt-tolerant plants that could contribute to the stabilization of the dune and its preservation during a storm event.

The same comment can be applied to the back marsh area. It is important to incorporate elements of ecological engineering into the design of the project. There was no ecological information that can sustain any beach stabilization or erosion claim. The project requires a geological and ecological monitoring effort post-project to evaluate the success of this restoration effort.

7. Harry Roberts – Louisiana State University

I looked through the images from the Advisory Committee. I don't see any glaring problems. As discussed in our meeting, widening of the island fill probably has beneficial effects, but we're a little short on both anecdotal and hard evidence for this benefit. Perhaps we could suggest a test of this concept with some of the projects that are currently being initiated or considered. I think another point to consider is the type of back – barrier environment the island is transgressing over, especially with regard to water depth. In summary, I don't know of any studies that would argue against the current design. However, I think this is an issue that the advisory board could discuss and perhaps initiate as a study. I think we could initially numerically model for the effects of dune height and barrier width given a variety of water level and wave conditions. However, a field test of concept in my estimation is necessary.

8. Abby Sallenger – U.S. Geological Survey

During Hurricane Andrew, storm surge completely submerged the Isles Dernieres and breaking waves prograded across the island's width into the back bays. The islands' became part of the surf zone in what we call the inundation regime. The impact to the beaches was catastrophic – sand was completely stripped from the island in many places and driven into deposits over one-kilometer inland. This response was an order of magnitude greater than what we normally expect from the overwash regime when waves intermittently overtop and flow across barrier islands during storms. Interestingly though, the vegetated marsh platform survived intact, although it had erosion on its seaward face.

Lessons for the Timbalier Project – We can only expect another major hurricane to do what Andrew did – severely erode loose material and drive it inland over one kilometer. What worked best naturally to resist change during Andrew was the vegetated marsh platform. My suggestion would be to mimic the natural profile with an overwash berm with crest of ~ 4 feet and ~400 feet wide, followed landward by a marsh platform with naturally vigorous and binding vegetation planted to provide the same level of resiliency to the island as the natural vegetation.

Even after a major hurricane the oceanfront beach will recover –naturally –to some extent. However, a robust platform must be present in order to support it—the sand wedge typically rests directly on the platform for many of the central Louisiana barrier islands. If the platform disintegrates or is too narrow, the entire island may disappear. The key, in my opinion, is long term maintenance of effective platforms.

9. Greg Stone – Louisiana State University

After a preliminary review of the Timbalier Island/Dune Marsh Restoration Project, I am of the opinion that serious consideration be given to re-evaluating the proposed engineering design. There are several concerns that I will address below that pertain to the geometry of the proposed project and predicted response to storms that will likely impact the restored barrier in the future. My concerns are based on a comprehensive knowledge of barrier island dynamics along the northern Gulf of Mexico, their response to winter storms and tropical cyclones as documented scientifically over the past two decades. A critical question that remains unanswered, I think, in many of these projects is, “what is the primary function of the restored barrier island”? i.e. wave energy reduction in bays and mitigation of fringing marsh loss, habitat, fisheries, etc. In my view, a barrier restoration plan can’t be implemented and the design optimized until these functions are prioritized.

1. **The Conservation of Mass** concept: We have considerable scientific evidence based on numerous years of measuring storm response of barriers along GOM that high dunes are equally as susceptible to failure during the modest storms when compared to lower dunes. The optimum elevation of the 400 ft. wide dune presented here needs to be established. How was an 8 ft. elevation initially established? There is likely an equilibrium elevation that pertains to the Timbalier and determining this for a specified period of time is one approach. A second approach is a detailed analysis of set up associated with a design storm, this can be done using advanced models that some of us are using routinely (surge and waves) and can help to establish an optimum elevation for future projects. The concept of a 400 ft. wide dune is troublesome for me. Our work has shown conclusively that in order to conserve mass, barriers along the northern GOM require a much wider subaerial platform on which waves can deposit sediment eroded from the nearshore-beach-foredune system. Without it, as happened during Isidore and Lili, sediment is simply lost into the adjacent bay where it diffuses into fine grained material and is “lost” from the system. The optimum platform width needs to be calculated and we do have scientific data that will help refine this. As it stands at present, at +8 ft. and 400 ft. wide, the dune system proposed would not withstand much of anything during even a very modest storm.
2. **Back Barrier Erosion**: The expansive sloped marsh platform affords little protection to the already narrow dune and back berm as designed and presented here during post-frontal (north) winds and subsequent wave attack. The phenomenon of cold front passage over the coast is well documented scientifically and known to cause widespread erosion of the back barrier system. At the elevation prescribed here, set up during strong northerly winds would allow considerable erosion along the berm as high frequency, low amplitude, steep and very erosive waves dominate for several days after frontal passage. With the high incidence of frontal passages along the coast (30-40 per year), back barrier

erosion must be taken into account in engineering design. It is a misnomer that the barriers in south-central Louisiana are rolling over; historically they are narrowing and drowning in place. We have learned much about sediment re-suspension along back barrier coasts and sediment transport pathways during these events to optimize the design of this portion of the barrier system.

3. **Dune Fencing:** I am not convinced that the sand fencing array presented here is the optimal design. The orientation is not natural. A detailed wind climate has not to my knowledge been developed for this section of coast but could be done quite simply using nearshore wind measurements (WAVCIS CSI 5). The spacing of the individual fencing could be optimized based on a comprehensive knowledge of the entrainment velocities and wind field.

10. Jeff Williams – U.S. Geological Survey  
On travel



COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING

January 16, 2003

**PHASE II FUNDING APPROVAL FOR THE BARATARIA LANDBRIDGE PHASE 3,  
CONSTRUCTION UNIT 4 AND CONSTRUCTION APPROVAL FOR BARATARIA  
LANDBRIDGE PHASE 1 AND 2**

**For Decision**

Mr. Saia will present a request for authorization of Phase II construction funds and construction approval to construct this project.

**Recommendation of the Technical Committee**

That the Task Force approves funds in the amount of \$4,825,871 for Phase II construction funding and construction approval of the project contingent upon the completion of the 95% design review in April 2003.

United States Department of Agriculture



Natural Resources Conservation Service  
3737 Government Street  
Alexandria, Louisiana 71302

December 5, 2002

Ms. Julie LeBlanc, Chair  
CWPPRA Planning and Evaluation Committee  
U.S. Army Corps of Engineers  
P.O. Box 60267  
New Orleans, Louisiana 70160-0267

Dear Ms. Leblanc:

RE: Barataria Basin Landbridge Shoreline Protection Project Phases 1 and 2 (BA-27)  
"Non-cash-flow" Construction Approval for portion of Construction Unit 4

Barataria Basin Landbridge Shoreline Protection Project Phase 3 (BA-27c)  
"Cash-Flow" Phase Two Authorization Request for portion of Construction Unit 4

To facilitate full implementation of the Barataria Basin Landbridge Shoreline Protection Project Phases 1, 2, 3, and 4, NRCS and DNR have divided the combined total of 107,500 feet of shoreline protection into six construction units (CU).

Construction Unit 1 (3,200 feet) was implemented in April-May 2001 to test five different designs in an attempt to identify a shoreline protection technique that would be successful with the poor substrate conditions that are present throughout most of the project area.

While Construction Unit 1 was being implemented and evaluated, Construction Unit 2 (about 6,100 feet) was completed, and Construction Unit 3 (about 10,800 feet) was designed and approved for construction. These construction units represent segments of shoreline where better soil substrate conditions exist and traditional rock structures are appropriate.

**Construction Unit 4** will represent a major application of the findings from Construction Unit 1 "test sections"; it will consist of about 30,500 feet of concrete sheetpile wall. The selected shoreline reach corresponds with, and will facilitate implementation of, the DNR/FWS Dedicated Dredging on the Barataria Basin Landbridge Project (BA-36).

A unique aspect of Construction Unit 4 is that it will involve a portion of Barataria Basin Landbridge Shoreline Protection Project Phases 1 and 2 (BA-27), a non-cash-flow project, and a portion of Barataria Basin Landbridge Shoreline Protection Project Phase 3 (BA-27c), a cash flow project.

Julie LeBlanc  
Page 2  
December 5, 2002

Therefore, at the January 2003 Task Force meeting, NRCS and LDNR are requesting:

- 1) a non-cash-flow Task Force Construction Approval for a 20,000-foot segment of Barataria Basin Landbridge Shoreline Protection Project Phases 1 and 2 (BA-27), and
- 2) a cash-flow Phase Two authorization for a 10,500-foot segment of the Barataria Basin Landbridge Shoreline Protection Project Phase 3 (BA-27c).

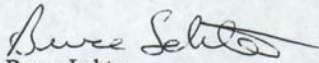
Because the final design of Construction Unit 4 is scheduled to be complete in May 2003 and the CWPPRA Standard Operating Procedures limits cash-flow Phase Two authorizations to the January and August Task Force meeting, this request is made contingent upon a favorable 95 percent Design Review and development of the draft O&M Plan. Waiting until August 2003 for a Phase Two authorization would delay construction about five months in an environment where shoreline erosion can be as much as 70 to 100 feet per year.

The following information is provided as part of requested approvals:

- Map illustrating Project Phases and Construction Units
- Document entitled "Information Required for 'Non-cash-flow' Task Force Construction Approval Request" for a 20,000-foot segment of Barataria Basin Landbridge Shoreline Protection Project Phases 1 and 2 (BA-27), prepared pursuant to CWPPRA Standard Operating Procedures (Section 6.i).
- Document entitled "Information Required for 'Cash-Flow' Phase Two Authorization Request" for a 10,500-foot segment of the Barataria Basin Landbridge Shoreline Protection Project Phase 3 (BA-27c), prepared pursuant to CWPPRA Standard Operating Procedures (Section 6.j. and Appendix C).

If you or any members of the Planning and Evaluation Subcommittee, Technical Committee or Task Force have any questions regarding this matter, please call me at (318) 473-7756.

Sincerely,



Bruce Lehto  
Assistant State Conservationist/Water Resources

cc (via email):

Dr. Bill Good, DNR Technical Committee Member  
Gerry Bodin, USFWS Technical Committee Member  
Rick Hartman, NMFS Technical Committee Member

Troy Hill, EPA, Technical Committee Member  
Phil Pittman, DNR P&E Subcommittee Member  
Darryl Clark, USFWS P&E Subcommittee Member  
Rachel Sweeney, NMFS P&E Subcommittee Member  
Wes McQuiddy, EPA P&E Subcommittee Member  
Britt Paul, Staff Leader, NRCS P&E Subcommittee Member  
Karen Gautreaux, GOCA  
Cynthia Duet, GOCA  
Quin Kinler, Project Manager, NRCS  
Ismail Merhi, Project Manager, LDNR  
Allen Bolotte, District Conservationist, NRCS  
Cherie Lafleur, Design Engineer, NRCS  
Randolph Joseph, Jr., ASTC/FO, NRCS  
Marnie Winter, Jefferson Parish Environmental and Development Control Department

**Information Required for "Non-cash-flow" Construction Approval Request**  
**Barataria Basin Landbridge Shoreline Protection Project Phases 1 and 2 (BA-27)**  
**Construction Unit 4**

December 6, 2002

Description of Project. The subject Construction Approval Request is limited to about 20,000 feet of shoreline protection along the along the east bank of Bayou Rigolettes. The structure design is primarily a concrete sheetpile wall with an elevation of 3.5 feet NAVD88. Tie-ins to existing shoreline protection features and at existing canals will be constructed of COE R-400 (rock specification) and will be underlain with a geotextile cloth. Organism/drainage openings will be located in areas of known drainage corridors and at alignment P.I.s; the openings will have a sill elevation of 2 feet below average tide. Approximately 20,000 feet of construction access channel, with a bottom elevation of -5.5 feet NAVD88 and bottom width of 60 feet, will be excavated. Excavated material will be deposited in open water on the protected side of the structure. There has been no significant change in project scope warranting revisions to project boundaries, maps, benefits, or fact sheets.

Section 303e Approval. Section 303e approval was granted by the Corps Real Estate Division on January 5, 2000.

Overgrazing Determination. NRCS has determined that overgrazing is not, and is not anticipated to be, a problem in the project area.

Current estimated total project cost.

Engineering and Design (including S&A)	\$ 1,791,290
Construction Unit 1 (Actual)	\$ 1,612,011
Construction Unit 2 (Actual)	\$ 1,631,298
<b>Construction Unit 4 Estimate (including S&amp;I)</b>	<b>\$ 8,777,430</b>
Monitoring	\$ 168,650
O, M & R	\$ 1,525,609
COE Mgt.	\$ 34,995
Current Total Estimate	<u>\$15,541,283</u>

Current 125% Amount available: \$21,968,745

Cost Sharing Agreement. The Cost Sharing Agreement for Barataria Landbridge Shoreline Protection Phases 1 and 2 (BA-27) was executed between DNR and NRCS on May 15, 1998, and amended on October 4, 2002, to reflect revised Monitoring and Operation and Maintenance costs.

NEPA, Environmental and Cultural Resources Requirements. The Barataria Basin Landbridge Shoreline Protection Project Phases 1, 2, and 3 (BA-27) Environmental Assessment was completed in February 2000. A Finding of No Significant Impact was published in the Federal Register on February 17, 2000. The Section 404 permit was granted on May 31, 2000, and modified on June 18, 2001. Coastal Zone Consistency was granted on March 23, 2000, and modified on May 8, 2001.

HTRW Assessment. NRCS procedures do not call for an HTRW assessment on this project.

**Information Required for "Cash-flow" Phase Two Authorization Request**

**Barataria Basin Landbridge Shoreline Protection Project Phase 3 (BA-27c)  
Construction Unit 4**

December 6, 2002

**Description of Phase One Project**

The project as selected for Phase One consisted of 9,000 feet of shoreline protection along the north shore of Little Lake; 11,000 feet along the west bank of Bayou Perot; 6,000 feet along the northeast shore of Little Lake; 9,600 feet along the east bank of Bayou Perot; 2,700 feet along the west bank of Harvey Cutoff, and 2,700 feet along the east bank of Harvey Cutoff, for a total of 41,000 feet of shoreline protection. See Attachment A. The project was envisioned to include one or more of the following techniques: a) foreshore rock dike using a construction technique where the underlying organic substrate is displaced, b) foreshore rock dike using a construction technique which attempts to retain and compact the underlying organic substrate, c) foreshore rock dike with a lightweight core material, d) rock revetment, e) steel sheetpile structure, f) concrete sheetpile structure, and/or g) PVC sheetpile structure. The objective of the project was to reduce or eliminate shoreline erosion for those areas referenced above. Secondary benefits were envisioned to include maintenance, and increase extent, of submerged aquatic vegetation on the protected side of project features, where such features form protected coves. The WVA predicted that the project would prevent the loss of 264 acres of intermediate and brackish marsh and produce 101 Average Annual Habitat Units. At the time of Phase One approval, the cost estimate was as follows:

Phase One Engineering & Design	692,131
Phase One Easements & Land Rights	76,563
Phase One S&A	254,946
Phase One Monitoring	16,955
Total Phase One	1,040,595
Phase Two Construction (includes S&H)	13,860,064
Phase Two Monitoring	76,943
Phase Two O&M	5,748,325
Phase Two Other	19,179
Total Phase Two	19,704,511
Total Fully Funded Cost	20,745,106

## **Overview of Phase One Tasks, Process and Issues**

### Environmental Compliance Tasks.

The Barataria Basin Landbridge Shoreline Protection Project Phases 1, 2, and 3 (BA-27) Environmental Assessment was completed in February 2000. A Finding of No Significant Impact was published in the Federal Register on February 17, 2000.

Application for the Section 404 permit, CZM Consistency Determination, and Water Quality Certification will be submitted to the Corps of Engineers, DNR-CMD, and the Louisiana Department of Environmental Quality, respectively, in January 2003.

The Ecological Review for the entire Barataria Basin Landbridge Shoreline Protection Project, with specific reference to Construction Unit 4, has been drafted. The draft Ecological Review recommends approval subject to a favorable 95% design review.

### Engineering Tasks.

Geotechnical investigations revealed the presence of highly organic soil foundations, raising serious concerns regarding the use of traditional shoreline protection techniques for this project. To aid in selecting an appropriate design for areas with highly organic soil foundations, a number of shoreline protection techniques were installed (Construction Unit 1) and evaluated from April 2001 through May 2002 to determine constructability, cost, short-term stability, and aesthetic quality. The evaluated techniques included: traditional foreshore rock dike, foreshore rock dike with a dredged spoil base, foreshore rock dike with a lightweight core material using two different construction techniques, and concrete sheetpile wall.

The constructability evaluation showed the concrete sheetpile wall to be the favorable alternative. A smaller access channel was required to construct the concrete sheetpile wall than the other techniques. Additionally, construction of the wall took less time than the other methods,

The evaluation yielded the following estimated costs per linear foot: 1) traditional foreshore rock dike - \$540, 2) foreshore rock dike with a dredged spoil base - \$540, 3) foreshore rock dike with a lightweight core material - \$439, 4) foreshore rock dike with a lightweight core material furrow method - \$445, 5) concrete sheetpile wall - \$361.

Elevational settlement over the 12 month period serves as the primary measure for determining short term stability. The results were as follows: 1) traditional foreshore rock dike – 4.0 feet, 2) foreshore rock dike with a dredged spoil base – 3.0 feet, 2) foreshore rock dike with a lightweight core material – 2.6 feet, 3) foreshore rock dike with a lightweight core material furrow method – 2.6 feet, 4) concrete sheetpile wall – 0.1 foot.

Aesthetics polling revealed 1) a slight preference for the appearance of a rock dike versus concrete sheetpile, 2) a unanimous preference for using a technique with low aesthetics value



versus continued erosion, and 3) an indication that cost throughout the project life is a more important selection criteria than aesthetics.

The evaluation of constructability, construction costs, structural stability, and aesthetics supports selection of the concrete sheetpile wall as the most suitable method of shoreline protection in areas of highly organic soil foundations in the project area.

#### Landrights Tasks.

Preliminary ownership reports and title reports have been completed. All surface landowners and pipeline companies have been identified and contacted. All support the conceptual design of the project. Draft agreements are presently being drafted and should be distributed in December 2002.

#### **Description of the Phase Two Candidate Project**

The subject Phase Two Authorization Request is limited to about 10,500 feet of shoreline protection along the along the east bank of Bayou Perot and the east and west banks of Harvey Cutoff. See Attachment A. The structure design is primarily a concrete sheetpile wall with an elevation of 3.5 feet NAVD88. Tie-ins to existing shoreline protection features and at existing canals will be constructed of COE R-400 (rock specification) and will be underlain with a geotextile cloth. Two, 75-foot-wide, site-specific organism/drainage openings, as well as additional openings at alignment P.I.s will be incorporated; the openings will have a sill elevation of 2 feet below average tide. Approximately 10,500 feet of construction access channel, with a bottom elevation of -5.5 feet NAVD88 and bottom width of 60 feet, will be excavated. Excavated material will be deposited in open water on the protected side of the structure.

The current cost estimate for the BA-27c portion of Construction Unit 4 is as follows:

Construction	\$4,708,576
S&A	\$ 84,591
S&I	\$ 32,704
Monitoring (3yrs)	Accounted for in Construction Unit 3 amount.
O&M (3 yrs)	Accounted for in Construction Unit 3 amount.
COE (3 yrs)	Accounted for in Construction Unit 3 amount.
Total	\$4,825,871

#### **Checklist of Phase Two Requirements**

- A. List of Project Goals and Objectives. The objective of the Barataria Landbridge Construction Unit 3 is to reduce or eliminate shoreline erosion for approximately 10,500 feet of shoreline along the along the east bank of Bayou Perot and the east and west banks of Harvey Cutoff.

- B. Cost Sharing Agreement for Phase One. The Cost Sharing Agreement for Phase One of the Barataria Landbridge Shoreline Protection Phase 3 Project (BA-27c) was executed between DNR and NRCS on July 25, 2000.
- C. Landrights Notification. LDNR is preparing a letter to the Chairman of the Planning and Evaluation Subcommittee that will report that substantial progress had been made regarding landrights acquisition, that no significant landrights acquisition problems are anticipated, and that DNR is confident that landrights will be finalized in a reasonable period of time after Phase Two Approval.
- D. Favorable Preliminary Design Review. A favorable 30% Design Review for Construction Unit was conducted on December 3, 2002, and a summary of that review was distributed to the Technical Committee on December 4, 2002.
- E. Final Project Design Review. The final project design review is scheduled for May 2003. To avoid a delay associated with seeking a Task Force Phase Two approval in August 2003, the subject Phase Two approval is being sought contingent upon favorable completion of the final project design review.
- F. Environmental Assessment. The Barataria Basin Landbridge Shoreline Protection Project Phases 1, 2, and 3 (BA-27) Environmental Assessment was completed in February 2000.
- G. Findings of Ecological Review. The Ecological Review for the entire Barataria Basin Landbridge Shoreline Protection Project, with specific reference to Construction Unit 4, has been drafted. The draft Ecological Review recommends approval subject to a favorable 95% design review.
- H. Application / Public Notice for Permits. Application for the Section 404 permit, CZM Consistency Determination, and Water Quality Certification will be submitted to the Corps of Engineers, DNR-CMD, and the Louisiana Department of Environmental Quality, respectively, in January 2003.
- I. HTRW Assessment. NRCS procedures do not call for an HTRW assessment on this project.
- J. Section 303e Approval. Section 303e approval was granted by the Corps Real Estate Division on October 21, 2002.
- K. Overgrazing Determination. NRCS has determined that overgrazing is not, and is not anticipated to be, a problem in the project area.
- L. Revised Cost Estimate for Phase Two Activities for the BA-27c portion of Construction Unit 4.

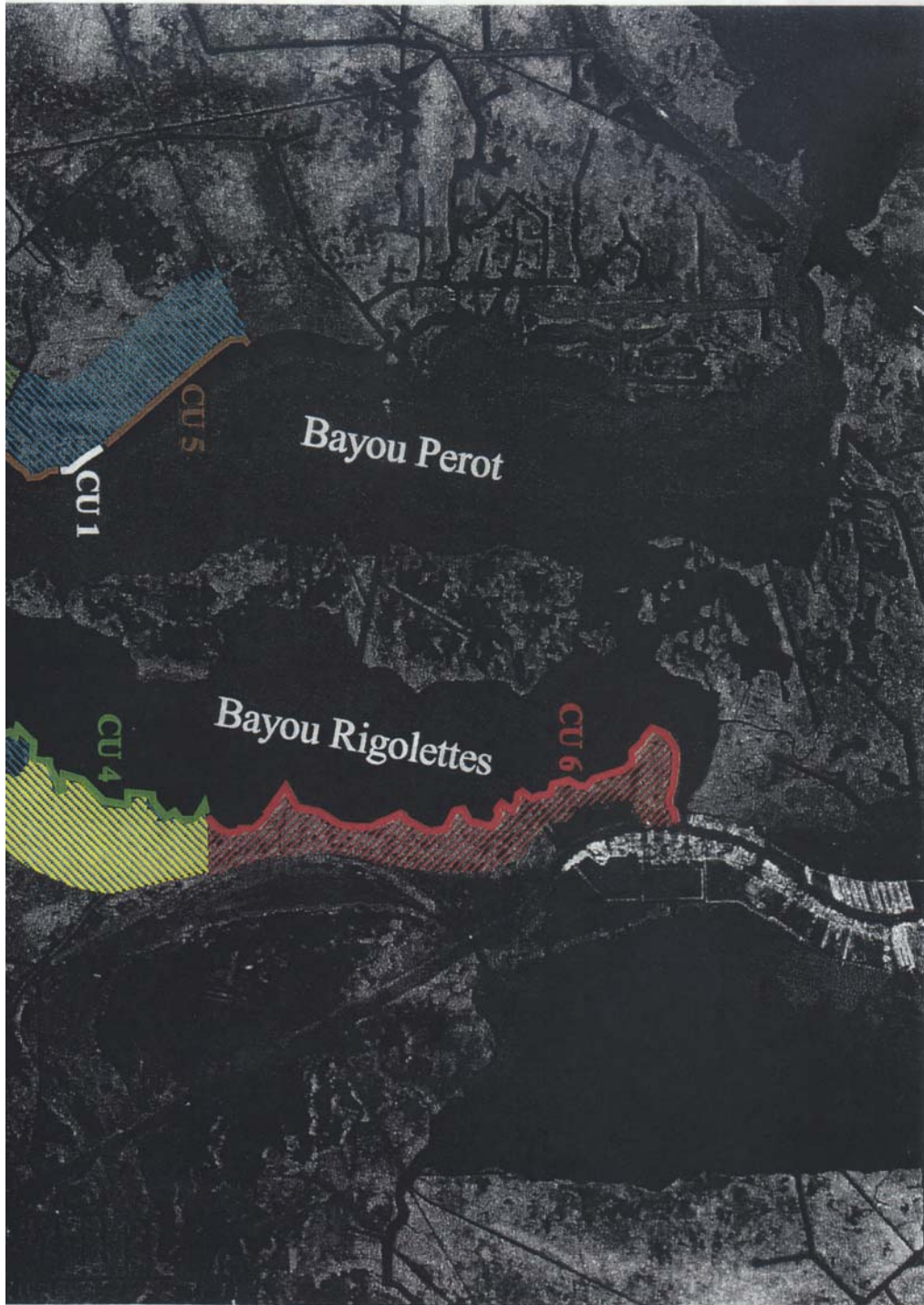
Construction	\$4,708,576
S&A	\$ 84,591
S&I	\$ 32,704
Monitoring (3yrs)	Accounted for in Construction Unit 3 amount.
O&M (3 yrs)	Accounted for in Construction Unit 3 amount.
COE (3 yrs)	Accounted for in Construction Unit 3 amount.
Total	\$4,825,871

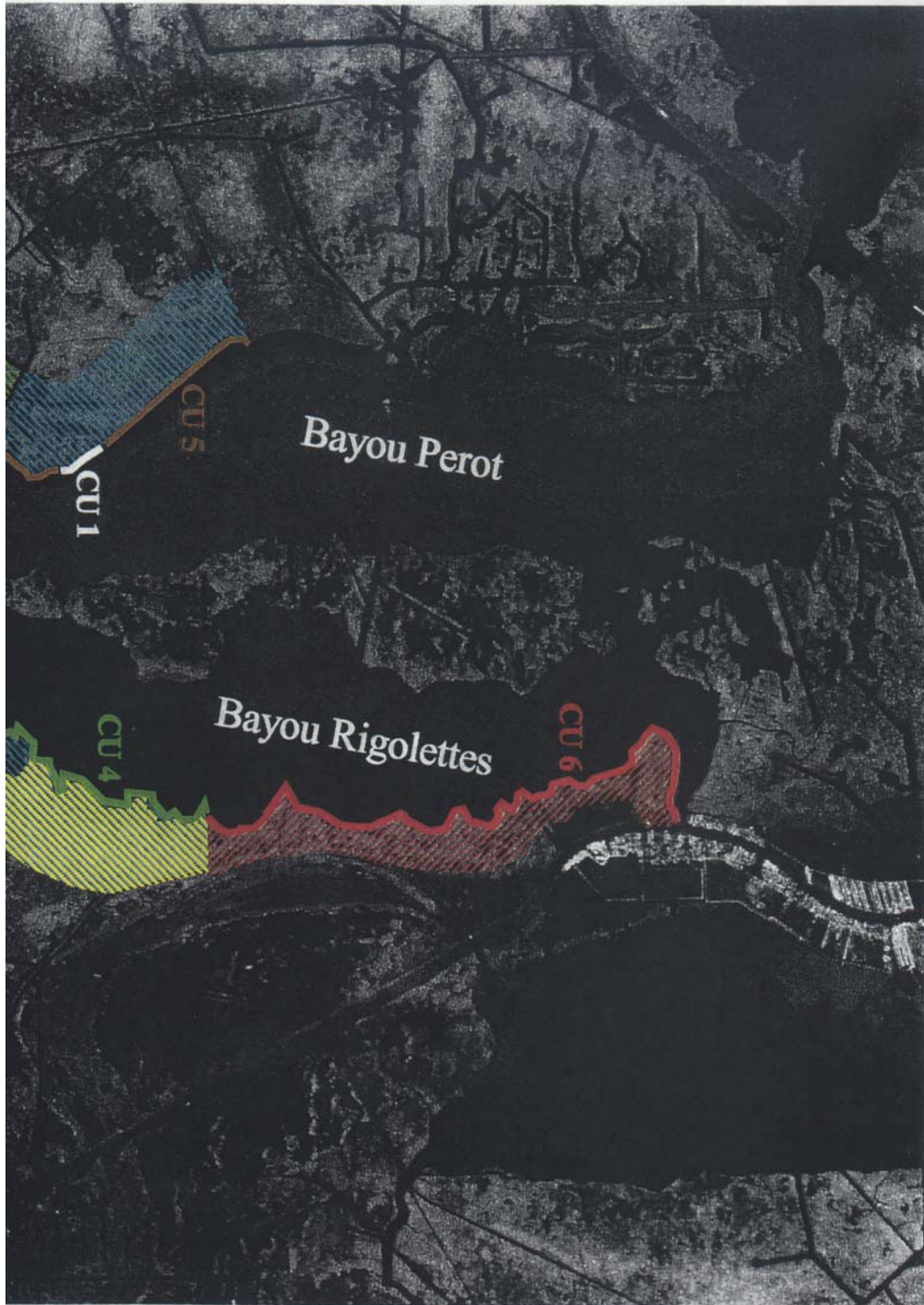
M. Estimate of Project Expenditures by State Fiscal Year. George Townsley / John Jurgensen

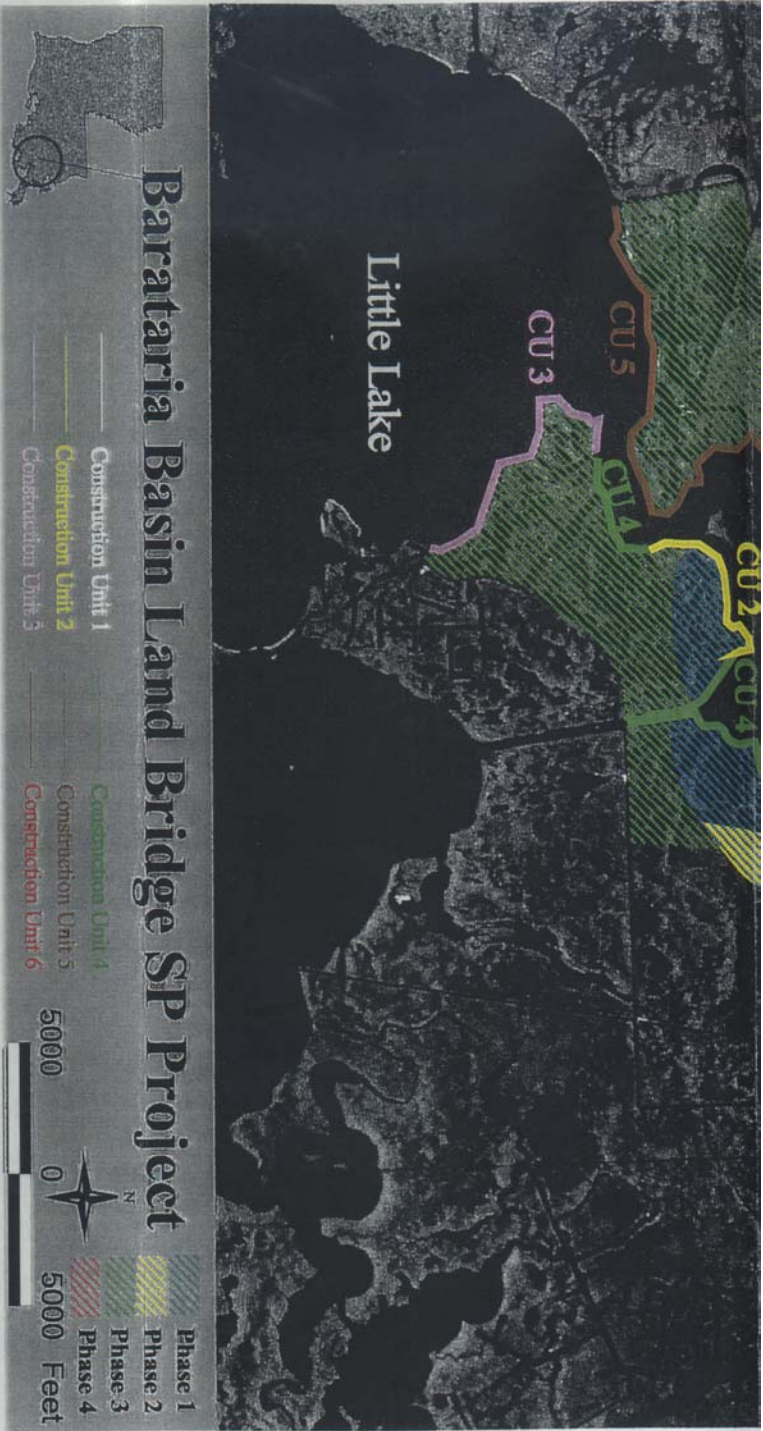
See Attachment B

N. Revised Wetland Value Assessment. A revised Wetland Value Assessment will not be performed because no significant change in project scope had occurred.

O. Draft O&M Plan. A draft O&M Plan will be developed for the 95% Review.







ATTACHMENT B

Barataria Basin Landbridge Phase 3 (BA-27c) - Update for CU#4  
 Project Expected Expenditures by Fiscal Year (December 6, 2002)

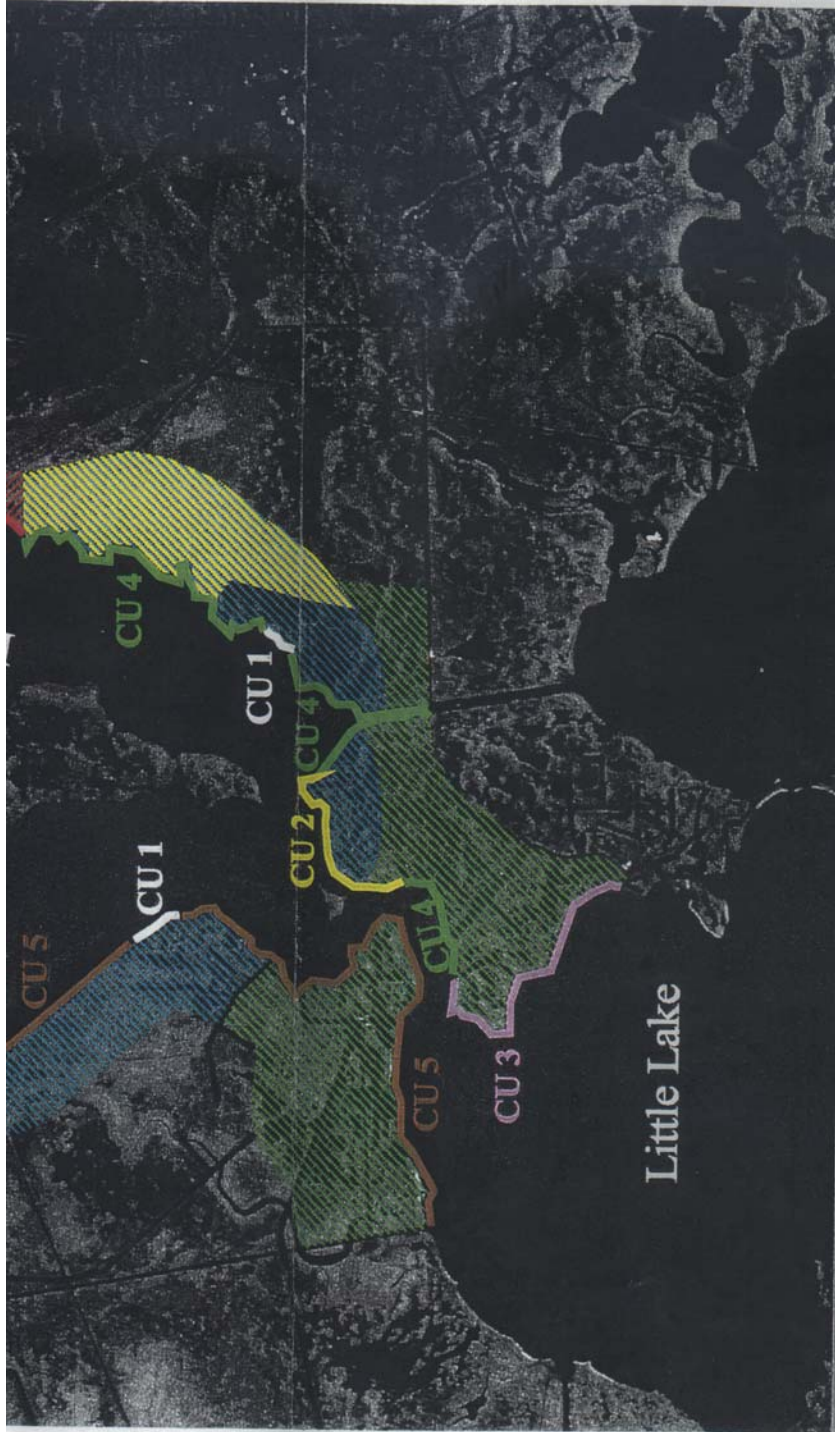
	Phase 1	Phase 2 Total	Construction Unit #3	Construction * Unit #4	Construction * Unit #5
2000	\$23,794				
2001	\$191,732				
2002	\$137,929				
2003	\$691,881	\$9,480,012	\$4,654,141	\$4,825,871	\$0
2004		\$7,764,175	\$7,096	\$0	\$7,757,079
2005		\$7,331	\$7,331	\$0	\$0
2006		\$1,475,798	\$1,475,798	\$0	\$0
2007		\$7,822	\$7,822	\$0	\$0
2008		\$8,081	\$8,081	\$0	\$0
2009		\$2,051,665	\$8,347	\$772,449	\$1,270,870
2010		\$71,774	\$71,774	\$0	\$0
2011		\$8,907	\$8,907	\$0	\$0
2012		\$9,201	\$9,201	\$0	\$0
2013		\$9,505	\$9,505	\$0	\$0
2014		\$9,818	\$9,818	\$0	\$0
2015		\$10,142	\$10,142	\$0	\$0
2016		\$2,575,187	\$10,477	\$969,554	\$1,595,156
2017		\$1,230,544	\$1,230,544	\$0	\$0
2018		\$11,180	\$11,180	\$0	\$0
2019		\$11,549	\$11,549	\$0	\$0
2020		\$11,930	\$11,930	\$0	\$0
2021		\$12,324	\$12,324	\$0	\$0
2022		\$12,730	\$12,730	\$0	\$0
2023		\$7,453	\$7,453	\$0	\$0
2024		\$0	\$0	\$0	\$0
2025		\$0	\$0	\$0	\$0
2026					
Totals	\$1,045,336	\$24,787,130	\$7,596,152	\$6,567,873	\$10,623,104

		CU#3	CU#4	CU#5
Update	\$25,832,466 Construction	\$4,536,150	\$4,708,576	\$7,618,104
Original	\$20,745,106 S&A	\$84,591	\$84,591	\$84,591
Increase	24.52% S&I	\$33,400	\$32,704	\$54,384

\* Construction units 4&5 annual O&M inspection, monitoring, and COE management costs are included in construction unit 3 estimates.







# Barataria Basin Land Bridge SP Project

Construction Unit 1

Construction Unit 2

Construction Unit 3

Construction Unit 4

Construction Unit 5

Construction Unit 6

Phase 1

Phase 2

Phase 3

Phase 4



Little Lake

TAB H

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT  
TASK FORCE MEETING

January 16, 2003

**DE-AUTHORIZATION OF THE UPPER OAK RIVER FRESH WATER  
INTRODUCTION SIPHON PROJECT**

**Background**

At the August 2002 meeting, the Task Force voted to initiate procedures to de-authorize the subject project because of land rights issues and other factors. The Chairman sent notice to the Louisiana Congressional delegation, the State House and Senate Natural Resources Committee chairs, the State Senator and State Representative in whose district the project falls, senior parish officials in the parish where the Project is located, and landowners whose property would be directly affected by the Project. No comments have been received concerning the proposal to de-authorize the project.

**For Decision**

The Task Force may to decide to de-authorize the project.

**Recommendation of the Technical Committee**

The Technical Committee recommends that the Task Force de-authorize the project.



United States  
Department of  
Agriculture

Natural Resources  
Conservation Service

3737 Government Street  
Alexandria, Louisiana  
71302

February 19, 2002

Jack Caldwell  
Secretary  
Louisiana Department of natural Resources  
P.O. Box 94396  
Baton Rouge, Louisiana 70804-9393

Dear Mr. Caldwell:

RE: Upper Oak River Freshwater Introduction Siphon Project (BS-09)

In reply to your letter of October 30, 2001 regarding the above project, you are correct that NRCS policy does not include payment for property or acquisition of landrights in the budgets of projects for which NRCS is the federal sponsor. Therefore, federal sponsorship of the proposed project by NRCS is precluded by Mr. Clyde Giordano's requirement of compensation for the use of his land for freshwater conveyance and discharge.

NRCS has carefully considered the several problems that have been identified during the project development process and has taken into account the additional information gathered by personnel of both of our agencies. In addition to the landowner requiring payment for landrights, some of the more serious problems include the landowner's requirement of subsurface conveyance, his objection to the required disturbance of an existing ridge, and the proximity of the proposed conveyance channel location to a newly built church. As a result, NRCS recommends that this project be removed from the CWPPRA process and be deauthorized.

Please let me know if you concur and NRCS will initiate formal deauthorization procedures.

Sincerely,

Donald W. Gohmert  
State Conservationist

TAB I

**Upper Oak River Freshwater Introduction  
PBS-1  
Plaquemines Parish, Louisiana  
Breton Sound**



**Project Authority:** The project was authorized by the Coastal Wetlands Planning, Protection, and Restoration Act (Public Law 101-646, Title III) on the 8th Priority List.

**Project Location & Size:** The project is located on the east bank of the Mississippi River in Plaquemines Parish 6 miles south of the Belle Chase Ferry and approximately 1/2 mile south of Bertrandville. The project area consists of approximately 5,000 acres.

**Project Objectives:**

- Introduce Freshwater and sediment from the Mississippi River through a siphon system
- Reduce the rate of land loss
- Increase vegetative diversity in the project area
- Increase submerged aquatic vegetation
- Increase dissolved oxygen levels in the water (especially in the northwestern corner)
- Increase emergent vegetation through vegetative plantings

**Project Features:**

- Construct a 1,000 cfs capacity freshwater siphon
- Construct an opening through an existing ridge to allow water to flow to the east Oaks Ridge and to the south
- Construct openings through abandoned board road
- Vegetative plantings in some interior ponds

**Project Status:** The fully funded cost estimate for this project is \$12.5 million, however, \$2.5 million was allocated from the 8th List for design of the siphon and construction of the outfall channel. Construction is projected for October 2001.  
Information provided by Federal project sponsor.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT  
TASK FORCE MEETING

January 16, 2003

**REQUEST FOR DE-AUTHORIZATION OF THE BAYOU L'OURS RIDGE  
HYDROLOGIC RESTORATION PROJECT**

**Background**

The Natural Resources Conservation Service and Louisiana Department of Natural Resources are recommending that this project be de-authorized because of problems associated with obtaining rights of entry to collect engineering data and other information to support project planning.

**Recommendation of the Technical Committee**

The Technical Committee recommends that the Task Force initiate project de-authorization procedures.

**For Decision**

The Task Force may to decide to de-authorize the project.

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**Project Overview**  
**Bayou L'Ours Ridge Hydrologic Restoration**  
**PBA-34i**  
**Lafourche Parish, Louisiana**  
**Barataria Basin**



**Project Authority:** The project was authorized by the Coastal Wetlands Planning, Protection and Restoration Act (Public Law 101-646, Title III). (Priority List 4)

**Project Location:** The project is located in Lafourche Parish east of Louisiana Highway 1, south of Golden Meadow, and north of Leeville. The project area contains 24,765 acres of brackish marsh.

**Project Purpose:** The purpose of the project is to repair or reduce the breaches of the Bayou L'Ours Ridge by using plugs and water control structures. The use of plugs and structures will restore the hydrologic integrity of the ridge.

**Project Features:** Plugs will be placed on six canals, and water control structures containing boat bays to accommodate small boat traffic will be installed on two others.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT  
TASK FORCE MEETING

January 16, 2003

**REQUEST FOR LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
FY 2003 CWPPRA PARTICIPATION BUDGET**

**For Decision**

Mr. Saia will present a funding request from the Louisiana Department of Wildlife and Fisheries for their participation in FY 2003 CWPPRA activities.

**Recommendation of the Technical Committee**

The Technical Committee recommends that the Task Force approve requested funding in the amount of \$71,529.



COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING

January 16, 2003

**Briefing on the State of Louisiana Oyster Ad Hoc Committee**

**For Information and Discussion**

Dr. Bill Good will present the work of the ad hoc committee and the LDNR proposed policy to the Task Force for informational purposes.

TAB L



M.J. "MIKE" FOSTER, JR.  
GOVERNOR

JACK C. CALDWELL  
SECRETARY

DEPARTMENT OF NATURAL RESOURCES

MEMORANDUM

May 6, 2002

CWPPRA Oyster Ad Hoc Committee and Other Interested Parties

From: Jack C. Caldwell

Re: Subject: CWPPRA Oyster Lease Acquisition Program

BACKGROUND

The CWPPRA (Coastal Wetlands Planning, Protection and Restoration Act or "Breux" Act) Oyster Ad Hoc Committee has worked for many months to develop a workable plan to provide just compensation to owners for the acquisition of oyster leases expected to be adversely impacted by CWPPRA coastal restoration projects. The general conclusion has been reached that this policy should provide for federal condemnation proceedings as a final resort, following unsuccessful efforts to negotiate a settlement.

This memorandum is intended to accompany an internal analysis by the U.S. Army Corps of Engineers, New Orleans District (CEMVN) regarding valuation methods under state and federal law and the use of federal condemnation powers to acquire impacted oyster leases.

PROPOSED POLICY

In light of the above considerations, the following policy is proposed for approval by the CWPPRA Task Force, with appropriate Louisiana Department of Natural Resources (DNR) regulations to be promulgated in due course.

I. Bobtailing Leases

1. As part of the CWPPRA project development process, the oyster impact area will first be delineated in "Phase Zero" and refined further in "Phase One." The oyster impact area is defined as the area anticipated to be rendered unsuitable for commercial oyster production due to construction and operation of the coastal restoration project. In the case of projects

expected to alter the prevailing salinity regime, the impact area is normally the area where the average annual salinity is expected to be lowered below 5ppt. In other projects, such as dredging or filling, the impact area is normally the “footprint” of the project. Procedures for determining the “footprint” will be developed in order to ensure reasonable consistency. In connection with delineation of the oyster impact area, leases in the area will be “bobtailed” by Louisiana Department of Wildlife and Fisheries (DWF). In the event that a project will affect only a portion of a lease, the leaseholder may reconfigure his boundaries at the joint discretion of the leaseholder, DWF and DNR, so that the unaffected part may remain in cultivation. In the event that the leaseholder chooses not to reconfigure lease boundaries in these circumstances, then the entire lease would be subject to non-renewal or bobtailing, in keeping with all appropriate laws and regulations.

2. A distinction is made between temporary project effects versus long-term or permanent effects. In the instance where a reef will be temporarily affected, such as in the case of one-time damages resulting from project construction, the affected leases would be addressed on a case-by-case basis, prior to construction of the project.
3. In order to help ensure the long-term conservation of wetlands benefited by the project (i.e., achieve compliance with section 303(e) of CWPPRA), all long-term or permanent project effects to leases will be handled through this lease acquisition program prior to project construction; however, payments will not occur until after Phase Two approval.

## II. Compensation

1. The proposed program is based on commonly accepted principles of just compensation as applied to situations in which leased agricultural land is needed for public purposes. (We consider oyster leases to be “agricultural” insofar as oysters can be harvested from such leases.) According to appraisal guidance from the State, when property that is to be acquired has a growing crop that cannot be harvested prior to acquisition, the crop owner should be compensated for the value of the crop. As such, compensation to the oyster lessees should include the value of the existing oyster crop at the time of acquisition. The determination of the value of the growing oyster crop should be made by qualified specialists, e.g., biologists, using industry accepted standards such as poling of the waterbottom, diver observations and/or side scan sonar, and oyster samples to gauge the quality and quantity of the standing crop of oysters present within each leased area.

In certain cases, the lessee might be additionally compensated for the estimated net income loss as a result of the displacement, projected over a reasonable period of time.

Procedures will be developed describing in detail how the future income loss over the remainder of the lease period will be estimated. Assets such as standing crop and seed oysters will be considered as “recouped” if it is reasonable to assume that they could have been harvested in the time period available, or “unrecouped” otherwise.

2. It will be encouraged that lessees provide documentation in the form of individual lease records or income tax statements to assist in determining net income. In the absence of specific data, averages will be used based on area-wide and other data sources as presumptively correct.<sup>1</sup>

### III. Acquisition Payments

1. The acquisition payment should not be made until it is determined with reasonable certainty that individual leases in the impact area will be rendered unsuitable for commercial oyster production. This determination should take into account the effects of a wet, dry, or normal season. Payments must occur prior to construction of the project.
2. The payment should be made upon execution of a receipt and release agreement and cancellation of the lease. The release will set forth an indemnification from any and all claims against the State and the U.S., including, but not limited to, 28 U.S.C. 1497.
3. A determination will have to be made as to whether the oysterman has sufficient time to remove marketable and seed oysters from his lease. Procedures will be developed to describe the details of how “sufficient time” will be determined. In the event that a determination is made that there is sufficient time for the oysterman to harvest these assets, then the

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<sup>1</sup> Due to recently enacted state legislation, oyster lessees must start reporting production information, effective this year, to be submitted to LDWF by March of the following year (La RS 56:430.1). Although the first few years’ worth of data is unlikely to provide sufficient information from which to derive an average income, in 5 to 7 years time, an average year’s production within a grid should be ascertainable. The production information is based on a grid, which could encompass more than one oyster lease, but even this “grid-wide” information could be useful.

oysters would be considered as “recouped.” If not, then they would be considered as “unrecouped.” The lessee will be compensated for the estimated value of “unrecouped” assets.

4. Only the affected portion of an economically viable oyster lease will be eligible for compensation. Because projects may impinge upon only parts of leases, the lessee may voluntarily reconfigure the lease so as to retain the unaffected portion. As previously stated, in the event that the leaseholder chooses not to reconfigure lease boundaries in these circumstances, then the entire lease would be subject to non-renewal or bobtailing, in keeping with all appropriate laws and regulations.

November 8, 2002 @ 1:33 PM

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CWPPRA OYSTER REGULATIONS

**Subchapter C. CWPPRA Oyster Lease Acquisition Program**

**§876. Purpose**

A. These special rules are adopted pursuant to LA R.S. 56:432.1 to provide for the acquisition of oyster leases within the projected impact area of a coastal restoration project.

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These rules supercede the provisions of Subchapter B insofar as Subchapter B may otherwise apply to oyster leases included within the scope of these rules.

B. Pursuant to LA R.S. 56:432.1E, these rules are adopted and intended to implement federal plans, programs and requirements of the task force established by CWPPRA, and shall be so interpreted.

*Draft*

**§877. Definitions**

*Department*—the Louisiana Department of Natural Resources, its secretary, or the secretary's designee.

*DWF*—the Louisiana Department of Wildlife and Fisheries, its secretary, or the secretary's

designee.

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*Projected Impact Area*—the projected impact area of a coastal restoration project included

within a public program officially proposed by the appropriate local, state or federal agency, as

determined pursuant to LA.R.S.56:428.1.

*Affected Lease*—a current oyster lease identified by the Department from records maintained by

DWF or from other information and determined by the Department to be located in whole or in

*Draft*  
part within a projected impact area.

*Leaseholder*—the lessee of an oyster lease granted by DWF pursuant to LA R.S.51:425 et seq, as

appears on records provided by and maintained by DWF, or granted by the owner of privately-

owned waterbottoms.

*CWPPRA*—the Coastal Wetlands Planning Protection and Restoration Act, Public Law 101-646.

*Lead Agency*—the lead agency designated by the task force to be the federal sponsoring agency

for a CWPPRA project or program.

*Task Force*—the task force established pursuant to CWPPRA.

*Secretary*—secretary of DNR or the secretary's designee.

*Closing Date*—The date of execution of the purchase agreement and payment of the purchase price.

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### **§878. Implementation of Acquisition Program**

A. The secretary, in consultation with the lead agency, will delineate the projected impact area of a CWPPRA project. The delineation may be changed as additional information becomes available.

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B. The secretary shall make a reasonable effort to provide notice of the project-specific acquisition program to all leaseholders of affected leases.

C. The notice to leaseholders shall include at least the following:

1. A description and map of the projected impact area.
2. A copy of these regulations.
3. A statement informing the leaseholder of the state's intention to purchase the affected lease on a voluntary basis pursuant to these regulations.
4. A request that the leaseholder submit specific documentary and other information relevant to a determination of a purchase price for the subject

*Draft*



affected lease in accordance with these regulations.

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5. A response form to be completed and returned to the Department, which form shall provide information confirming the leaseholder's mailing address and the intention of the leaseholder to participate in the voluntary acquisition program or not, subject to the leaseholder's right to decline any offered purchase price. The form shall include an authorization granting the Department and its contractors the right to enter the affected lease for the purpose of surveying and making an assessment of the affected lease.

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**§879. Appraisal**

- A. The purchase price to be offered to the leaseholder of an affected lease shall be determined by an appraiser selected by the secretary.
- B. The offered purchase price shall be sufficient to constitute just compensation to the leaseholder and shall be an amount equal to the fair market value of the affected lease plus the fair market value of any marketable and seed oysters not reasonably removable from the affected

*Draft*

lease within the time allowed, all as determined by the appraiser according to the procedure hereinafter provided.

C. Fair market value of affected lease

2. The appraiser may determine the fair market value of the affected lease by taking into account comparable sales of other leases, if sufficient reliable information is available to the appraiser to make such determination according to accepted appraisal methods.

3. Alternatively, the appraiser may determine the fair market value of the affected lease by calculating the present value of estimated future net income from the lease during the remainder of the current lease term, beginning with the next succeeding full calendar year, or for the next three full years, whichever is the longer, in the following manner:

1. Estimated future production expenses shall be deducted from estimated future gross income from the affected lease to determine estimated future net income, all on an annual basis, then

discounted to present value in accordance with Subsection D.

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2. Future gross income from the affected lease may be estimated by

the appraiser based on adequate reliable documentation submitted

by the leaseholder, such as sales records, income tax returns,

reports and affidavits. In the absence of such documentation, or in

conjunction therewith, the appraiser may use whatever information

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may be available from other sources, both public and private, to

estimate the average productivity of oyster reefs in the area of the

affected lease on a barrel of marketable oysters per reef acre basis,

and the market price thereof, then apply such estimate to the reef

area of the affected lease.

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3. Future production expenses applicable to the affected lease may be

estimated by the appraiser based on adequate reliable

documentation submitted by the leaseholder, such as accounting

records, invoices, cancelled checks, payroll records, third party

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records, income tax returns, reports, and affidavits. Allowable expenses chargeable to the affected lease shall include labor

(including a salary allowance for the owner), fuel, maintenance

and repairs, supplies, rent, vessel and equipment depreciation,

insurance and any other items of costs determined by the appraiser

to be applicable to the affected lease according to accepted

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appraisal methods. In the absence of documentation submitted by

the leaseholder, or in conjunction therewith, the appraiser may use

whatever information may be available from other sources, both

public and private, to estimate the average production expenses,

present and future, of oyster reefs in the area of the affected lease

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on a per barrel of marketable oysters basis and apply such

estimates to the affected lease.

D. The estimated annual net income from the lease for each full calendar year of the lease term remaining after the year of purchase, or for the next three full calendar years,

whichever is the longer, shall be discounted, at a rate intended to reflect the expected rate of return on investment in the Louisiana oyster industry, to determine the present value of such

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income as of the first day of the calendar year following the year of purchase. The discount rate shall be the then current judicial rate of interest established pursuant to La. Civil Code Art. 2924, for the year in which the purchase is made, plus 20 percentage points. The discount rate may be changed by the secretary as additional information becomes available.

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E. In making the appraisal, the appraiser may rely on information given by an oyster biologist selected by the secretary to assist the appraiser.

F. If the notice to the leaseholder does not allow the leaseholder at least 12 full months from receipt within which to remove marketable and seed oysters from the affected lease, at the sole risk and expense of the leaseholder, the appraiser shall determine the market value of the marketable and seed oysters on the affected lease not reasonably removable within the period, available prior to purchase, and the purchase price offered to the leaseholder shall include such appraised market value.

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G. At least 90 days prior to the closing date, the leaseholder of an affected lease shall be

notified of the proposed purchase price of the affected lease, and the basis thereof. The

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leaseholder may submit to the secretary, within 30 days of receipt of the offer to purchase, in

writing, any information believed to warrant a purchase price greater than the one offered. The

secretary may, on the basis of all information available, thereafter modify or affirm the original

offer.

**§880. Release**

*Draft*

In consideration for payment of the purchase price of an affected lease, the leaseholder

and any person holding a property interest in an affected lease shall execute a receipt, release,

indemnity and hold harmless agreement in favor of the United States of America, including the

U.S. Army Corps of Engineers, and the lead agency, and the State of Louisiana, including the

Louisiana Department of Natural Resources and the Louisiana Department of Wildlife and

*Draft*

Fisheries, indicating that full and fair compensation has been made in complete satisfaction of all

claims against the State and the United States of America, related to past, present or future oyster

damages in the affected lease, and related losses and expenses, including all claims in tort,

contract, or inverse condemnation and/or under any other applicable theory of recovery,

including, but not limited to, 28 U.S.C. §1497.

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§881. **Funding**

The Department shall have no duty to implement oyster lease acquisitions for any coastal restoration project in the absence of appropriate funding arrangements.

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COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING

January 16, 2003

**Announcement of the completion of the final draft of the  
Hydrologic Investigation of the Louisiana Chenier Plain**

**For Information and Discussion**

Dr. Bill Good will announce the completion of the final draft of the Hydrologic Investigation of the Louisiana Chenier Plain. He will provide a copy of the report to each of the Task Force members.

TAB M



COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING

January 16, 2003

**REPORT ON OUTREACH COMMITTEE ACTIVITIES**

**For Information and Discussion**

Mrs. Bodin will report on the Breaux Act outreach program.

**Breaux Act Public Outreach Committee  
Report to the Task Force  
October - December 2002**

**Meetings**

- 10/1-12/31: Wilson, Bodin, and other staff and committee members attended several LCA-related meetings throughout the period.
- 10/11: Dedication planning meeting in New Iberia and site visit.
- 10/16: Wilson, Bodin, and other outreach committee members attended the Louisiana Coastal Wetlands Conservation and Restoration Task Force Meeting. Bodin presented the outreach report.
- 10/22: Committee members attend BTNEP Management Conference meeting in Thibodaux.
- 11/1: Dedication planning meeting held at Avery Island.
- 11/4: Wilson and other committee member attend P&E meeting in Baton Rouge.
- 11/6: Dedication planning meeting held in Lafayette.
- 11/13: Meet with Avery Island staff for set up for dedication.
- 11/19: Bodin and other committee members attend PPL 12 meeting in Abbeville. Pre-event press release distributed.
- 11/20: Committee members attended PPL 12 meeting in New Orleans. Pre-event press release distributed.
- 12/9: Public Outreach Committee meeting in New Orleans.
- 12/10: Wilson and other committee members attended the Technical Committee meeting in New Orleans. Pre-event press release distributed.
- 12/11: EPA hosted the "Mississippi River Water Reintroduction Into Maurepas Swamp" Public Scoping Meeting

**Executive Awareness**

- The offices of **Sen. Breaux, Sen. Landrieu, and Rep. John** were contacted regarding the dedication ceremony. Representatives from Sen. Breaux, Sen. Landrieu and Rep. John's offices were in attendance. All of the state legislators were also invited. State Sen. Craig Romero was master of ceremonies for the event.
- **USGS National Wetlands Research Center** hosted a visit by the **USGS Regional Director (Central Region) Tom Casadevall and the Regional Chief Biologist, Larry Ludke**. The visit included an aerial tour of coastal Louisiana and briefings/meetings with several federal and state officials, including Task Force members Dave Frugé and Karen Gautreaux. The purpose of the tour was to educate the USGS officials about Louisiana's coastal wetland loss problem and restoration efforts.

## National Awareness

- The uniqueness of the **Nutria Control Program** has peaked the interest of the national media. Stories have been aired on **CNN** regarding the program and the results after the first round of collections was held. It was also included on the CNN Headline News ticker. The **New York Times** ran an article in November and one in December. The **Associated Press** also released an article in December.
- 10/1-12/20: LaCoast number of visits: 63,754; number of hits: 705,564; number of requests for products: 5,571

## Local Awareness

- Breaux Act Newsflashes distributed:  
October 2002: 3  
November 2002: 2  
December 2002: 5
- 10/11: Dupre exhibited at the **Environmental Research Consortium of LA** (ERCLA) in Lafayette.
- 10/11: Bodin presented to the Acadia Parish Chapter of the **Daughters of the American Revolution**.
- 10/12: Bodin presented a workshop to teachers at **Experience Science Saturday** in Baton Rouge.
- 10/12: Dupre presented a workshop to teachers participating in the **Alternate Teacher Certification Program** (multiple mid-region parishes, multiple grade levels) in Pineville, LA (LA College).
- 10/15: Bodin presented to **Intech** teachers at NWRC in Lafayette, LA.
- 10/24-26: Bodin exhibited and presented a workshop to teachers at the **Louisiana Science Teachers Association** annual conference in Lafayette, LA.
- 11/7: Dupre exhibited at **Ocean Commotion** in Baton Rouge, LA.
- 11/10: Dupre exhibited at the **BTNEP Fete d'Ecologie** in Thibodaux, LA.
- 12/6: Bodin presented a workshop to over 60 teachers at the **Louisiana Association of Computer Using Educators** annual conference in Alexandria, LA.

## Outreach Project Updates

**Breaux Act Project Dedication/Groundbreaking Ceremony 2002:** The ceremony was held the morning of Thursday, November 14 at the Marsh House on Avery Island near New Iberia, LA. The ceremony dedicated 4 and groundbroke 2 projects located in Vermilion and Iberia parishes. Federal sponsors for the projects included NRCS, COE, NMFS, and EPA. A media tour of the projects by helicopter was held prior to the ceremony. Helicopter tours were held for the officials after the ceremony, as were boat tours and Tabasco plant tours for the general public. 146 people attended the function. **Articles ran in The Advocate, Daily Advertiser, Daily Iberian, and American Press. A video news release was also produced as part of the FY03 initiatives funding**

**provided by the Task Force. Stories ran in New Orleans on WDSU; Baton Rouge on WRBZ, WBTR, WVLA; Alexandria on KLAX and KLFY; Lafayette/Lake Charles/Opelousas on KATC, KLFY, KPLC, KVHP, and KDCG; Shreveport on KTAL; and Houma/Thibodaux/Morgan City on HTV and KWBJ.**

**Video News Release Campaign:** See results of the latest VNR under previous section, “Breux Act Project Dedication/Groundbreaking Ceremony 2002.” **This effort was funded by the Task Force as a special initiative.**

**CWPPRA Project and Program Fact Sheets:** The fact sheets are general overview fact sheets targeted for the general public, state and national legislators, and other interested parties. We have now printed 48 more fact sheets, most of which are for completed projects (two are reprints). We previously had completed and printed the 15 PPL 11 project fact sheets and the eight fact sheets used for the December 2001 dedication ceremony. This gives us a total of 69 fact sheets that have been printed. We are currently reviewing fact sheets for projects that are in the engineering/design and construction phases. The coordinator worked with the state and federal agencies to develop a complete correct list of all of the projects with their corresponding project numbers.

**LA Purchase Exhibit:** Text and design are being developed for the exhibit to be placed at the Cabildo in New Orleans.

**CWPPRA Project Signs:** Outreach Committee members (NRCS & COE) are working to develop signs promoting the work of CWPPRA for various areas.

**Project Information Management System (PIMS):** A system has been developed by the NWRC Electronics Technology Development Team that enables project managers to update project information in the COE’s database that, in turn, updates project information on LaCoast. This system simplifies the process and provides the public with more current project information. Staff members are training project managers on the system’s use.

**Upcoming Conferences:** A large number of national conferences are set for next year in the New Orleans area. The committee is currently investigating which of these will most benefit CWPPRA to attend and is submitting proposals.

**LCA Feasibility Study:** The Public Outreach Committee is working closely with the LCA effort, assisting with outreach and public participation.

**WaterMarks:** The committee worked with the contractor to develop the next issue to cover global climate change/sea level rise and its relationship to CWPPRA projects. It will be a double issue because of the volume and complexity of the information covered in this issue.

**Article on Davis Pond:** GOCA is currently shopping an article written by CWPPRA staff (Donaldson) to national magazines.

**Article on Nutria Program:** Donaldson has written an article about the Nutria Control Program. External review is now complete. Design for electronic dissemination is underway.

**Article on Brown Marsh:** Donaldson has completed an article to update the public about the Brown Marsh phenomenon. External review has just been completed.

**3-Part Insurance Series:** Donaldson has completed the first draft of a 3-part article dealing with insurance and coastal wetland loss/sea level rise. The Governor's Office of Coastal Activities has it being reviewed by the Insurance Commissioner's office.

**The Return of the Pelican:** Donaldson has completed a two-part article covering the decline, reintroduction, and recovery of the La. State bird. It discusses the importance of habitat restoration, such as those projects through CWPPRA. External review has just been completed.

**Articles Mentioning CWPPRA or CWPPRA Projects  
October, November, December 2002**

**Number of Articles: 24**

<b>Source of Article</b>	<b>Date</b>	<b>Title of Article</b>
The Advocate	10/05/02	“Back-to-back storms erode coastal Louisiana a bit”
Times-Picayune	10/06/02	“Eroded defenses”
Associated Press	10/07/02	“Lili damaged Louisiana’s first line of hurricane defense”
Times-Picayune	10/08/02	“Shield in shreds”
Times-Picayune	10/10/02	“Coastal task force considers big picture”
The Advocate	10/11/02	“Panel told funds falling short for restoration of wetlands”
The Advocate	11/08/02	“Region 6 EPA chief targets ‘dead zone,’ to resign Jan. 3”
Daily Advertiser	11/15/02	“Preserving the coast”
The Advocate	11/15/02	“Marsh efforts praised as projects dedicated”
New York Times	11/20/02	“National Briefing/South: Louisiana: Die, Varmint”
American Press	11/20/02	“State proposes new way to save coast: Kill nutria”
American Press	11/21/02	“Trappers ready to earn bounty”
Daily Advertiser	11/25/02	“Breaux Act projects to save coast worth review, celebration”
Wetland Breaking News (ASWM)	11/30/02	“LA Coastal Wetland Projects Underway”
Wetland Breaking News (ASWM)	11/30/02	“Proposal to Reintroduce Mississippi Water into Maurepas Swamp, LA”
American Press	12/01/02	“Trunkline Gas Co. has donated \$100,000 donation to the Breaux Act Task Force for coastal restoration projects in Iberia and Vermilion parishes”
Associated Press	12/5/02	“Louisiana Puts Bounty on Rodents”
American Press	12/07/02	“Wetland recovery campaign rolls on”
American Press	12/07/02	“Grand Lake, White Lake projects on funding list”
Times-Picayune	12/11/02	“Bills may swamp coastal restoration group Budget shortfalls could derail projects”
Daily Advertiser	12/13/02	“Trappers pocket \$19K in first week of nutria ‘incentive’ program”
Daily Advertiser	12/17/02	“Engineer corps to include White Lake in project”
New York Times	12/23/02	“In Louisiana, a Bounty on Varmints’ Tails”
The Advocate	12/28/02	“Task force to select projects for coastal-restoration work”

TAB N

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING

January 16, 2003

**PLANNING EFFORTS FOR THE 13<sup>TH</sup> PRIORITY PROJECT LIST**

The Planning and Evaluation subcommittee has developed a schedule and set of guidelines for work on the 13<sup>th</sup> priority list. This information complies with the direction of the Task Force provided in April 2002. The schedule is provided to the Task Force for review and comment.

## **Coastal Wetlands Planning, Protection and Restoration Act Guidelines for Development of the 13<sup>th</sup> Priority Project List**

### **I. Development of Supporting Information**

A. COE staff prepares spreadsheets indicating status of all restoration projects (CWPPRA PL 1-12; Coast 2050 Feasibility Study, Corps of Engineers Continuing Authorities 1135, 204, 206; and State only projects). Also, indicate net acres at the end of 20 years for each CWPPRA project.

B. DNR/USGS staff prepares basin maps indicating:

- 1) Boundaries of the following projects types (PL 1-12; Coast 2050 Feasibility Study, COE 1135, 204, 206; and State only).
- 2) locations of completed projects,
- 3) projected land loss by 2050 with freshwater diversions at Caernarvon and Davis Pond plus PL 1-6) (Suhayda).

### **II. Identification of Areas of Need and Project Nominations**

A. The four Regional Planning Teams meet, examine basin maps, discuss areas of need and Coast 2050 strategies, and choose no more than two projects per basin. A total of up to 18 projects could be nominated. Selection of the two projects nominated per basin will be by consensus, if possible. If voting is required, each officially designated parish representative in the basin will have one vote and each federal agency and DNR will have one vote.

B. The nominated projects will be indicated on a map and paired with Coast 2050 strategies. A lead Federal agency will be designated to assist LDNR and local governments in preparing preliminary project support information (fact sheet, maps, and potential designs and benefits). The Regional Planning Team Leaders transmit this information to the P&E subcommittee, Technical Committee and members of the Regional Planning Teams.

### **III. Preliminary Assessment of Nominated Projects**

A. Agencies, parishes, landowners, and other individuals informally confer to develop projects. Nominated projects should be developed to support one or more Coast 2050 strategies. The goals of each project should be consistent with those of Coast 2050.

B. Each sponsor of a project proposed for nomination will prepare a brief Project description (no more than one page plus a map) that discusses possible features and the Coast 2050 criteria.

C. Engineering Work Group meets to estimate preliminary fully funded cost ranges for each project, based on engineering judgment.



D. Environmental and Engineering Work Groups apply Coast 2050 Criteria to each project to achieve a consensus description for each project.

E. P&E Subcommittee prepares matrix of cost estimates and Coast 2050 Criteria descriptions and furnishes to Technical Committee and State Wetlands Authority (SWA).

IV. Selection of Phase 0 Candidate Projects

A. Technical Committee meets to consider the project costs, Coast 2050 Criteria, and potential wetland benefits of the nominees. Technical Committee will select eight candidate projects for detailed assessment by the Environmental, Engineering, and Economic work groups.

B. Technical Committee assigns one project to each agency to develop preliminary Wetland Value Assessment data and engineering cost estimates for Phase 0 as described below.

V. Phase 0 Analysis of Candidate Projects

A. Sponsoring agency coordinates site visits for each project. Visit is vital so each agency can see the conditions in the area and estimate the project area boundary.

B. Environmental and Engineering Work Groups and academic advisors meet to refine project features and develop boundaries based on site visits.

C. Sponsoring agency develops Project Information Sheets on assigned projects, using formats developed by applicable work groups. Prepares preliminary draft Wetland Value Assessment Project Information Sheet. Makes Phase 1 engineering and design cost estimates and Phase 2 construction cost estimates.

D. Environmental and Engineering Work Groups evaluate all projects using the WVA and design/cost reviews. Revisit goals in light of additional data. Also determine risk/uncertainty and longevity/sustainability.

E. Engineering Work Group reviews and approves agency Phase 1 and 2 cost estimates.

F. Economics Work Group reviews cost estimates and develops annualized costs.

G. Corps of Engineers staff prepares information package for Technical Committee and State Wetlands Authority. Packages consist of:

- 1) updated Project Information Sheets;

- 2) a matrix for each region that lists projects, fully funded cost, average annual cost, Wetland Value Assessment results in net acres and Average Annual Habitat Units (AAHU's), cost effectiveness (average annual cost/AAHU), risk/uncertainty, and longevity/sustainability;
- 3) qualitative discussion of supporting partnerships and public support; and
- 4) oyster lease impact areas delineated for the State's Restricted Area Map (this map should also be provided to DNR).

H. Technical Committee hosts two public hearings to present information from G above and allow public comment.

VI. Selection of 13<sup>th</sup> Priority Project List

A. Technical Committee meets and considers matrix, Project Information Sheets, and public comments. The Technical Committee will recommend up to four projects for selection to the 13<sup>th</sup> PPL.

B. The CWPPRA Task Force will review the TC recommendations and determine which projects will receive Phase 1 funding for the 13<sup>th</sup> PPL.

C. State Wetlands Authority approves projects for 13<sup>th</sup> Priority List Phase 1 funding.

### 13<sup>th</sup> Priority List Project Development Schedule

January 22, 2003	Distribute public announcement of PPL13 process and schedule
<u>February 17, 2003</u>	<u>President's Day Holiday</u>
February 12, 2003	Region IV Planning Team meeting (Rockefeller)
February 13, 2003	Region III Planning Team meeting (Morgan City)
February 19, 2003	Region II Planning Team meeting (NOD)
February 20, 2003	Region I Planning Team meeting (NOD)
February 21 – March 14	Agencies prepare fact sheets for RPT nominated projects
March 4, 2003	Mardi Gras
March 18, 2003	Engineering work group prepares preliminary cost estimates for nominated projects (DNR)
March 19, 2003	Env/Eng work groups jointly apply Coast 2050 criteria (DNR)
March 20, 2003	P&E Subcommittee prepares matrix of nominated projects showing initial cost estimates and Coast 2050 descriptions (narratives) (DNR)
March 26, 2003	Tech Comm meets to select PPL13 candidate projects (NOD)
April 23, 2003	Spring Task Force meeting (Lafayette)
May/June	Candidate project site visits
June/July/August/September	Env/Eng work group project evaluations
July 16, 2003	Technical Committee meeting (Baton Rouge)
August 14, 2003	Task Force meeting (New Orleans)
September 17, 2003	Technical Committee meeting (Baton Rouge)
October 16, 2003	Task Force meeting (Baton Rouge) – announce public meetings
November 19, 2003	PPL13 Public Meeting (Abbeville)
November 20, 2003	PPL13 Public Meeting (New Orleans)
December 10, 2003	Technical Committee meeting (New Orleans)
January 21, 2004	Task Force meeting to select PPL 13

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT  
TASK FORCE MEETING

January 16, 2003

**OPTIONS FOR PRIORITIZING FUTURE PHASE II FUNDING DECISIONS**

For Discussion: The Task Force will discuss options for setting future funding priorities for approval of project construction requests.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TASK FORCE MEETING

January 16, 2003

**REPORT ON THE LOUISIANA COASTAL AREA – FEASIBILITY STUDY**

For Information and Discussion

Mr. Troy Constance will provide an update on the Louisiana Coastal Area (LCA) Comprehensive Feasibility Study.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT  
TASK FORCE MEETING

January 16, 2003

**ADDITIONAL AGENDA ITEMS**

**For Information and Discussion**

Each Task Force member will be given the opportunity to propose additional items or issues for the consideration of the Task Force.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION  
ACT  
TASK FORCE MEETING

January 16, 2003

**REQUEST FOR PUBLIC COMMENTS**

The Task Force chairman will offer members of the public an opportunity to comment on issues of concern.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION  
ACT  
TASK FORCE MEETING

January 16, 2003

**DATE AND LOCATION OF THE NEXT TASK FORCE MEETING**

The next meeting of the Task Force is tentatively scheduled for 9:30 a.m., April 23, 2003, at the Estuarine Habitats and Coastal Fisheries Center, 1<sup>st</sup> floor conference room, in Lafayette, Louisiana. Final details will be provided via public notice and the Breaux Act (CWPPRA) Internet Web Page.



COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT  
TASK FORCE MEETING

January 16, 2003

A copy of the CWPPRA authorizing legislation is provided as a reference for the Task Force members .

## TITLE III--WETLANDS

### Sec. 301. SHORT TITLE.

This title may be cited as the "Coastal Wetlands Planning, Protection and Restoration Act".

### Sec. 302. DEFINITIONS.

As used in this title, the term--

- (1) "Secretary" means the Secretary of the Army;
- (2) "Administrator" means the Administrator of the Environmental Protection Agency;
- (3) "development activities" means any activity, including the discharge of dredged or fill material, which results directly in a more than de minimus change in the hydrologic regime, bottom contour, or the type, distribution or diversity of hydrophytic vegetation, or which impairs the flow, reach, or circulation of surface water within wetlands or other waters;
- (4) "State" means the State of Louisiana;
- (5) "coastal State" means a State of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes; for the purposes of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands, and American Samoa;
- (6) "coastal wetlands restoration project" means any technically feasible activity to create, restore, protect, or enhance coastal wetlands through sediment and freshwater diversion, water management, or other measures that the Task Force finds will significantly contribute to the long-term restoration or protection of the physical, chemical and biological integrity of coastal wetlands in the State of Louisiana, and includes any such activity authorized under this title or under any other provision of law, including, but not limited to, new projects, completion or expansion of existing or on-going projects, individual phases, portions, or components of projects and operation, maintenance and rehabilitation of completed projects; the primary purpose of a "coastal wetlands restoration project" shall not be to provide navigation, irrigation or flood control benefits;
- (7) "coastal wetlands conservation project" means--
  - (A) the obtaining of a real property interest in coastal lands or waters, if the obtaining of such interest is subject to terms and conditions that will ensure that the real property will be administered for the long-term conservation of such lands and waters and the hydrology, water quality and fish and wildlife dependent thereon; and

(B) the restoration, management, or enhancement of coastal wetlands ecosystems if such restoration, management, or enhancement is conducted on coastal lands and waters that are administered for the long-term conservation of such lands and waters and the hydrology, water quality and fish and wildlife dependent thereon;

(8) "Governor" means the Governor of Louisiana;

(9) "Task Force" means the Louisiana Coastal Wetlands Conservation and Restoration Task Force which shall consist of the Secretary, who shall serve as chairman, the Administrator, the Governor, the Secretary of the Interior, the Secretary of Agriculture and the Secretary of Commerce; and

(10) "Director" means the Director of the United States Fish and Wildlife Service.

### SEC. 303. PRIORITY LOUISIANA COASTAL WETLANDS RESTORATION PROJECTS.

#### (a) PRIORITY PROJECT LIST.--

(1) PREPARATION OF LIST.--Within forty-five days after the date of enactment of this title, the Secretary shall convene the Task Force to initiate a process to identify and prepare a list of coastal wetlands restoration projects in Louisiana to provide for the long-term conservation of such wetlands and dependent fish and wildlife populations in order of priority, based on the cost-effectiveness of such projects in creating, restoring, protecting, or enhancing coastal wetlands, taking into account the quality of such coastal wetlands, with due allowance for small-scale projects necessary to demonstrate the use of new techniques or materials for coastal wetlands restoration.

(2) TASK FORCE PROCEDURES.--The Secretary shall convene meetings of the Task Force as appropriate to ensure that the list is produced and transmitted annually to the Congress as required by this subsection. If necessary to ensure transmittal of the list on a timely basis, the Task Force shall produce the list by a majority vote of those Task Force members who are present and voting; except that no coastal wetlands restoration project shall be placed on the list without the concurrence of the lead Task Force member that the project is cost effective and sound from an engineering perspective. Those projects which potentially impact navigation or flood control on the lower Mississippi River System shall be constructed consistent with section 304 of this Act.

(3) TRANSMITTAL OF LIST.--No later than one year after the date of enactment of this title, the Secretary shall transmit to the Congress the list of priority coastal wetlands restoration projects required by paragraph (1) of this subsection. Thereafter, the list shall be updated annually by the Task Force members and transmitted by the Secretary to the Congress as part of the President's annual budget submission. Annual transmittals of the list to the Congress

shall include a status report on each project and a statement from the Secretary of the Treasury indicating the amounts available for expenditure to carry out this title.

(4) LIST OF CONTENTS.--

(A) AREA IDENTIFICATION; PROJECT DESCRIPTION--The list of priority coastal wetlands restoration projects shall include, but not be limited to--

(i) identification, by map or other means, of the coastal area to be covered by the coastal wetlands restoration project; and

(ii) a detailed description of each proposed coastal wetlands restoration project including a justification for including such project on the list, the proposed activities to be carried out pursuant to each coastal wetlands restoration project, the benefits to be realized by such project, the identification of the lead Task Force member to undertake each proposed coastal wetlands restoration project and the responsibilities of each other participating Task Force member, an estimated timetable for the completion of each coastal wetlands restoration project, and the estimated cost of each project.

(B) PRE-PLAN.--Prior to the date on which the plan required by subsection (b) of this section becomes effective, such list shall include only those coastal wetlands restoration projects that can be substantially completed during a five-year period commencing on the date the project is placed on the list.

(C) Subsequent to the date on which the plan required by subsection (b) of this section becomes effective, such list shall include only those coastal wetlands restoration projects that have been identified in such plan.

(5) FUNDING.--The Secretary shall, with the funds made available in accordance with section 306 of this title, allocate funds among the members of the Task Force based on the need for such funds and such other factors as the Task Force deems appropriate to carry out the purposes of this subsection.

(b) FEDERAL AND STATE PROJECT PLANNING.--

(1) PLAN PREPARATION.--The Task Force shall prepare a plan to identify coastal wetlands restoration projects, in order of priority, based on the cost-effectiveness of such projects in creating, restoring, protecting, or enhancing the long-term conservation of coastal wetlands, taking into account the quality of such coastal wetlands, with due allowance for small-scale projects necessary to demonstrate the use of new techniques or materials for coastal wetlands restoration. Such restoration plan shall be completed within three years from the date of enactment of this title.

(2) PURPOSE OF THE PLAN.--The purpose of the restoration plan is to develop a comprehensive approach to restore and prevent the loss of, coastal wetlands in Louisiana. Such plan shall

coordinate and integrate coastal wetlands restoration projects in a manner that will ensure the long-term conservation of the coastal wetlands of Louisiana.

(3) INTEGRATION OF EXISTING PLANS.--In developing the restoration plan, the Task Force shall seek to integrate the "Louisiana Comprehensive Coastal Wetlands Feasibility Study" conducted by the Secretary of the Army and the "Coastal Wetlands Conservation and Restoration Plan" prepared by the State of Louisiana's Wetlands Conservation and Restoration Task Force.

(4) ELEMENTS OF THE PLAN.--The restoration plan developed pursuant to this subsection shall include--

(A) identification of the entire area in the State that contains coastal wetlands;

(B) identification, by map or other means, of coastal areas in Louisiana in need of coastal wetlands restoration projects;

(C) identification of high priority coastal wetlands restoration projects in Louisiana needed to address the areas identified in subparagraph (B) and that would provide for the long-term conservation of restored wetlands and dependent fish and wildlife populations;

(D) a listing of such coastal wetlands restoration projects, in order of priority, to be submitted annually, incorporating any project identified previously in lists produced and submitted under subsection (a) of this section;

(E) a detailed description of each proposed coastal wetlands restoration project, including a justification for including such project on the list;

(F) the proposed activities to be carried out pursuant to each coastal wetlands restoration project;

(G) the benefits to be realized by each such project;

(H) an estimated timetable for completion of each coastal wetlands restoration project;

(I) an estimate of the cost of each coastal wetlands restoration project;

(J) identification of a lead Task Force member to undertake each proposed coastal wetlands restoration project listed in the plan;

(K) consultation with the public and provision for public review during development of the plan; and

(L) evaluation of the effectiveness of each coastal wetlands restoration project in achieving long-term solutions to arresting coastal wetlands loss in Louisiana.

(5) PLAN MODIFICATION.--The Task Force may modify the restoration plan from time to time as necessary to carry out the purposes of this section.

(6) PLAN SUBMISSION.--Upon completion of the restoration plan, the Secretary shall submit the plan to the Congress. The restoration plan shall become effective ninety days after the date of its submission to the Congress.

(7) PLAN EVALUATION.--Not less than three years after the completion and submission of the restoration plan required by this subsection and at least every three years thereafter, the Task Force shall provide a report to the Congress containing a scientific evaluation of the effectiveness of the coastal wetlands restoration projects carried out under the plan in creating, restoring, protecting and enhancing coastal wetlands in Louisiana.

(c) COASTAL WETLANDS RESTORATION PROJECT BENEFITS.--Where such a determination is required under applicable law, the net ecological, aesthetic, and cultural benefits, together with the economic benefits, shall be deemed to exceed the costs of any coastal wetlands restoration project within the State which the Task Force finds to contribute significantly to wetlands restoration.

(d) CONSISTENCY.--(1) In implementing, maintaining, modifying, or rehabilitating navigation, flood control or irrigation projects, other than emergency actions, under other authorities, the Secretary, in consultation with the Director and the Administrator, shall ensure that such actions are consistent with the purposes of the restoration plan submitted pursuant to this section.

(2) At the request of the Governor of the State of Louisiana, the Secretary of Commerce shall approve the plan as an amendment to the State's coastal zone management program approved under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455).

(e) FUNDING OF WETLANDS RESTORATION PROJECTS.--The Secretary shall, with the funds made available in accordance with this title, allocate such funds among the members of the Task Force to carry out coastal wetlands restoration projects in accordance with the priorities set forth in the list transmitted in accordance with this section. The Secretary shall not fund a coastal wetlands restoration project unless that project is subject to such terms and conditions as necessary to ensure that wetlands restored, enhanced or managed through that project will be administered for the long-term conservation of such lands and waters and dependent fish and wildlife populations.

(f) COST-SHARING.--

(1) FEDERAL SHARE.--Amounts made available in accordance with section 306 of this title to carry out coastal wetlands restoration projects under this title shall provide 75 percent of the cost of such projects.

(2) FEDERAL SHARE UPON CONSERVATION PLAN APPROVAL.--Notwithstanding the previous paragraph, if the State develops a Coastal Wetlands Conservation Plan pursuant to this title, and such conservation plan is approved pursuant to section 304 of this title, amounts made available in accordance with section 306 of this title for any coastal wetlands restoration project under this section shall be 85 percent of the cost of the project. In the event that the Secretary, the Director, and the Administrator jointly determine that the State is not taking reasonable steps to implement and administer a conservation plan developed and approved

pursuant to this title, amounts made available in accordance with section 306 of this title for any coastal wetlands restoration project shall revert to 75 percent of the cost of the project: Provided, however, that such reversion to the lower cost share level shall not occur until the Governor, has been provided notice of, and opportunity for hearing on, any such determination by the Secretary, the Director, and Administrator, and the State has been given ninety days from such notice or hearing to take corrective action.

(3) FORM OF STATE SHARE.--The share of the cost required of the State shall be from a non-Federal source. Such State share shall consist of a cash contribution of not less than 5 percent of the cost of the project. The balance of such State share may take the form of lands, easements, or right-of-way, or any other form of in-kind contribution determined to be appropriate by the lead Task Force member.

(4) Paragraphs (1), (2), and (3) of this subsection shall not affect the existing cost-sharing agreements for the following projects: Caernarvon Freshwater Diversion, Davis Pond Freshwater Diversion, and Bonnet Carre Freshwater Diversion.

#### SEC. 304. LOUISIANA COASTAL WETLANDS CONSERVATION PLANNING.

##### (a) DEVELOPMENT OF CONSERVATION PLAN.--

(1) AGREEMENT.--The Secretary, the Director, and the Administrator are directed to enter into an agreement with the Governor, as set forth in paragraph (2) of this subsection, upon notification of the Governor's willingness to enter into such agreement.

##### (2) TERMS OF AGREEMENT.--

(A) Upon receiving notification pursuant to paragraph (1) of this subsection, the Secretary, the Director, and the Administrator shall promptly enter into an agreement (hereafter in this section referred to as the "agreement") with the State under the terms set forth in subparagraph (B) of this paragraph.

##### (B) The agreement shall--

(i) set forth a process by which the State agrees to develop, in accordance with this section, a coastal wetlands conservation plan (hereafter in this section referred to as the "conservation plan");

(ii) designate a single agency of the State to develop the conservation plan;

(iii) assure an opportunity for participation in the development of the conservation plan, during the planning period, by the public and by Federal and State agencies;

(iv) obligate the State, not later than three years after the date of signing the agreement, unless extended by the parties thereto, to submit the conservation plan to the Secretary, the

Director, and the Administrator for their approval;  
and

(v) upon approval of the conservation plan,  
obligate the State to implement the conservation  
plan.

(3) GRANTS AND ASSISTANCE.--Upon the date of signing the  
agreement--

(A) the Administrator shall, in consultation with the  
Director, with the funds made available in accordance  
with section 306 of this title, make grants during the  
development of the conservation plan to assist the  
designated State agency in developing such plan. Such  
grants shall not exceed 75 percent of the cost of  
developing the plan; and

(B) the Secretary, the Director, and the Administrator  
shall provide technical assistance to the State to  
assist it in the development of the plan.

(b) CONSERVATION PLAN GOAL.--If a conservation plan is developed  
pursuant to this section, it shall have a goal of achieving no  
net loss of wetlands in the coastal areas of Louisiana as a  
result of development activities initiated subsequent to approval  
of the plan, exclusive of any wetlands gains achieved through  
implementation of the preceding section of this title.

(c) ELEMENTS OF CONSERVATION PLAN.--The conservation plan authorized  
by this section shall include--

(1) identification of the entire coastal area in the State  
that contains coastal wetlands;

(2) designation of a single State agency with the  
responsibility for implementing and enforcing the plan;

(3) identification of measures that the State shall take  
in addition to existing Federal authority to achieve a goal  
of no net loss of wetlands as a result of development  
activities, exclusive of any wetlands gains achieved through  
implementation of the preceding section of this title;

(4) a system that the State shall implement to account for  
gains and losses of coastal wetlands within coastal areas for  
purposes of evaluating the degree to which the goal of no net  
loss of wetlands as a result of development activities in  
such wetlands or other waters has been attained;

(5) satisfactory assurance that the State will have  
adequate personnel, funding, and authority to implement the  
plan;

(6) a program to be carried out by the State for the  
purpose of educating the public concerning the necessity to  
conserve wetlands;

(7) a program to encourage the use of technology by  
persons engaged in development activities that will result in  
negligible impact on wetlands; and

(8) a program for the review, evaluation, and  
identification of regulatory and nonregulatory options that  
will be adopted by the State to encourage and assist private  
owners of wetlands to continue to maintain those lands as  
wetlands.

(d) APPROVAL OF CONSERVATION PLAN.--



(1) IN GENERAL.--If the Governor submits a conservation plan to the Secretary, the Director, and the Administrator for their approval, the Secretary, the Director, and the Administrator shall, within one hundred and eighty days following receipt of such plan, approve or disapprove it.

(2) APPROVAL CRITERIA.--The Secretary, the Director, and the Administrator shall approve a conservation plan submitted by the Governor, if they determine that -

(A) the State has adequate authority to fully implement all provisions of such a plan;

(B) such a plan is adequate to attain the goal of no net loss of coastal wetlands as a result of development activities and complies with the other requirements of this section; and

(C) the plan was developed in accordance with terms of the agreement set forth in subsection (a) of this section.

(e) MODIFICATION OF CONSERVATION PLAN.--

(1) NONCOMPLIANCE.--If the Secretary, the Director, and the Administrator determine that a conservation plan submitted by the Governor does not comply with the requirements of subsection (d) of this section, they shall submit to the Governor a statement explaining why the plan is not in compliance and how the plan should be changed to be in compliance.

(2) RECONSIDERATION.--If the Governor submits a modified conservation plan to the Secretary, the Director, and the Administrator for their reconsideration, the Secretary, the Director, and Administrator shall have ninety days to determine whether the modifications are sufficient to bring the plan into compliance with requirements of subsection (d) of this section.

(3) APPROVAL OF MODIFIED PLAN.--If the Secretary, the Director, and the Administrator fail to approve or disapprove the conservation plan, as modified, within the ninety-day period following the date on which it was submitted to them by the Governor, such plan, as modified, shall be deemed to be approved effective upon the expiration of such ninety-day period.

(f) AMENDMENTS TO CONSERVATION PLAN.--If the Governor amends the conservation plan approved under this section, any such amended plan shall be considered a new plan and shall be subject to the requirements of this section; except that minor changes to such plan shall not be subject to the requirements of this section.

(g) IMPLEMENTATION OF CONSERVATION PLAN.--A conservation plan approved under this section shall be implemented as provided therein.

(h) FEDERAL OVERSIGHT.--

(1) INITIAL REPORT TO CONGRESS.--Within one hundred and eighty days after entering into the agreement required under subsection (a) of this section, the Secretary, the Director, and the Administrator shall report to the Congress as to the status of a conservation plan approved under this section and the progress of the State in carrying out such a plan,

including and accounting, as required under subsection (c) of this section, of the gains and losses of coastal wetlands as a result of development activities.

(2) REPORT TO CONGRESS.--Twenty-four months after the initial one hundred and eighty day period set forth in paragraph (1), and at the end of each twenty-four-month period thereafter, the Secretary, the Director, and the Administrator shall, report to the Congress on the status of the conservation plan and provide an evaluation of the effectiveness of the plan in meeting the goal of this section.

#### SEC. 305 NATIONAL COASTAL WETLANDS CONSERVATION GRANTS.

(a) MATCHING GRANTS.--The Director shall, with the funds made available in accordance with the next following section of this title, make matching grants to any coastal State to carry out coastal wetlands conservation projects from funds made available for that purpose.

(b) PRIORITY.--Subject to the cost-sharing requirements of this section, the Director may grant or otherwise provide any matching moneys to any coastal State which submits a proposal substantial in character and design to carry out a coastal wetlands conservation project. In awarding such matching grants, the Director shall give priority to coastal wetlands conservation projects that are--

(1) consistent with the National Wetlands Priority Conservation Plan developed under section 301 of the Emergency Wetlands Resources Act (16 U.S.C. 3921); and

(2) in coastal States that have established dedicated funding for programs to acquire coastal wetlands, natural areas and open spaces. In addition, priority consideration shall be given to coastal wetlands conservation projects in maritime forests on coastal barrier islands.

(c) CONDITIONS.--The Director may only grant or otherwise provide matching moneys to a coastal State for purposes of carrying out a coastal wetlands conservation project if the grant or provision is subject to terms and conditions that will ensure that any real property interest acquired in whole or in part, or enhanced, managed, or restored with such moneys will be administered for the long-term conservation of such lands and waters and the fish and wildlife dependent thereon.

(d) COST-SHARING.--

(1) FEDERAL SHARE.--Grants to coastal States of matching moneys by the Director for any fiscal year to carry out coastal wetlands conservation projects shall be used for the payment of not to exceed 50 percent of the total costs of such projects: except that such matching moneys may be used for payment of not to exceed 75 percent of the costs of such projects if a coastal State has established a trust fund, from which the principal is not spent, for the purpose of acquiring coastal wetlands, other natural area or open spaces.

(2) FORM OF STATE SHARE.--The matching moneys required of a coastal State to carry out a coastal wetlands conservation project shall be derived from a non-Federal source.

(3) IN-KIND CONTRIBUTIONS.--In addition to cash outlays and payments, in-kind contributions of property or personnel services by non-Federal interests for activities under this section may be used for the non-Federal share of the cost of those activities.

(e) PARTIAL PAYMENTS.--

(1) The Director may from time to time make matching payments to carry out coastal wetlands conservation projects as such projects progress, but such payments, including previous payments, if any, shall not be more than the Federal pro rata share of any such project in conformity with subsection (d) of this section.

(2) The Director may enter into agreements to make matching payments on an initial portion of a coastal wetlands conservation project and to agree to make payments on the remaining Federal share of the costs of such project from subsequent moneys if and when they become available. The liability of the United States under such an agreement is contingent upon the continued availability of funds for the purpose of this section.

(f) WETLANDS ASSESSMENT.--The Director shall, with the funds made available in accordance with the next following section of this title, direct the U.S. Fish and Wildlife Service's National Wetlands Inventory to update and digitize wetlands maps in the State of Texas and to conduct an assessment of the status, condition, and trends of wetlands in that State.

#### SEC. 306. DISTRIBUTION OF APPROPRIATIONS.

(a) PRIORITY PROJECT AND CONSERVATION PLANNING EXPENDITURES.--Of the total amount appropriated during a given fiscal year to carry out this title, 70 percent, not to exceed \$70,000,000, shall be available, and shall remain available until expended, for the purposes of making expenditures--

(1) not to exceed the aggregate amount of \$5,000,000 annually to assist the Task Force in the preparation of the list required under this title and the plan required under this title, including preparation of--

- (A) preliminary assessments;
- (B) general or site-specific inventories;
- (C) reconnaissance, engineering or other studies;
- (D) preliminary design work; and
- (E) such other studies as may be necessary to identify

and evaluate the feasibility of coastal wetlands restoration projects;

(2) to carry out coastal wetlands restoration projects in accordance with the priorities set forth on the list prepared under this title;

(3) to carry out wetlands restoration projects in accordance with the priorities set forth in the restoration plan prepared under this title;

(4) to make grants not to exceed \$2,500,000 annually or \$10,000,000 in total, to assist the agency designated by the State in development of the Coastal Wetlands Conservation Plan pursuant to this title.

(b) COASTAL WETLANDS CONSERVATION GRANTS.--Of the total amount appropriated during a given fiscal year to carry out this title, 15 percent, not to exceed \$15,000,000 shall be available, and shall remain available to the Director, for purposes of making grants--

(1) to any coastal State, except States eligible to receive funding under section 306(a), to carry out coastal wetlands conservation projects in accordance with section 305 of this title; and

(2) in the amount of \$2,500,000 in total for an assessment of the status, condition, and trends of wetlands in the State of Texas.

(c) NORTH AMERICAN WETLANDS CONSERVATION.--Of the total amount appropriated during a given fiscal year to carry out this title, 15 percent, not to exceed \$15,000,000, shall be available to, and shall remain available until expended by, the Secretary of the Interior for allocation to carry out wetlands conservation projects in any coastal State under section 8 of the North American Wetlands Conservation Act (Public Law 101-233, 103 Stat. 1968, December 13, 1989).

#### SEC. 307. GENERAL PROVISIONS.

(a) ADDITIONAL AUTHORITY FOR THE CORPS OF ENGINEERS.--The Secretary is authorized to carry out projects for the protection, restoration, or enhancement of aquatic and associated ecosystems, including projects for the protection, restoration, or creation of wetlands and coastal ecosystems. In carrying out such projects, the Secretary shall give such projects equal consideration with projects relating to irrigation, navigation, or flood control.

(b) STUDY.--The Secretary is hereby authorized and directed to study the feasibility of modifying the operation of existing navigation and flood control projects to allow for an increase in the share of the Mississippi River flows and sediment sent down the Atchafalaya River for purposes of land building and wetlands nourishment.

#### SEC. 308. CONFORMING AMENDMENT.

16 U.S.C. 777c is amended by adding the following after the first sentence: "The Secretary shall distribute 18 per centum of each annual appropriation made in accordance with the provisions of section 777b of this title as provided in the Coastal Wetlands Planning, Protection and Restoration Act: Provided, That, notwithstanding the provisions of section 777b, such sums shall remain available to carry out such Act through fiscal year 1999.".