



Coastal Protection and Restoration Authority



**Coastal Protection & Restoration Authority Board Meeting
Wednesday, July 12, 2023
State Capitol-House Committee Room 1
Baton Rouge, LA 70802
9:30AM**

The following constitute minutes of the Coastal Protection and Restoration Authority Board Meeting and are not a verbatim transcript of the proceedings. Audio and video recordings of the meetings are available for viewing and kept at the Office of the Governor-Coastal Activities Office in Baton Rouge, LA.

I. Call to Order

II. Roll Call

Chairman Haase, Executive Assistant, Coastal Activities	Present
Sara Krupa, DNR	Present
Don Johnson, DOTD	Present
Cole Garrett, LDWF	Present
Celena Cage, DEQ	Present
Pat Witty LED	Present
Joey Breaux, LDAF	Present
Barbara Goodson, DOA	Present
Billy Broussard, LDI	Present
Casey Tingle, GOHSEP	Absent
Karen Gautreaux, Gov’s Advisory Comm- Co-Chair	Present
Scott Burke, Barataria Basin	Present
Monica Gorman, Pontchartrain Basin	Present
John Helmers, Plaquemines Parish Coastal Zone/ Mississippi Delta Basin	Present
Dwayne Bourgeois, Terrebonne Basin	Present
Bill Hidalgo, Atchafalaya Basin	Present
Laurie Cormier, Calcasieu/Sabine Basin	Absent
Stephen Sagrera, Teche/Vermillion Parish	Present
Michael Ince, Designee for the Lieutenant Governor	Absent
John Lane for Pres. McInnis, Breton Sound Basin	Present
Rep. Zeringue, Ex-officio, Designee of the Speaker of the House	Absent
Sen. Hensgens, Ex-officio, Designee of the President of the Senate	Absent

III. Approval of Agenda

Motion by Mr. Hidalgo
Second by Ms. Salins-Gorman
Unanimously Approved

IV. Approval of Minutes

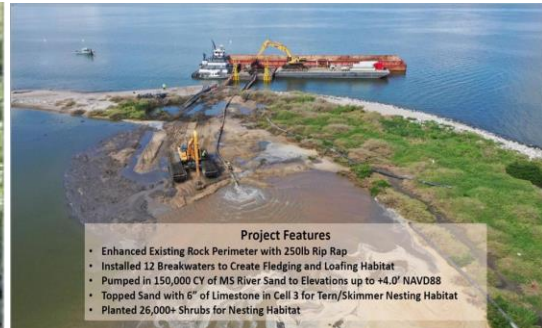
Motion by Mr. Hidalgo
Second by Mr. Helmers
Unanimously Approved

V. Old Business/Announcements



- VI. **CPRA Implementation Update— Greg Grandy, CPRA (video: 0:2:39)** Mr. Grandy presented to the board that there are 109 active projects, 41 of them are in construction, 65 are in E&D, with 3 more in the planning stage. Of the projects now being constructed, 31 are hurricane protection projects and 39 are creating marsh. Marsh creation leads the way in E&D with 27 projects moving toward the construction phase. Mr. Grandy updated the board on the following projects: **Bayou Lafourche: Pumping Capacity Improvements (Ascension, Assumption, Lafourche, and Terrebonne Parishes)** the estimated construction of completion for this project, is scheduled for mid2025. Progress as of today: Significant progress on materials staging and outfall area work while the river-side work was paused for high river conditions in March and April. Mr. Grandy pointed out that one of the reasons this project is so important is that, just recently The Bayou Lafourche Fresh Water District reported low water levels in the bayou, mainly due to the Mississippi River being so low. In a news release, BLFWD reported one of the four pumps it uses to draw water from the Mississippi River and increase the Bayou's flow is out for repair and on July 1 another one went down due to a large-scale power outage in the Donaldsonville area. The water is getting so low in some of the districts that depend on the Bayou that it's threatening their water supply. BLFWD reported is actively working to restore the fourth pump as quickly as possible, but this underscores the need to improve the pumping capacity on Bayou Lafourche, so we don't continue encountering issues like this. On the MSR intake/new pump station side: Installing 24" piles for pump station foundation, to be followed in July with installation of sheet pile walls for the temporary restraining structure. Filling/grading permanent ramp on protected side of MSR Levee. Mr. Grandy also shared some of the latest happenings with CPRA: with the board that last month CPRA signed a project partnership agreement with the Corps for the \$6.5 billion Southwest Coastal Louisiana hurricane and storm damage risk reduction and coastal ecosystem restoration project. The project was authorized in the Water Infrastructure Improvements for the Nation Act of 2016. Congress and the Administration made a national commitment by including \$286 million in the 2022 Bipartisan Infrastructure Law and \$10 million in 2022 Community Project Funding to initiate construction of the non-structural flood risk management plan. These funds will be used to elevate an estimated 800-1000 of the overall 3,462 residential structures identified in the feasibility report. Mr. Grandy also gave the following updates from CPRA: Last month CPRA signed a project partnership agreement with the Corps for the \$6.5 billion Southwest Coastal Louisiana hurricane and storm damage risk reduction and coastal ecosystem restoration project. ;U.S. Deputy Secretary Don Graves from the Chamber of Commerce visited Louisiana last month. The focus of the visit was to highlight some of the BIL awards the region has received including the three NOAA awards: CWRC, the City's CWU project, and CRCL's oyster shell recycling program through RAE.; Just a couple weekends ago, CPRA joined a few of our coastal partners on the Goose Point Marsh restoration project in the Big Branch National Wildlife refuge. The project aims to slow down water flow in marshes, allowing sediment to settle and accumulate faster. In closing, Mr. Grandy recognized Mr. V.J. Maretta on his retirement from CPRA.
- VII. **Bird Colony Restoration in Louisiana and their International Importance – Todd Baker and Casey Wright, CPRA; Barret Fortier, US Fish and Wildlife Services (video:0:17:16)** Mr. Baker provided the board with an update regarding the Brown Pelicans colonies. He indicated that the Brown Pelican Colonies are in decline (see chart). In 2002, we had 30 brown pelican colonies in Louisiana. By 2010, we were down to 22, and as we're here today, there's only nine left in Louisiana. And of those nine, three have been recently restored

and three are under design (for restoration). By 2007, more than 100,000 brown pelicans were counted in Louisiana, and two years later they were permanently taken off the federal endangered species list.



By 2018, **Queen Bess Island**, just north of Grand Isle, had eroded to patches barely a foot and a half above the adjacent water in Barataria Bay. Mr. Baker stated that Brown pelicans were nesting precariously in mangrove sitting in open water. By using \$18.7 million of BP damage assessment funds, federal and state trustees rebuilt an existing rock perimeter around the island and installed a dozen breakwaters. The island was rebuilt to elevations of up to 4 feet with 150,000 cubic yards of sand pumped from the Mississippi River. The sand was topped with limestone in one area that now serves as nesting habitat for terns and skimmers, and more than 26,000 shrubs were planted to serve as nesting habitat for pelicans. In 2018, before the work began, officials estimated 10,723 birds were using the island as a nesting area, including 6,810 brown pelicans. By 2021, nearly 15,000 birds were using the island as a nesting area, and while that only included 3,425 brown pelicans, that was close to the estimated number officials thought would return by 10 years after construction was complete. Mr. Baker & Ms. Wright, and Mr. Fortier also provided the board with an update on **North Breton Island**: Work on North Breton Island in Plaquemines Parish is being paid for with \$71.5 million from BP oil spill restoration with funds and \$8 million from a Hess Corp. damage settlement, resulting from a 500-gallon oil spill on the island in 2005 that killed more than 1,000 brown pelicans. The work is being overseen by the U.S. Fish & Wildlife Service. The project increased the size of the island from 290 acres to 426 acres, using nearly 6 million cubic yards of dredged material.

The regional, national, and international importance of Louisiana's coastal avifauna

Species	Estimated LA population #	LA rank (among 48GCM states)	LA % of 48GCM	LA % of global population
Sandwich Tern	75,000	1	83%	70%
Brown Pelican	35,000	1	47%	23%
Forster's Tern	7,500	1	71%	15%
Royal Tern	50,000	1	51%	26%
Black Skimmer	10,000	1	44%	10%
Tricolored Heron	15,000	1	48%	17%

The Wilson Journal of Ornithology

committed to our coast



Rabbit Island, the only brown pelican colony in southwest Louisiana, amounts to about 200 acres in the West Cove area of Calcasieu Lake in Cameron Parish, close to the Texas border. This restoration project, completed in October 2021 using \$16.4 million in BP restoration funds, elevated much of the island to between 3 and 3 ½ feet above sea level, from its original height of only 1 foot. This island already has seen



a significant improvement in its use by birds. In 2018, only 15,367 birds were found, including 1,264 brown pelicans. In 2022, a bird count found 32,441 total birds, including 4,043 brown pelicans.

VIII. **Restoration Partnership Update– Kent Bolfrass, CPRA (video: 1:02:54)** Mr. Bolfrass provided a brief update on the Conservation and Restoration Partnership Fund. He stated that since 2008, there are 43 partner projects; NGO’s, private entities, land owners, and local governments and that CPRA has awarded \$12.6M and their partners have contributed \$17.0M totaling \$29.6M of on-the-ground conservation and restoration. Mr. Bolfrass stated that in the FY 2024 Conservation and Restoration Partnership Fund, CPRA is providing \$1,000,000 in matching funds for projects aimed at coastal conservation and restoration. These funds are used by CPRA to further leverage its funds to achieve its coastal restoration goals. The timeline for the FY24 Conservation and Restoration Partnership Fund is (see chart). The RFP can be found on the CPRA website and social media platforms or you can contact them directly at: Partnershipfund@la.gov.



IX. **Briefing on Impact of Sackett v. EPA on Coastal Louisiana– David Peterson, CPRA (video: 1:11:14)** Mr. Peterson shared the following updates with the board (see slides). Sackett v. EPV: Majority opinion adopts the SCOTUS plurality opinion from Rapanos (2006). To assert jurisdiction over an adjacent wetland under the CWA, a party must establish “first, that the adjacent [body of water constitutes] . . . ‘water[s] of the United States’ (i.e., a relatively permanent body of water connected to traditional interstate navigable waters); and second, that the wetland has a continuous surface connection with that water, making it difficult to determine where the ‘water’ ends and the ‘wetland’ begins.” No longer using the “significant nexus” rule to determine whether a particular piece of property contains waters of the United States. Wetlands that are separated from traditional navigable waters cannot be considered part of those waters, even if they are located nearby. In sum, the Court held that the CWA extends to only those “wetlands with a continuous surface connection to bodies that are ‘waters of the United States’ in their own right,” so that they are “indistinguishable” from those waters.



Background

- Clean Water Act (CWA) covers all "navigable waters," which is defined in statute as "the waters of the United States, including the territorial seas."
 - Water Quality Standards
 - Permitting to address discharges of pollutants, including discharges of dredged or fill material
 - Processes to address impaired waters
 - Oil spill prevention, preparedness and response programs
 - Tribal and State water quality certification programs
- The EPA and the U.S. Department of the Army define "waters of the United States" in regulations.
- The definition has been litigated to the US Supreme Court multiple times over the decades.
- *Sackett v. EPA* is the latest US Supreme Court ruling on WOTUS.

Pre-2015 Regulatory Regime

Jurisdictional wetlands must either:

1. Have a contiguous, bordering, or neighboring a traditional navigable water - OR -
2. Have a significant nexus with a traditional navigable water

Current Status

USACE MVN:

"Please note that as of the issuance of the Supreme Court's ruling on *Sackett vs EPA*, all AJDs or determinations of jurisdiction are currently suspended and will not be processed until further guidance has been provided to us from USACE HQ. There is no current estimated timeline for this.

Projects can proceed forward with a delineation concurrence or a PJD, but these will depict the presence and extent of wetlands and non-wetland water features regardless of potential jurisdiction."

HQUSACE REGULATORY
Published May 26, 2023

PRINT | E-MAIL

The U.S. Environmental Protection Agency and U.S. Army Corps of Engineers (the agencies) are in receipt of the U.S. Supreme Court's May 25, 2023 decision in the case of *Sackett v. Environmental Protection Agency*. In light of this decision, the agencies will interpret the phrase "waters of the United States" consistent with the Supreme Court's decision in *Sackett*. The agencies continue to review the decision to determine next steps.

Supreme Court's Decision in *Sackett v. Environmental Protection Agency*

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X. **Update on Nicholls Coastal Center- Dr. Jay Clune, Nicholls State University (video: 01:37:27)** Dr. Clune provided the board with a brief update on the status of the Nicholls Coastal Center. He stated that the goal of the center is to analyze the status, processes, and resources of the region to provide science-based recommendations for conservation and restoration projects, focusing on the Atchafalaya, Terrebonne and Barataria basins, with its mission being to support and pursue protection, restoration and adaptation efforts through science-based research and solution within Louisiana's dynamic coastal region. He also shared the research needs in the basin (see slides). Dr. Clune concluded his presentation with the next steps (see slide) and a rendering of what the building is to look like once completed.



Research Needs in Atchafalaya Basin



- Water Quality
- Sedimentation
- Fisheries
- Flood Control
- Navigation
- Old River Control



Research Needs in Terrebonne and Barataria Basins



- Dredged Sediments
- Barrier Islands
- Oyster Reef/Living Shorelines
- Wetland Ecology/Vegetation Response
- Structural Protection



Coastal Protection and Restoration Authority



Research Needs of Levee Districts and Ports

- Levee construction stability and materials assessment
- Assessing biological interchange capacity in leaky levees
- Improving land and vegetation re-establishment behind levee projects
- Assessing variable subsidence rates in the region
- Optimizing pump-off elevations in forced drainage areas
- Determining innovative financing techniques




NEXT STEPS

- Groundbreaking ceremony planned for mid- to late-August, pending Governor's availability.
- Bid awarded to Ratcliff Construction Company, LLC
 - Base bid of \$15,124,000
 - Total bid of \$15,837,300 with three alternates
- Executive Director search has been extended to allow for more extensive candidate recruitment.

XI. Federal Update – Neal McMillin, Gov’s Office (video: 01:52:22) Mr. Millin provided the members with an overhaul of the latest updates to the FY 2024 Appropriations. Mr. McMillin stated that after the fiercely contested debt-ceiling fight, Congress now has to pass annual appropriations under the spending caps agreed upon from the Fiscal Responsibility Act. Passing all twelve spending bill individually and on time, instead of in one big end-of-the-year omnibus, will be very challenging. Even more so, the House Freedom Caucus has pushed to enact spending below the caps, setting up a sharp dispute between the House and Senate, as well as the White House. A shutdown, or a continuing resolution that results in a 1% spending cut, are real possibilities.

FY24 Allocations

Appropriations Subcommittee	FY 2023 Enacted Appropriation	FY 2024 House Committee Appropriation	FY 2024 Senate 302(b) Allocation	Range of Change in Appropriation	
				House	Senate
Agriculture	\$25.5 billion	\$17.8 billion	\$26 billion	-\$7.7 B	+\$500 M
Commerce-Justice-Science	\$82.4 billion	\$58.7 billion	\$69.6 billion	-\$23.7 B	-\$12.8 B
Defense	\$797.7 billion	\$826.4 billion	\$823.3 billion	+\$28.7 B	+\$25.6 B
Energy & Water	\$54.0 billion	\$52.4 billion	\$56.7 billion	-\$1.6 B	+\$2.7 B
Financial Services	\$27.6 billion	\$11.3 billion	\$16.8 billion	-\$16.3 B	-\$10.8 B
Homeland Security	\$60.7 billion	\$62.8 billion	\$56.9 billion	+\$2.1 B	-\$3.8 B
Interior & Environment	\$38.9 billion	\$25.4 billion	\$37.9 billion	-\$13.5 B	-\$1 B
Labor, HHS, Education	\$207.4 billion	\$147.1 billion	\$195.2 billion	-\$60.3 B	-\$12.2 B
Legislative Branch	\$6.9 billion	\$6.7 billion	\$6.8 billion	-\$200 M	+\$100 M
Military Construction & VA	\$154.2 billion	\$155.7 billion	\$154.5 billion	+\$1.5 B	+\$300 M
State & Foreign Ops	\$59.7 billion	\$41.4 billion	\$58.4 billion	-\$18.3 B	-\$1.3 B
Transportation & HUD	\$87.3 billion	\$65.2 billion	\$88.1 billion	-\$22.1 B	+\$800 M
Total Funding	\$1.602 trillion	\$1.471 trillion	\$1.590 trillion	-\$131 B	-\$12 B

FY24 Appropriations – Focus on House E&W

Energy & Water Subcommittee Bill Advanced
H.R. 3544 CONTAINS MAJOR INCREASES FOR U.S. ARMY CORPS OF ENGINEERS
 Army Corps Funding: USACE received \$9.57 billion, \$1.26 billion more than FY23 and \$2.2 billion more than the President's Budget. The major increases are in construction (+\$1B from FY23) and operations & maintenance (+\$400M from FY23).
 Spending the Claw Back: \$25.4 billion is for non-defense spending (including USACE), which is an increase of \$14.3 billion over FY23 enacted. While the allocation is \$19.9 billion, the House bill added \$5.6 billion that was clawed back from the Inflation Reduction Act. The claw back, or rescission, allows the Committee to increase spending in while adhering to the lower allocation required by the spending cuts from the Fiscal Responsibility Act.
 House Democrats oppose the claw back, which targeted \$4.5 billion in electric appliance rebates, \$1 billion for adopting net-zero and new building energy codes, and \$200 million for training for installers of home energy efficiency devices. Additionally, the House Republican Freedom Caucus opposes spending the claw back.
 Inland Waterways Funding & Size of Community Protect Funding: Since the Committee directly funded inland waterways projects as a member-allocated request for the first time, the community project funds granted were as large as \$238M, \$103M, \$100M, and \$75M.



In his updates, Mr. McMillin pointed out that Congress is preparing for WRDA 2024 and that Congressional offices may start requesting WRDA 2024 priorities as soon as July 2023. In reference to RISEE, support continues to grow in the House, five members have joined the RISEE Act, bringing cosponsors total to fourteen. 11 Ds and 4 Rs support the bill. In closing, Mr. McMillin provided coastal updates on IJA and IRA (see slide) and shared that NOAA Announces \$624.6M contract with Louisiana's Thomas Sea Marine Constructors, LLC. with Inflation Reduction Act funding.



IIJA and IRA Updates for Coastal

Coastal Zone Management Habitat Protection and Restoration Competition – NOAA Office of Coastal Management

- Funding for state Coastal Zone Management Programs for coastal restoration and land conservation
- \$60 million available for projects from \$200K - \$6M
- Letters of Intent due August 14

Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Program – USDOT FHWA

- Funding to plan and strengthen surface transportation to be more resilient to natural hazards, including climate change, sea level rise, flooding, extreme weather, etc.
- \$848 million available.
- Applications due August 18

Climate Resilience Regional Challenge – NOAA

- Funding available for planning collaborative approaches to achieve resilience or for implementation of resilience and adaption actions anchored in previous planning efforts
- \$25 million available for planning projects from \$500K - \$2M (Planning)
- \$550 million available for implementation projects from \$15M - \$75M (desired range of \$25M - \$50M)
- Applications due August 21

GOVERNOR'S OFFICE OF COASTAL ACTIVITIES

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GOVERNOR'S OFFICE OF COASTAL ACTIVITIES

XII. Public Comment

XIII. Adjourn

Motion by: Ms. Gautreaux

Second by: Mr. Hidalgo

