

February 2013 CPRA Annual Plan meeting
COASTAL PROTECTION AND RESTORATION

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ANNUAL PLAN MEETING

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The above-entitled cause came in for a meeting at
the Jean Lafitte Room, Lake Charles Civic Center, 900
Lakeshore Drive, Lake Charles, Louisiana on Thursday,
February 21, 2013 commencing at 6:03 p.m.

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Reported by:
Elizabeth A. Brock.
Certified Court Reporter

10 Tonight's final presentation will discuss
11 the progress of the Gulf Coast Ecosystem
12 Restoration Council. We have a number of
13 council representatives in the audience
14 tonight and I'd like to take a minute to
15 introduce them to you and invite them up
16 to sit on our panel.

17 First we have Mr. Ben Scaggs,
18 Director of the EPA Gulf of Mexico
19 program.

20 Mr. John Jurgensen, representing
21 Department of Agriculture.

22 Mr. Jeff Weller, representing the US
23 Department of the Interior.

24 Mr. Chip Kline, representing the
25 Governor's office.

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□ 1 And, finally, Ms. Teresa
2 Christopher, Senior adviser on Gulf
3 Restoration for the US Department of
4 Commerce who will be giving the
5 presentation this evening.

6 MS. CHRISTOPHER:

7 Good evening. Thank you for having
8 us here today. We are very excited, as
9 you can see, we're in the very early
10 stages of all this, so we appreciate your
11 time coming out tonight, and we
12 appreciate -- I know it's pretty

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13 miserable weather out there, so we really
14 appreciate you coming out tonight.

15 So, with that said, we're very
16 excited to Chair this council, Commerce
17 is Chairing it, as you know. We are
18 building on the great work from the Task
19 Force led by EPA and the many planning
20 efforts prior to this, back to the road
21 map and beyond. But we truly recognize
22 that this is a unique opportunity. While
23 we're building on all of the other
24 planning efforts, there finally is money
25 to implement. And I don't want to say

□ 1 there is money right now, because there's
2 not, but there will be. And that's what
3 makes this unique and different. With
4 that said, we really want to make sure
5 that we are implementing projects and
6 programs in a way that a coordinated Gulf
7 region-wide effort to ensure that we have
8 a sustained long-term health, prosperity,
9 and resilience of the region.

10 I'm briefly going to go through a
11 couple of slides just so that people have
12 sort of a basic understanding of the
13 RESTORE Act. I know it's a little bit
14 confusing. I'll cover the RESTORE Act, a
15 little bit about the Council, a little
16 bit about allocation of funds and then

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17 talk about our timeline for development
18 of this Comprehensive Plan. I understand
19 some of you are interested in the
20 Treasury regulations. We are not going
21 to cover that tonight, once Treasury has
22 those draft regulations out we will
23 absolutely have a formal public comment
24 period. They're still working on them,
25 we expect them to come out soon. When I

□

1 say soon, it could still be a couple of
2 months. It just takes some time. They
3 are working on them, though.

4 So the RESTORE Act dedicates
5 80 percent of the Clean Water Act
6 penalties -- the civil and administrative
7 Clean Water Act penalties from the BP
8 Deepwater Horizon oil spill to a new
9 trust fund, Gulf restoration trust fund.
10 Twenty percent of that funding goes into
11 the oil spill liability trust fund where
12 the money would normally go. With that
13 said, there's still a lot of uncertainty
14 around that timing and the total amount
15 of these funds. We do know that,
16 approved earlier this week, the
17 Transocean settlement -- earlier was
18 approved, that was for \$1 billion dollars
19 in civil penalties, so 80 percent of that
20 billion will go into Gulf trust fund.

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21 The -- we'll start seeing that money
22 coming in at the end of April into the
23 trust fund. \$400 million will go in at
24 that point, but it comes in under a
25 schedule laid out in the Consent Decree.

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□ 1 So it doesn't all come as a lump sum, it
2 comes over time. Something to keep in
3 mind. With that said, I will also say
4 the US is still pursuing civil penalties
5 from BP and Anadarko, so we don't have
6 certainty around that timing.

7 RESTORE Act also establishes the
8 Gulf Restoration Council. This Council
9 builds on the Task Force that was created
10 by the president, and it includes six
11 federal agencies and five state
12 governors. It -- the Department of
13 Commerce is Chairing it. We were
14 selected as the Chair in October, and
15 we're very excited to Chair this council
16 because what -- and people were like,
17 "Well, why is Commerce here? You guys
18 aren't usually in the room." We're here
19 because it actually brings quite a bit of
20 our equities to bear on what the RESTORE
21 Act is about. We have economic
22 development, we have NOAA and coastal
23 restoration, we have expertise in travel
24 and tourism. So we're really thrilled

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that we can bring all of those pieces to

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□ 1 this Council. However, while we Chair
2 it, the states play an extremely
3 important role in this council. They
4 play an important role in the
5 decision-making because you need a
6 majority of the state's votes to actually
7 get any plan approved, both the
8 Comprehensive Plan and the state plans.
9 The Council is primarily responsible for
10 developing a Comprehensive Plan. With
11 that said, we have other
12 responsibilities. We need to develop
13 integrated financial management plan. We
14 need to update the plan on a regular
15 basis. However, while that is our
16 primary responsibility, we recognize that
17 there are other large initiatives --
18 restoration initiatives -- under our
19 National Fish and Wildlife Foundation and
20 the money they're getting from the
21 criminal settlement as well as the NERDA
22 process. So we are truly working with
23 both of those organizations to coordinate
24 across, to make sure that we are having
25 ultimate impact of restoring the Gulf.

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So I'm going to skip right through
the slide, it's a pie chart. I'm going
to explain the allocation of funds, but
I'm going to go with this slide -- which,
we'll get rid of that other slide. We
have learned that this one is a little
bit easier to see. So, how are the funds
divided? Thirty-five percent of the
funds will be equally divided among the
states. Thirty percent will go to the
council to be spent on ecosystem
restoration under a Comprehensive Plan.
Thirty percent will be divided among the
states for -- according to a formula
that's set out within the statute. The
remaining five percent is divided in
half, two point five percent goes to NOAA
to stand up operations, science and
monitoring program -- and I believe we
have a NOAA representative in the room so
if you have more questions on that --
yes, raise your hand, please -- see that
man right there.

NOAA actually has out the draft
program, they released a draft program in

January and so if you do have questions
on that, please, we do have someone to
answer them.

And the remaining two point

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6 five percent goes to state centers of
7 excellence for research grants, for
8 science and monitoring. So, while we
9 don't know how much money or when, we
10 have deadlines in the statutes so we're
11 moving forward. In January we put out a
12 path forward to restoring the Gulf. Now,
13 this path forward builds on the work of
14 the Task Force, it builds on work of all
15 the prior efforts. What it doesn't do is
16 it doesn't lay out or identify specific
17 projects or programs that will be put in
18 the initial Comprehensive Plan. It
19 really sets out a high-level framing with
20 five goals that will provided
21 over-arching framework for the
22 Comprehensive Plan, particularly setting
23 out a framework for Gulf-wide
24 restoration. It also incorporates the
25 findings of the Task Force, and describes
how we built on that work. It also

□ 1 fulfills our statutory requirement for a
2 proposed plan. Now, we have this
3 statutory requirement for a proposed plan
4 and it's January. We got something out
5 in January. With that said, it's not a
6 plan as you would imagine it. It's not a
7 draft plan. What we intend to do is put
8 out a draft plan in the spring, because

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10 we want to make sure we're getting your
11 input early in this process and that is
12 why we are here today.

13 So, the five goals that are set out,
14 the first four were identified in the
15 Task Force strategy, so restoring and
16 conserving habitat, restoring water
17 quality, replenishing and protecting
18 living coastal and marine resources, and
19 enhancing community's resilience. In
20 addition, the Council felt that it was
21 important to add this fifth goal, restore
22 and revitalize the Gulf economy. This
23 fifth goal really focuses on reviving and
24 supporting sustainable Gulf economy. To
25 ensure that those expenditures under the
state allocation and the oil spill

□ 1 allocation formula, so pots one and three
2 or buckets one and three, whatever you
3 want to call them are consistent with the
4 Comprehensive Plan and consistent with
5 comprehensive restoration in the Gulf. I
6 think everyone recognizes how important
7 restoring the ecosystem is to the economy
8 and we wanted to make sure that was
9 acknowledged.

10 So, this slide -- we put this up
11 here because I know the Act is sort of
12 confusing and it's just -- it's kind of

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not very user-friendly. So we are
14 working on getting additional
15 communications materials out that make it
16 more user-friendly. But the initial
17 Comprehensive Plan will include four
18 things -- are required to include four
19 things under the Act. Provisions to
20 incorporate the Task Force strategy, a
21 list of projects that have been
22 authorized but have not yet been
23 commenced, a description of how the funds
24 will be spent the next ten years, and a
25 three-year project and program list

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□ 1 that's based on criteria set out in the
2 statute.

3 So how are we going to get there?
4 February and March we're looking to do
5 these early initial public engagement
6 sessions across the Gulf to get initial
7 input into the plan so we can start
8 developing it. Again, the council is
9 truly in the early stages and we believe
10 it is critical to get the best ideas from
11 the people who live and work in the Gulf
12 and put them in the plan. We intend to
13 put out a draft plan in the spring.
14 We'll put it out for a 30-day public
15 comment period and then come back and see
16 you-all again, make sure that we captured

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those ideas, we're on the right track
18 with the intent of getting a final plan
19 out in July. So, with that said, tonight
20 I really hope you give us your comments.
21 If you don't want to get up at the
22 microphone and give us your comments
23 there are other ways. You can do it
24 through RestoretheGulf.gov, which is our
25 website, you can do it -- and we'll flash

□ 1 these up -- restorecouncil@doc.gov, which
2 is the e-mail address, or you can talk to
3 us on the side as well. I will be around
4 to answer questions, so will all of my
5 colleagues.

6 So with that said, there are three
7 questions we specifically want to hear
8 about and hear your thoughts on. Of
9 course, we welcome ideas on any piece of
10 this, but we would like to hear what are
11 the long-term outcomes you would truly
12 like to see come out of the plan? What
13 other types of projects the Council
14 should consider? And what are the best
15 ways we should continue to engage you?
16 However, with all that said, we need your
17 ideas, we need your energy. We want to
18 make sure this is the best possible plan
19 that has the possible impact for Gulf
20 restoration. So these are my fellow

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22 council members and with that said I will
23 turn it back over to Jenny and I thank
24 you all for coming out tonight again.

25 MS. KURZ:

Thanks, Teresa. At this time we

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□ 1 will begin the final public comment
2 period of the night on the progress of
3 the Gulf Coast Ecosystem Restoration
4 Council. As a reminder, these are the
5 topics that the panel is here to receive
6 your ideas on tonight, but they welcome
7 all comments. This portion of the
8 meeting will be for comments only. If
9 you have questions folks on the panel
10 will stay around as long we need tonight
11 to make sure that all of your questions
12 get answered. When I call your name,
13 please step forward and state your name
14 and affiliation.

15 Mr. David Richard.

16 MR. RICHARD:

17 Thank you. David Richard with the
18 Spring Companies. I want to tell you
19 first that we appreciate you-all coming
20 to Lake Charles. We appreciate you
21 listening to what we have to do. And I
22 want to address the three questions that
23 you've outlined in my three minutes. The
24 long-term outcomes we'd like to see from

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the Council is to restore and maintain

□ 1 the diversity of the Chenier Plane.
2 Chenier plane basically from -- in our
3 part of the state from the Sabine River
4 to Vermilion Bay. It's a very diverse
5 area that has fresh intermediate brackish
6 marshes and has a diverse culture that's
7 tied into that. And the projects that we
8 have outlined, we've done lots of
9 projects in Southwestern Louisiana, the
10 Master Plan only has a small portion of
11 those projects. We did the Calcasieu
12 Sabine Basin Plan has been performed here
13 and also the Mermentau Basin Plan both
14 under the leadership of NRCS that have
15 detailed restoration activities available
16 for your review. The Master Plan, as
17 Jerome said a while ago, was limited to
18 \$50 billion across the state, so we only
19 have a limited amount of projects that
20 are shown on the Master Plan, but from a
21 parish perspective both Calcasieu,
22 Cameron, and Vermilion there are an awful
23 lot of planned projects out there that are
24 good projects that can be considered.
25 The type of projects you consider, I --

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□ 1 you know, restoring -- from a restoration
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2 standpoint, I would highly recommend,
3 too, that you restore historical
4 diversity from a wetland-type standpoint.
5 There are lots of problems that were
6 caused by this spill over here that are
7 not just ecological problems. We have
8 economic problems, we have cultural
9 issues that happened here because of that
10 spill. It was a long way away from here,
11 but we had severe impacts especially in
12 the coastal communities from people that
13 were affected, businesses that were
14 affected, that we feel like -- and the
15 actual residences that were affected
16 because of that spill in the western part
17 of the state. From your future public
18 participation opportunities, we would
19 welcome you. I know that you've got
20 parish representatives here from
21 Calcasieu, Cameron, and Vermilion, we
22 would welcome you to come here and sit
23 down and go through the many projects and
24 opportunities that we feel are available
25 to you that could be funded under the

□ 1 RESTORE Act. We are not short on
2 planning and we're surely not start on
3 projects. We have been short on money
4 and this is an opportunity, I think, to
5 combat the huge federal projects that

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6 we've had mostly for defense purposes
7 over the -- over time here in
8 Southwestern Louisiana. We look forward
9 to working with you and would like as
10 much public participation as you can. We
11 will be glad from both public and private
12 prospective to sponsor you at any time to
13 have those meetings. Thank you very
14 much.

15 MS. KURZ:

16 Thank you.

17 Johnny Desormeaux?

18 MR. DESORMEAUX:

19 I'm Johnny Desormeaux. I'm retired.
20 I'm a citizen here in the area; I've
21 lived here all my life basically in
22 Cameron and Calcasieu Parishes. I
23 retired from Conoco Phillips here in
24 Westlake; I was a -- at one time I was
25 the supervisor of the Conoco Marine Dock,

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□ 1 so I'm very familiar with the waterways,
2 the boat traffic. And I've been fishing
3 all my life around here and I've seen a
4 lot of changes happen in this area.
5 Earlier tonight we talked about a
6 structure in Cameron that -- down there,
7 build some kind of saltwater structure
8 down there so I'm kind of here to
9 reinforce that idea. I passed around a

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10 picture that shows the Calcasieu River
11 before the ship channel was built, and
12 the River was lined with cypress trees
13 and it was freshwater and just a
14 beautiful, beautiful river. And so what
15 changed? well, the ship channel and all
16 that changed. And so, you know, having
17 grown-up -- grew up in Hackberry -- when
18 I was little I used to go bass fishing on
19 the north side of Hackberry and I have
20 pictures of me holding up a stringer of
21 bass and right now it's a saltwater
22 mudflat. We've got nothing there. Last
23 year, the Governor came to the area to
24 announce that they were going to spend
25 ten or twelve million dollars running a

□ 1 dredge line and a ship channel to the
2 west side of Hackberry to pump spoil over
3 there into the marsh because it's all
4 saltwater mudflat. And so where did that
5 marsh go? well, the marsh went to the
6 ship channel because the tide rushes in
7 and out at every tidal change and it
8 comes out of the marsh into the ship
9 channel. And I know on a lease -- couple
10 of leases that I had, you know, the wind
11 switches to the north one day and the
12 water will drop like six inches in a
13 couple of hours. And you have to make

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14 plans to leave before you get stranded.
15 And every year there's less and less
16 grass and more and more open water. And
17 I actually took some folks from a local
18 state out there to see what kind of grass
19 I can plant, but they told me that the
20 water was too deep now to even get the
21 smooth court grass to grow. So we've
22 lost much in some areas of the marsh that
23 you can't even replant it, so it needs to
24 be built back up with silt. And, you
25 know, just slowing down the process of

□ 1 the water going in and out would help a
2 lot. You know, I couldn't find any
3 information in this area, but, you know,
4 you can -- online you can find a lot of
5 information about what happened when they
6 were doing Mississippi River Gulf outlet.
7 There was some studies, the COE said that
8 they lost like 11,000 acres of freshwater
9 marsh over there in St. Bernard Parish,
10 10,000 acres of brackish marsh and four
11 to 10,000 acres of saline marsh,
12 1500 acres of cypress swamps, and they
13 also said that before the project marshes
14 supported, like, a quarter of a million
15 ducks. And because of loss, wetland loss
16 by the Mississippi River Gulf outlet
17 allowed expanded tidal amplitude, which

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18 increased interior flood risk. Locally,
19 they -- over there they call it the
20 superhighway for storm surge. Well,
21 here, for Ike, we saw water levels that
22 we hadn't seen before and, you know,
23 we've got a 42-foot channel from the Gulf
24 straight over here. And if we could slow
25 that water flow down I don't think the

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□ 1 water would have gotten that high. So, I
2 think this is kind of a model -- they
3 ended up building a structure south of
4 New Orleans to dam this Gulf outlet up
5 and so I think that, you know, speaks
6 loudly to us doing the same thing over
7 here. Recently I was reading an article
8 in a New Orleans magazine that Louisiana
9 has the Creole nature trail, which is an
10 all-American road, all-American highway.
11 In the continental United States there
12 are only 27 all-American highways. We've
13 got the Blue -- one of them, the Blue
14 Ridge Parkway, California, Highway 1
15 along the coast, Florida has the overseas
16 highway and we have the Creole nature
17 trail, which is affected by the marshes,
18 which is also affected by the ship
19 channel, water coming in and out of the
20 ship channel. So, the Cameron Parish
21 area was one of the most fertile and

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22 ecologically productive ecosystems in
23 North America. So, I think money spent
24 trying to protect that would be well
25 spent. It's also one of the top birding

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□ 1 destinations in the world, Cameron
2 Parish. It has four wildlife refuges,
3 Sabine, Lacassine, Cameron Prairie, and
4 Rockefeller Refuge. So it's a vitally
5 important area and it's supported by the
6 marshes. You know, the area has tried to
7 protect it building levees and, you know,
8 weirs and will slow it down but every
9 time a storm comes it wipes out the
10 levees and they have to rebuild. And a
11 lot of people spent a lot of money -- I
12 know north and west Hackberry building
13 levees trying to protect it, so I just
14 would like to see that project happen.
15 So, thank you.

16 MS. KURZ:

17 Thank you.

18 Carey Perry.

19 MS. PERRY:

20 My name is Carey Lynn Perry and I'm
21 the Science Director for the Coalition to
22 Restore Coastal Louisiana. For the past
23 25 years, our state wide organization has
24 united various stakeholders under a
25 common mission of protecting and

□ 1 restoring a sustainable coastal
2 Louisiana. We thank you this evening for
3 allowing us to come to offer public
4 input. We would like to identify what we
5 believe are four critical elements of the
6 Comprehensive Restoration Plan.

7 First, coastal land loss is a
8 fundamental problem facing communities
9 and economies in Louisiana. The
10 Comprehensive Restoration Plan should
11 focus on restoring the coast as its
12 primary objective.

13 Secondly, restoring the coast of
14 Louisiana requires bold action.
15 Approximately 40 percent of the coastal
16 wetlands in the lower 48 states occur in
17 Louisiana, but approximately 80 percent
18 of the annual -- nation's annual coastal
19 wetland loss occurs right here in our
20 state. The problem is simply so large
21 that it requires action, and action on a
22 large scale. The Comprehensive
23 Restoration Plan should embrace
24 large-scale, landscape level solutions
25 that are both efficient and sustainable.

□ 1 Thirdly, the state of Louisiana has

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3 successfully addressed many restoration
4 challenges in its Master Plan. The
5 Master Plan charts a clear course for how
6 to utilize limited natural resources,
7 limited financial resources, and over a
8 limited amount of time to reach a
9 sustainable coastal Louisiana over the

10 And lastly the final point I'd like
11 to drive home is a sense of urgency. The
12 Path Forward that the Council prepared
13 correctly identifies the critical need
14 for action to restore coastal Louisiana
15 and specifically references previous
16 strategies and roadmaps. The Coalition
17 to Restore Coastal Louisiana cannot
18 stress enough the urgency that protecting
19 and restoring a sustainable Louisiana
20 coast merits -- demands. Thank you.

21 MS. KURZ:

22 Thank you.

23 Is there anyone else wishing to make
24 a comment during this portion of
25 tonight's meeting?

□

1 As a reminder the Council will
2 continue to hold a series of public
3 meetings throughout the development of
4 the initial Comprehensive Plan. As
5 additional meeting dates are scheduled

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7 dates the dates and locations will be
8 made available on RestoretheGulf.gov. If
9 you did not make a comment tonight, but
10 would like to make one in the future, you
11 can submit a one-time comment to
12 RestoreCouncil@doc.gov.

13 And I also wanted to remind folks
14 that at the monthly CPRA meetings, there
15 is a dedicated comment period on the oil
16 spill, NERDA and RESTORE Act. You're
17 welcome to give comments during our CPRA
18 meetings and those dates can be found on
19 our website, as well. I thank everyone
20 for coming out today. We will have folks
21 available to answer any additional
22 questions that you might have.

23 The meeting concluded at 8:25 p.m.

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R E P O R T E R ' S P A G E

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I, Elizabeth A. Brock, Certified Court Reporter, in
and for the State of Louisiana, the officer, as defined in
Rule 28 of the Federal Rules of Civil Procedure and/or
Article 1434(b) of the Louisiana Code of Civil Procedure,
before whom this sworn testimony was taken, do hereby state
on the Record:

That due to the interaction in the spontaneous
discourse of this proceeding, dashes (--) have been used to

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10 indicate pauses, changes in thought, and/or talkovers; that
11 same is the proper method for a court reporter's
12 transcription of proceeding, and that the dashes (--) do not
13 indicate that words or phrases have been left out of this
14 transcript;

15 That any words and/or names which could not be
16 verified through reference material have been denoted with
17 the phrase "(phonetic)."

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Elizabeth A. Brock, CCR
Certified Court Reporter

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C E R T I F I C A T E

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2 This certification is valid only for a transcript
3 accompanied by my original signature and original raised seal
4 on this page.

5 I, Elizabeth A. Brock, Certified Court Reporter, in
6 and for the State of Louisiana, as the officer before whom
7 this testimony was taken, do hereby certify that after having
8 first been duly sworn by me upon authority of R.S. 37:2554,
9 did testify as hereinbefore set forth in the foregoing pages;

10 That this testimony was reported by me in the
11 Stenomask method (voice-writing), was prepared and
12 transcribed by me or under my personal direction and
13 supervision, and is a true and correct transcript to the best

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of my ability and understanding;

15 That I am not related to counsel or to the parties
16 herein; am not otherwise interested in the outcome of this
17 matter; and am a valid member in good standing of the
18 Louisiana State Board of Examiners of Certified Shorthand
19 Reporters.

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21 Elizabeth A. Brock (#29028)

22 Certified Court Reporter

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