1051 Capitol Annex, Suite 138 · Baton Rouge, LA 70802 · 225-342-3968

**Minutes**

**Governor’s Advisory Commission on Coastal Protection, Restoration, and Conservation**

**Wednesday, August 5**

**10:00 a.m.**

Vermilion Parish Library

405 E. Saint Victor Street

Abbeville, LA 70510

1. **Welcome/Call to Order** **–** *R. King Milling, Chairman*
2. **Roll Call**
	* Present: *Rep. Garofalo, Karen Gautreaux, Mayor Piazza, Chip Kline, Simone Maloz, Tim Cresswell, Michel Claudet, Ralph Brennan, Dr. Galloway, Chris Macaluso, Stacy Methvin, Mark Delesdernier, Channing Hayden, Reggie Dupre, Linda Zaunbreche, King Milling, Jim Tripp.*

*swe*

1. **Approval of Agenda**
2. **Approval of Minutes**
3. **Chenier Plain Coastal Restoration and Protection Authority Update—***Nedra Davis, Chenier Plain CRPA*
	* History and jurisdiction of the levee board
	* Leadership and team members and goals and objectives of the levee board
	* Key Strategies of the group were discussed
	* Initial funding from state, receiving donations from three parishes as well, and even private funds.
	* Discussed path forward for the organization
	* Ms. Methvin: what could support from this group look like for you?
		1. They are working on an outreach program in the next few months, would like an audience to help educate the public ahead of a millage vote. Intend to spell out to public where their dollars would go; how dollars would be allocated among the three parishes, etc.
	* Ms. Gautreaux: would you update us on the meeting with eastern Texas counties?
		1. We have been trying to identify a project that would be beneficial to both states. See if there are similar priorities although TX is mainly concerned with water quality thus far and we are more interested in coastal protection and restoration.
	* Mr. Kline: I think the education piece is going to be very important since the way you are set up, if one parish does not vote for the millage then the entire effort fails.
		1. Right and we are working on crafting the language so that we can get it so that we can keep any yes votes in our column while we go into additional elections to try to get the others. We are trying to build consensus.
	* Mr. Macaluso: what kind of funding in TX are you trying to tap into? Is there a joint project selection process?
		1. We are trying to tap into a multi-region/dual state approach to RESTORE money; but right now we are kind of far apart on the issues we have in common, so far there is common interest around the Sabine.
	* Mr. Earl: we were trying to build a strong group to be able to market the region to go after federal or other funding.
	* Ms. Davis: the parishes themselves would have to actually sign the cooperative endeavors we are just helping to coordinate and facilitate the relationship.
	* Mr. Macaluso: so the thought would be to tap into some parish level dollars or attract federal interest in a regional project through the Council? (yes).
	* Mr. Creswell: are you involved in the SW study?
		1. We have been facilitating meeting with the state and the corps and parish coastal committees. The study recently included eminent domain in their plan and there are 8-9 properties in the parishes and we are working to get that number down to 0.
	* Mr. Creswell: this late in the game the Corps elected to put that language in there? (yes)
	* Sen. Morish: I want to commend the board. They have worked very hard to build it up from nothing. This is the first levee board with 3 different parishes in one board. It is hard to make it work, but a lot of people are looking at this. The education process is going to be very important to help them understand how this is going to work. When I became a Senator I realized southeast LA was getting all the money and SW was getting none because they didn’t have a levee district to manage the projects once they were done. We have had some successes. For the first time we were able to meet as a board with Col. Hansen thanks to this organization. We are making small steps that will pay off in the future. We do have a funding issue; we are addressing that.
	* Mayor Piazza: one of the other reasons we weren’t receiving some of the funding too is because we didn’t have an organized network in place. I think this is going to strengthen our effort to get some great things done for this end of the state.
	* Mr. Milling: I have been hearing that there are those in Eastern TX who are beginning to face the same problems we are facing and it is a growing concern there and I urge you to keep that communication open.
	* Ms. Zaunbrecher: With the eminent domain issue, is that open for public comment?
		1. They did, and they reduced the number of properties substantially and they received a lot of comments.
	* Mr. Dupre: I wanted to point out that 2017 is a good time to have this structure in place. That is when GOMESA is turning on and now you can tap into those funds. In the long run that could be bigger than the BP thing.
4. ***Deepwater Horizon* Oil Spill Update**—*Alyson Graugnard, CPRA*
	* *Reviewed the Agreement in Principle with BP in whole.*
	* *Discussed the LA portion of the proposed settlement*
	* *NRD money a minimum and why it could go higher*
	* *Clean Water Act money a minimum and why it could go higher*
	* *Discussed the process to get the agreement finalized.*
		1. *Consent decree outlining specifics of the settlement and NRDA documents discussing the restoration type activities*
	* *NRDA update:*
		1. *Early restoration project update from all 4 phases*
		2. *Cultch placement looks good preliminarily. Expect a report out soon on that. hatchery should be open in the next few weeks.*
		3. *Barrier islands going out to bid in next few months.*
		4. *Marine fisheries enhancement center.*
	* Ms. Gautreaux: recognizing that there are some details that must stay confidential, but what is the plan for the next CPRA meeting?
		1. We can’t talk about the details of the consent decree, but Kyle Graham is going to talk about what we want to see. Some specifics and some parameters.
		2. Mr. Kline: I think you’ll see some specifics based on what we have had laid out in the past
		3. Ms. Graugnard: but keep in mind it is just our wish list.
		4. Assuming that everything goes through, first payment is one year after the consent decree and going through 2031
		5. Ms. Maloz: do we know how it will flow over that period? It depends on where it flows; RESTORE has its own process; other details will be ironed out in the future.
		6. Mr. Creswell: what kind of restrictions are going to be on that money?
			1. RESTORE money is a little bit more flexible; but there is a state law directing that money into our trust fund. The majority of the dollars are going to address spill injury, a majority will go where there was oil damage; but there will be money going to other priority areas.
		7. Mr. Creswell: there is money going to parishes, but will there be any money flowing into municipalities?
		8. Mr. Kline: we have not weighed into any of the parish or municipal economic claims and there are no restrictions there.
		9. Mr. Milling: I think tha tit would be appropriate for the CPRA to start talking to those municipalities to begin to think about
		10. Ms. Barnes: we are also meeting with Parishes next week along with U.S. Treasury.
		11. Mr. Macaluso: phase 4 has projects with turtles and finfish? Correct (details off line). Were the parish settlements part of the $18 billion settlement? Does a parish not taking the money have any impact on the timeline to finalize everything?
		12. Mrs. Graugnard: my understanding is that BP wanted to get as many local claims under this deal but the $18.7 is just NRDA and Clean Water Act and State economic losses. Parish and municipal losses are part of the settlement deal but not part of that $18.7 figure.
		13. Mr. Milling: relative to this turtle issue, National Fish and Wildlife Foundation has a long term turtle operation and you might want to make sure that gets coordinated.
		14. Mr. Kline: recognized the hard work of all the attorneys who got us where we are today.
5. **Public Comment: NRDA, Oil Spill, Response and RESTORE Act**
6. **The Nature Conservancy Atchafalaya Basin Conservation Initiative—***Karen Gautreaux and Jim Bergan, The Nature Conservancy*
	* Ms. Gautreaux: the Nature Conservancy has spent about 6 years leading up to this Atchafalaya Basin initiative.
	* Dr. Bergan delivered the main presentation:
		1. Long-term vision to restore the swamp forest. Lots of partners to make that happen.
		2. Three strategies: restoration and acquisition; science (and monitoring); community.
	* Land acquisition was a key to starting the restoration. Showed maps
	* Overview of science and community aspects as well.
	* Also interested in making the Atchafalaya a globally important natural system.
	* Pres. Claudet: how old do you think that big cypress tree was? (we don’t know but we want to know). Was the acquisition a donation or a sale? (sale. They are continuing to partner in this, they want to participate in the restoration and see how the wildlife and forest responds because they are also still a land owner in the basin).
	* Mr. Macaluso: you mentioned the hunting clubs, are they going to be able to still hunt and fish and alligator hunt in that land? (all of that will be maintained on that land as a cultural and economic practice).
	* Ms. Gautreaux: we are in the initial stages of this too so we are interested in possibly developing that further.
	* Mr. Macaluso: I am very familiar with that part of the basin and there has been a lot of siltation and it has had an impact on the quality of the fishery. Is there some component to this where you guys are thinking about doing some dredging to get the water moving again?
		1. We have. We see lots of opportunities to do a dredge opportunity and then beneficially use that in other areas. Also hope to be able to sequester nutrients
	* Mr. Tripp: what is the strategy to fix the water problem?
		1. Obviously there are levees in place but our overall goal is to try to improve the hydrology in such a way that the water is moving the way it should be. To keep it from standing still for longer than 100 days to improve cypress tupelo viability. It is going to be a combination of strategies to improve sheet flow through the flood plain.
	* Ms. Methvin: is there going to be an overall basin strategy you are developing so that other land owners could participate even if they don’t want to sell?
		1. We are certainly welcome to working with land owners. We have 5 other areas of interest in the Atchafalaya.
	* (Public Comment): are private companies cutting down the cypress trees and selling it to other countries?
		1. No, there is very little logging going on down there. I haven’t seen any.
	* Mr. Milling: were you able to work well with DNR with regard to the mineral rights? (We could do the same thing with any other land owner).
	* Mr. Dupre: as you recall, we tried to amend the constitution to perpetually severe mineral rights from land rights but we weren’t able to go that far.
7. **Fisheries Update: Oysters**
	* **Hatchery-Based Oyster Restoration and Management in Louisiana—***Patrick Banks, LDWF*
		1. Discussed oyster life cycle; oyster management is used to address each stage of the life cycle. The hatchery is intended to mimic the different stages of the life cycle.
		2. Hatchery in last few years has moved past research to also include oyster rehabilitation efforts.
		3. The new hatchery will support the recent cultch plants
		4. First experiments were with larvae and then pumping them down onto the reefs themselves. Have also placed larvae on micro cultch and then sowing those oysters overboard onto the reefs. No we have tried doing it onto whole oyster shell and then tossed onto planting sites. This is very labor intensive but so far it has been the most successful technique in terms of survival.
		5. Spat on shell monitoring and sampling underway. Overall only a 3.4% success rate. Spots east of the river are performing best. But salinities are very, very low this year due to all the rain. The main goal of the test was to see if the method was good. The natural reefs that we monitor every month are not showing the same productivity as these test plots on the east side. Seems to be indicating that even if Mother Nature isn’t giving us a lot of animals on that side we can put them there and they will survive.
		6. New staging ground coming in Plaquemines parish.
		7. The hatchery gives us another option to help ensure success.
	* Ms. Gautreaux: a lot of us were following the public seed grounds last year. Have there been any results or policy updates based on that incident?
		1. We had put in place a solid seasonal set up but then Mother Nature sent a lot of spat and we decided to delay that to let those animals develop. Then the commission allowed for a full harvest. We closed it after 5 days. There was a tremendous amount of harvest (270,000 sacks harvested lots went to private leases). Overall it was very successful and we don’t know the full response until we get our stock assessment. Our dredge sampling showed preliminarily that there are still different sizes of animals.
		2. Mr. Kline: so being successful means good for the industry?
		3. Mr. Banks, yes because that is what the public seed grounds are for, but it is also successful since we also maintained the distribution of population sizes.
		4. Mr. Macaluso: where is the funding coming from?
			1. Started off with oil spill money. For the long term it is still up in the air. We have a dedicated funding source that will get an increase due to a bill this session that will raise lease fees.
		5. Mr. Macaluso: It is our understanding that Davis Pond has been closed a lot this spring. Lake Michant has been successful lately for the industry. (those reefs were set up in 2004 and it typically produces a lot of seed but because of low salinities they typically don’t make it to market size)
		6. Mr. Brennan: what percentage of your funding is dedicated vs. the rest? (I don’t know)
	* **Alternative Oyster Culture Update—***Dr. John Supan, LSU Sea Grant*
		1. Alternative oyster culture is just that, something different than on-bottom oyster production. We also now include the remote setting of larvae in that definition.
		2. Unique operation. Showed plot of oyster farming zone in grand isle. Established by three acts of the legislature. Took industrial park concepts to the water. Also known as marine spatial planning. Situated at a port commission because it is a local authority and has some interest in related issues.
		3. Siting is key. It determines the equipment and everything else. The other benefit of alternative oyster culture is that you can grow them where you normally can’t. Salinity is key to site selection and site selection is key to success.
		4. Two systems: one is a floating cage that can slip upside down to control bio-fouling. All commercially available and are working on having local distributors. About $125 a cage shipped.
		5. Can grow these on a private lease or at the site in grand isle.
		6. One oysterman is doing it and has gotten rid of his lugger boat costing him $1000 for fuel to a skiff with $17 in fuel and has gone from a high volume business to a low volume but high profit business.
		7. Remote setting technology has been around since the 80s
		8. Oysters off the bottom are exposed to more food/more current so they grow twice as fast.
		9. Retrofitting existing fleets using off the shelf components to do remote placement.
		10. Idea is to make the industry less dependent on the public grounds.
		11. We are helping growers find suitable locations and submit for permits. Trying to standardize the process so that permiters can approve them more quickly.
		12. Ms. Gautreaux: if you have private land is all you need a permit?
			1. First get a corps permit then the coast guard then an AOC permit with LDWF. There is a suitability map at LDWF that shows where you can and can’t do this.
		13. Biggest concern here is theft. There is theft with on-bottom and it is even easier to steal off-bottom. That is the number one deterrent keeping this from growing. The suitability map is also very limiting.
		14. Supan recommends increasing the fine for theft; amend act 293 to allow appeal of lease eligibility so growers can experiment on his own lease if there is nothing happening on his site. Also, if in future coastal restoration planning maps need to include an isohaline line. Need Alternative oyster cultch on private lands; could be a money makers if you have the right salinity. Finally, Maryland has a loan program with low interest rates to encourage the industry. Don’t have to start paying back until they start harvesting oysters.
		15. AOC only augments private oyster production. It is also not a replacement for traditional bottom production or conservation of existing public reefs.
		16. Mr. Macaluso: the farm behind Grand Isle, what are the salinity ranges? (low teens in the spring time, but we have experienced 5 parts/1000. By October it is up to 30; recently up to 25. Good salty oyster). What happens with the drills? On the floating cage the drills are frustrated.
		17. Mr. Macaluso: at one time there were a number of oyster leases back there behind grand isle. Is there the potential to try this in those areas that have declined because of high salinities and 2, are there possible conflicts with user groups? Can you fish around these areas?
			1. People are fishing them right now. Shrimp trawling is the biggest conflict but that is an enforcement issue. We also have kayakers out there and sometimes their hooks get caught.
		18. Mr. Milling: how much interest are you getting among traditional oyster fishermen. Steve Voisin wanted to put a large operation in but the lease in question was ineligible. I have been approached by 10 different growers who want to do this but between theft and eligibility they stopped doing it. How is theft handled in other jurisdictions?
		19. Mr. Brennan: I tried some the other day with some of our chefs. They really do seem to be much meatier. (This is what you should sell in the summer when other oysters are thin). Have you tested with consumers to
		20. see if they will accept it? (there are a lot of costs to this. Eventually the prices will come down).
		21. The Pacific Northwest had a population crash decades ago and they imported seed from Japan. When Japan crashed they started doing it from hatcheries and all of a sudden they had dependability to the industry.
		22. Mr. Milling: are private citizens going to start building their own hatcheries: if they are going to compete yes.
		23. Dr. Galloway: I spent last weekend on the northern neck of VA where an infantryman was growing in private cages and the oysters were great.
	* Mr. Milling proposed changing the agenda to take up the land and water conservation agenda item before quorum is lost. Moved and seconded.
8. **Land and Water Conservation Fund Renewal and Resolution—***Doug Daigle, Louisiana Hypoxia Working Group*
	* Has played a small role in the coastal effort thus far and potentially it could do much more in the future.
	* It is up for reauthorization in Congress. It is funded by offshore oil revenues not tax dollars. Up to $900 million a year. The resolution for your consideration just supports the reauthorization of the law.
	* List of projects supported in the coastal parishes.
	* Could be another tool to integrate with the Master Plan

Jim Tripp moves to adopt the resolution. *Resolution Public Comment*

* + Resolution passes.
1. **Oyster Lease Moratorium Update and Discussion—***Lawrence Marino, Oats Marino*
	* Discussed history of efforts to create and now lift the moratorium.
	* Tried 5 times through legislation to lift moratorium.
	* Last year tried to create a body to hash through the issues and have it propose legislation. Here seeking input on what we should propose for next time.
	* Mr. Kline: from the CPRA’s standpoint we are banging our heads against a wall. In our discussions with the oyster task force they only want to lift the moratorium and addresses none of the other concerns.
	* Rep. Garofalo: without rehashing all the history but we do want to add dual-claim leases to the list of concerns. If we lift the moratorium we will need a defined method for sorting that issue out.
	* Mr. Milling: some authority is going to have to decide what property has been transferred from private to public then you are going to be in the middle of litigation. It goes back to DNR or some other agency the obligation to make those determinations and they will tell you they don’t have the money or resources to do it. The other way is to sue all the way up to the supreme court
	* Rep. Garofalo. I have been working with state lands but it is a moving target. The land owners don’t want to lose their mineral rights. Most of the other issues we have dealt with have been possible to work through.
	* Mr. Milling: whether we like it or not it’s not like any member of the CPRA created the problem the state is facing.
	* Mr. Tripp: I think we should encourage the state to move ahead as fast as possible with the sediment diversion program.
	* Mr. Milling: we have to merge the interests.
	* Rep. Garofalo: I want to offer this same branch to the oyster task force to ask for their input as well.
	* Mr. Macaluso: that oysterman is leasing that from the landowner? (yes).
	* Mr. Kline: let’s just say that if diversions are built. We hear that we are going to wipe fishermen off the map. If there are impacts where are they going to go if there is a moratorium? We are trying to get the moratorium lifted so they have options to go out and try new areas if there are impacts like they say there are.
	* Ms. Zaunbrecher: they have a history that they want to hang onto.
	* Mr. Marino: one step removed from trying to solve the problems, we have to know who is going to decide the issues, and how they are going to decide it. The oystermen are obviously affected but they are not the only ones affected. That was shifted last session so that the deciding body was taken over by one interest group. It is about oysters but not only oysters.
	* Mr. Milling: I think you will need a timeline that forces people’s hand.
	* Ms. Maloz: I think you need to go to them and get their suggestions, but they can’t keep saying no.
	* Mr. Kline: that is the thing: all we get are no. I am looking for solutions.
	* Rep. Garofalo: they wanted to take the issue in house…I have also been hearing from some of the smaller operators who don’t feel like they have enough representation at the Oyster Task Force.
	* Mr. Milling: if an oysterman has a lease from a legal body and somehow the dynamics change so that the lease is transferred to another legal body isn’t the person who made improvements and investments entitled..?
	* Mr. Hayden: don’t we all understand that south Louisiana is sinking? Why isn’t that sunken land still mine?
	* Mr. Milling: a couple of really significant cases set that up in the 1930s.
	* Mr. Milling: it is all tied up in the civil code.
	* Mr. Macaluso: if the interest really is in growing oysters; then is there a willingness on the part of the industry to sublet leases that they do not want to grow oysters on?
	* Mr. Macaluso: do we have a sense of how much property would go back into play if this was lifted?
	* Mr. Marino: there is a lot of acreage in the right area but I don’t know the salinity.
	* Ms. Maloz: it scares me that one player can derail the entire restoration agenda.
	* Mr. Milling: the hope is that those involved understand that a stonewall position does not create any available room to accomplish anything. We have got to come in with suggestions that deal with the reality of the situation and we have got to move forward.
	* Mr. Kline: while I am frustrated on this issue, I remain committed to working with the oyster industry. I just am not interested in continuing to spin our wheels year after year.
	* Rep. Garofalo: and we realize we are going to have to do it.
2. **Public Comment**
	* Mr. Pausina: was on the original committee; offered comments on many aspects of the debate. Oyster men will only commit to a timeline if CPRA provides a timeline.
3. **Adjourn**