**october 24, 2022 MEeting minutes**

Council on Watershed Management

*Monday, October 24, 2022*

*2:00 p.m. – 2:26 p.m.*

1. **Call to Order**
   * **Chairman Tingle** called the meeting to order at 2:01 p.m.
2. **Roll Call**

***Lori Dupont, Council Secretary***

* + Gov. Ofc. of Homeland Security & Emergency Preparedness – Casey Tingle
  + Coastal Protection & Restoration Authority – Bren Haase
  + Department of Transportation & Development – Chris Knotts
  + Louisiana Dept. of Wildlife & Fisheries – Matthew Weigel
  + Office of Community Development – Pat Forbes
    - 5 members present, we do have a quorum.

1. **Pledge of Allegiance**
   * **Matthew Weigel** led the council for the pledge.
2. **Consent Agenda Items**
   * Approval of August 18, 2022 Meeting Minutes
     + **Motion: Pat Forbes**
     + **Second: Bren Haase**
     + **Motion passed, minutes adopted**
3. **Opening Remarks**

**Chairman Tingle** provided opening remarks. Reconvened per our previous meeting to discuss with the working group on the boundaries of the capital area and the Amite River Basin Commission.

1. **Background**
   * Genea Lathers, Office of Community Development
   * Sam Martin, Coastal Protection and Restoration Authority
   * Edward Knight, Department of Transportation and Development

**Genea Lathers:** The Working Group was asked to look at the request of the Amite River Basin district and how it impacts the watershed regions. This presentation details our recommendations. For background information, in 2019, the Council on Watershed Management established eight provisional watershed regions as a starting point to coordinate flood mitigation efforts among parishes. These regions, as well as the LWI watershed models under development, align with HUC6 watershed boundaries. The CDBG-MIT action plan, which we commonly refer to as the ‘MIT’, defines the LWI watershed regions. The regions have no authority or responsibility outside of the delineated action plan limits. LWI works with watershed regions to identify appropriate governance structures that can be implemented by legislative statute, which could create authorities and responsibilities for the regions.

**Edward Knight:** Provided background on the ARB boundaries that were set back in 1989 under bisection 38, 3301. It was amended 5 times with Act 490 will be the sixth amendment January 2023. The ARB is located in region 7. The ARB includes three of the most impacted and distressed watersheds, EBR, Livingston and Ascension, it also neighbors Washington, St. Tammany and Tangipahoa, all being included in the top 10 of most impacted. That is an area that represents 50% of the $1.2B.

**Genea Lathers:** Just in terms of what is required at the regional level throughout the framework is regional steering committees. The purpose of those is to function as citizen advisory committees. It is a requirement of the committees to hold a minimum of three public meetings per year. The committees must include community representatives with backgrounds in diverse fields and/or strong ties to social institutions within the regions. These regional steering committees support the development and implementation of long-term watershed governance coalitions and management plans; support/recommend projects for funding; and enhance collaboration among local and parish entities within watersheds. It is really important for us to look at all the requirements to date in terms of all the regions as we consider establishing a new region. For a perception on how the funding is being spent already we put together a chart that shows the funding to date by region currently funded by the MIT and broke it down by region so you can see how much funding is in each region and how much is inside/outside the ARB.

**Sam Martin:** When we discuss the potential of making a region 9 out of the Amite River Basin area, one of the things we looked at is what it would take for that to be successful and fit in the overall model of the program. It would require an amendment to the CDBG-MIT action plan in order for them to act in accordance with the other regions. We are waiting for the updated boundaries, which are due January, to define the new region 9. It was be required to set up the same governance structure arrangement with the participating entities within that area, just like the other regions. As far as region 7, minus the newly created region 9, nothing would change, aside from moving some entities in and out of the final alignment of the ARBC.

**Pat Forbes:** My question is relative to those requirements for a regional governance structure. Requiring that for being a watershed region and knowing the way it impacts and whatever Act 490 says, they still have all that, we are just saying for a region within the watershed initiative you still have to do these things, correct?

**Sam Martin:** That is correct.

**Chairman Tingle:** A question that I have is regarding the regional steering committees and their responsibilities, is that level of detail articulated in the action plan or is just defining them in the action plan?

**Genea Lathers:** Defining them is in the action plan.

**Chairman Tingle:** In terms of the path forward that needs to be reflected, amendment to the action plan, depending upon what happens today, what is the process for that, what is the timeline, and are there any impacts while we are waiting on that amendment to go through?

**Pat Forbes:** Great question. There is a timeline, especially if it is a substantial amendment. Has that been determined?

**Genea Lathers:** Not yet.

**Pat Forbes:** Okay. If it is substantial, that could take some time. HUD is not restricted in how long they have to approve a substantial action plan amendment. If it is non-substantial it is five days. I suggest that when writing this amendment that we make the language broad enough so if other proposed changes are proposed in the future they may not require an action plan amendment.

**Chairman Tingle:** Sam, to your point at the end, in terms of if it passes what it means should we amend region 7, the entities and the areas that remain in region 7, certainly that would impact the membership of their committee and who their partners are and what that looks like, but it shouldn’t impact any funding allocations.

**Sam Martin:** Right, aside from the specific projects, it wouldn’t affect the funding.

**Pat Forbes:** I noticed on the map that the areas that will be in region 9, should this pass, are also in other regions, just like every parish in the state, they may be in multiple regions. For instance, Livingston will continue to be in region 7, as well, right?

**Genea Lathers:** Correct.

**Rep. Mincey:** Just for clarification, can you explain the difference between a substantial and non-substantial amendment would be? The 5-days vs. ‘some time’.

**Pat Forbes:** We have seen them take anywhere from weeks to months to approve a substantial action plan amendment, depending on how big it is and what else they are working on. Generally we are moving big bunches of money around and so it may take more consideration on their part, hopefully this would be a shorter review by HUD, but we do not have any sway over that process.

**Rep.** **Mincey:** I wasn’t necessarily worried about the time but what makes it substantial or non-substantial?

**Pat Forbes:** If I have staff here today, correct me if I’m wrong. Causes of a substantial amendment are moving a certain amount of money from one program to another; changing who the beneficiaries are of a specific program; or changing how benefits are delivered. In this case, the only reason it would potentially be a substantial is the third reason. It may not be substantial, we need to go look at the language once we get this done.

**Chairman Tingle:** Pat, is that something we do as the state in coordination with HUD, or how does that work?

**Pat Forbes:** We generally make our best guess at whether it is substantial or not, explain why we are saying that and send it in. If we say its non-substantial they will either approve in five days or tell us they think it is substantial and that we have to go back.

1. **Public Comment**

**Taken before council completed their vote on passage of action items. See VIII. Action Items section.**

1. **Action Items**
   * Establish Amite River Basin Boundary as Region 9

**Chairman Tingle:** Having heard the background and context, do we have a motion from the council on how to proceed?

**Pat Forbes:** I move we adopt the change to add Region 9 with those perimeters.

**Matthew Weigel:** Second.

**Rep. Mincey:** Again, just for clarification, in the working group we had talked about January 1 being the effective date of this because that is when the new commissioner will be coming on. Do you all see it the same way?

**Pat Forbes:** I would see the language say the earlier of January 1 or when this substantial action plan gets approved by HUD, whichever comes first, if it winds up having to be substantial.

**Rep. Mincey:** So I guess my request for consideration is that we make it no sooner than January 1 because I don’t think it would be fair to go in effect with a new commissioner coming on.

**Pat Forbes:** I worded that incorrectly, I meant no earlier than January 1.

**Rep. Mincey:** Okay. Thank you.

**Public Comments**

**Dietmar Rietschier, Amite River Basin:** I just have one comment on the redefining of the Amite River Basin. I have not been contacted about this at all and I would like to include us in the discussion. We were involved in the original definition of the Basin done by DOTD. We had to change it when we considered taxing the district for the Basin to make it acceptable to the assessors to be able to tax. Because of that, the Basin is good but irregular. We have a lot of information on how this evolved and why. We want to be a part of this, not to dictate, but to clarify why things are the way they are, and hopefully they could be done in a faster way and come with a better product.

**Rep.** **Mincey**: Reasonable request and see no issue with that at all. The Bill HB686, it says that the CPRA is going to work in consultation with the Office of State Lands, and of course I think it is obvious that they would want to include you in the process, so I don’t see any issue with that.

**Chairman Tingle:** Any objections to the motion made by Mr. Forbes and seconded by Mr. Weigel? **Hearing none, the motion carries anonymously.**

1. **Closing Remarks**

**Chairman Tingle:** Commented on the ARB becoming its own region. Appreciate all the hard work by steering committees. ARBC has played an important role over time. Rep. Mincey acknowledgement. All other watershed regions. Governance piece. Longevity and consistency across the state. Not just one-time grant opportunities but deal with both projects and implementation. Setting conditions on what and how we build what we do. Working across jurisdictional boundaries. Incorporate those lessons across the regions.

**Pat Forbes:** I second your comments. This is a learning experience, no one has done this before. It will continue to evolve and adapt. The most important part is that we wind up with a change in the way Louisiana addresses its flood risk and that we do that around watersheds. As long as we continue to advance that perspective, we will be making progress.

**Rep. Mincey:** I would just like to say I appreciate all the due diligence on LWI’s end in vetting this and the whole process. Ultimately thank you for your motions and your actions, and thank the working group for all their efforts as well.

1. **Adjournment**
   * **Motion – Chris Knotts**
   * **Second – Pat Forbes**
   * **Adjourned at 2:26 p.m.**