**August 18, 2022 MEeting minutes**

Council on Watershed Management

*Thursday, August 18, 2022*

*1:30 p.m. – 3:34 p.m.*

1. **Call to Order**
   * **Chairman Tingle** called the meeting to order at 1:37 p.m.
2. **Roll Call**

***Lori Dupont, Council Secretary***

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

1. **Pledge of Allegiance**
   * **Chairman Tingle** led the council for the pledge.

**Chairman Tingle announced there would be a change in the agenda order. Due to scheduling conflicts, action item C on the Amite River Basin Watershed Region will be addressed before the Update agenda item.**

1. **Public Comment**
2. **Consent Agenda Items**
   * Approval of August 5, 2021 Meeting Minutes
     + **Motion: Chris Knotts**
     + **Second: Pat Forbes**
     + **Motion passed, minutes adopted**
3. **Opening Remarks**

**Chairman Tingle** provided opening remarks. Gave brief overview of the Louisiana Watershed Initiative. Discussed recent disasters and other forms of funding for recovery efforts. Discussed taking over the Council as Chair from previous Chairman Haase. Purpose of the meeting is to have an overall program update. Starting with this meeting, Region 7 and Region 5 will provide updates, with other regions doing so at upcoming meetings.

**Change in Agenda Order**

Chairman Tingle moved to Action Item C

**VIII. C. Amite River Basin Watershed Region**

***Kay LeSage, Office of Community Development***

We received a request via a letter that this be presented to the council. The request we received from the legislature where they passed SR164 and HB181, both requesting that the Louisiana Watershed create an independent watershed region for the Amite River Basin. In addition to, the legislature also passed HB686, which details the management of the Amite River Basin.

**Sam Martin:** We have the resolution from the Senate and the House relative to setting up a separate watershed region. Just for historical and background information, currently we have eight watershed regions around the state. Each one is HUC6 in hydrologic unit code, more or less. The request through these resolutions, it appears to me, is to set Amite River Basin aside as a ninth region.

**Representative Mincey:** We passed two resolutions in session to ask LWI to let ARBC have its own region, unanimous support in both resolutions. We also have a letter of support sent by the Speaker of the House and the President of the Senate. 94% of my parish was flooded during the 2016 Floods. In 2019, my predecessors before I got here, made efforts to have ARBC have its own region. In fact, they sent a 34-page document to the Parish of Ascension, including letters of support from legislators, as well as letters of support from ARBC itself. This is nothing new, this is not a new topic, this is not a new request. When I became a legislator, it became a priority for me. In 2021, I sought to pass legislation to make the Amite River Basin its own region. When we started looking into it, they got back with me and said, we've got a problem. We can't do that legislatively, because statutes do not exist, so I couldn't legislatively do this in 2021, but I was approached and asked to go ahead and set those statutes in place. I did not think that we were, as a state, ready at that time to do that legislatively. At least I didn't think that I was prepared at that time to do that legislation. So we passed on that, but what I did do was I asked to pass HCR 46, which asked CPRA to assess the Amite River Basin and give us some recommendations. As a result of that study, at the last session, we passed HB 686, which basically revamps Amite River Basin Commission. And we also passed these two resolutions. I passed one resolution, HR 181 on the House, and I asked Senator White to pass it on his side. So there's a lot of merits to doing what we want to do. The Amite River Basin has been existent since 81, 83, statutorily. This the only floodplain that exists statutorily. We have the statutes, the legislation, and the power in place right now to control our own destiny and do what's best for our floodplain. Region eight, you all can correct me, but I think it consists of five floodplains, is that correct? Five or six, whatever it may be, and Amite River Basin is in the middle of it. We feel with the changes that we made in the 686, we took an existing statute and we made it much, much better. We're in a position right now that I feel like we should be able to control our own destiny. We do not need a bureaucratic level above us, when the Amite River Basin has the statutes in place to do what's best for that floodplain. I think this is an extremely reasonable request, and it's important to our area. In HB686, the new commission will take effect January 1, so we've got a transition that will be in place between here and now. We've got criteria set up for our commissioners. Potentially, we could have all new commissioners, but we're going through that process right now. The governor gets his appointee, each parish gets their appointees, and then we got seven at large that comes from the legislator. So we're in the process of putting those things into place. What I would like to be able to see us do is to have this new region in place as well. I know there's some talk from some that's concerned about how this impacts others, and what that may look like. I would request that the effective date is January 1, that would give the LWI the opportunity to promulgate any rules and to sort out anything that needs to be done. So again, I think this is an extremely reasonable request, and I'll be glad to answer any questions.

**Rob Shadoin:** The resolution that the Amite River Basin Drainage and Water Conservation District was formed in the 1981 regular session. Can you give me some background on why you thought this needed to be either updated or improved? Was it working? Was it not working?

**Rep. Mincey:** The Amite River Basin, the commission, is designed to protect seven parishes. Unfortunately, the emphasis has been on one project, the Comite Diversion. With the help of Cong. Graves, they were able to get that funded. To me, it was a missed opportunity that we had this basin that could have been more effective. More could have been done for the region, for the Amite River Basin. That is the purpose of the CPRA study. It gave us an extensive list of suggestions and recommendations for making changes and we have put them in place. The document is a really good instrument and folks around the state are looking at this as the model. I think in part of the extensions of that model, we are able to control our destiny through the Louisiana Watershed Initiative and have our own region.

**Chris Knotts:** What is it that forming its own region would get the ARBC or the Amite River Basin that they can’t get not?

**Rep. Mincey:** For one, having the commissioners from the region out advocating for the region puts us in a better position to competitively go after all these grants. The intent was to have these floodplains controlled regionally and have a regional approach and that is exactly what the ARBC does. In a seven parish area, extremely prone to flood, I think we are in the position that we can go out there and competitively go after our own as our own region.

**Chris Knotts:** I’m not sure you are getting anything you didn’t already have, at least from the LWI perspective. I do have concerns about governance. To have one watershed, a HUC8 watershed, be its own region seems to single it out. I know the ARBC, in fact DOTD did it, the numerical model as sort of the model for how we are going to do the state. But at some point in time, all of the other watersheds are going to have that same thing. Are each watershed going to be their own region because then it seems to dilute everything. So my main concern is governance, funding, and then by carving out from the illustration. It goes from the Mississippi River to the state line over to Slidell or West Pearl, but it basically puts West Feliciana Parish on an island, part of a region to the east not contiguous with the region they are part of. I don’t think that is the way we envisioned the regional approach.

**Rep. Mincey:** If I may add, we are singled out. We are singled out in the fact that we’ve been statutory existing since 1981. We are singled out in the fact that legislatively we have passed resolutions on both sides to do this and the governor supported it. I think we are singled out, we are structured differently.

**Pat Forbes:** First, Representative Mincey, I wanted to congratulate you on the bill that strengthened the ARBC, I agree completely with you. I think, I hope that represents the model for how we go all over the state and create the authorities and responsibilities that will provide people within watersheds all the tools they need. To use the tools that we're building through the watershed initiative right now to make everybody in the state safer. I think it's exactly the right way to go and the thing to do. My only question, and I think it's the same question that Chris had is, and this is a really super, sincere question, what do you think is the disadvantage of being in a region with the other watersheds? Dietmar, to your point about the hydrology of it, they're all in the same HUC 6, which is a Pontchartrain Maurepas Basin, right, they share, just like some of our other regions are in the same HUC 6. But I don't know, and this is important for us as a council and as a state as we all work through this together, is to figure out, are there disadvantages to that? Should we really have 47 HUC 8 watershed regions around the state, instead of eight HUC 6 watershed regions around the state? So it's a super important question for us all to consider. And I'm curious what you all see as the disadvantages of being part of the larger region. Do you think it inhibits your ability to access funds, etc.? Especially now that you've got the ARBC strengthened and able to go really do things on their own, raise money on their own, go after funds on their own. All those things that will enable the Amite River Basin Commission to manage flood risk in the basin. What do you see as the disadvantages of being in a larger region?

**Rep. Mincey:** So if you would elaborate your perspective of what that region does. If you would share with me what is your thought on what that region, the controlling board that whatever is called, however many it is, what is their authority and what are they doing with all those floodplains?

**Pat Forbes:** That's great question. So right now, it's not a whole lot. We've got some folks from Region 5 and Region 7 who are gonna come tell us what they do, but in terms of authorities, there's not a lot. They're just creations of the watershed initiative at this point until there's legislation that can do something different. But some of the advantages that occur to me are, and really, the purpose for the regions is managing flood risk within a watershed that's shared, and in this case, that's the Pontchartrain Maurepas Watershed, I guess, which you share with Tchefuncte, and Tangipahoa, and etc. One of the things that has been talked about a lot is the approach to floodplain development. One thing that can happen potentially is you can have different rules about floodplain development in Amite River Basin that are different from the Tickfaw, or the Tangipahoa, or whatever, and that can drive development to one place or another, depending on if somebody has stricter codes or whatever. I wouldn't see necessarily, I don't think those councils are gonna make those rules, but I think that they provide the opportunity for everybody in that region to work together and figure out what works best for everybody.

**Rep. Mincey:** Look, exactly, well, so on the flip side, we've got a region that has the authority. Not only do we have the authority to control what we do as far as our drainage improvements and projects, we have a taxing authority. Does anybody else, does any other region have a taxing authority? So you've got a portion, you've got a mature development in here who has this authority to do all these things, control their own destiny, go out there and compete for any funding that's out there in addition to the taxing authority. And I don't think in our position having another bureaucratic level over us that may not do anything now, but there was legislation that was attempted last year. Next year, there may be legislation this in place that they can control that. And I think that the Amite River Basin in itself deserve the right to be at that same level with that same authority, with that same ability to go after funds, whatever that may be. I mean, look, I wish we had 49 or 50 other developed regions like we have, but we don't, but we've got one. We've got one in essence in a position where it can really be effective and show the rest of the state of what it could do. So I mean, when you say, what are we being hindered from, I mean, where's our benefit at the same time? I think because of all the things we just described, it is a fair request to have a floodplain that has such a significant history, as well as having an advanced process and structure in place that has just been tremendously improved. Let's let that region show us what can be done. I kind of would think that the fact that hopefully we can get this done for the Amite River Basin does not necessarily mean an absolute, that you have to do exactly the same statewide. I think each region has different conditions. We are a unique situation because of all the reasons you just mentioned and is the metropolitan area of Baton Rouge, the subject of trying to standardize codes of development. I said, you will have that problem no matter where you are. Why? Because the watershed boundaries don't coincide with political boundaries. In our case, Livingston Parish is split. In the next case, in the Tickfaw, they split other parishes. And then when you say, uniformity of codes in a region like ours, which is diverse, high concentration in the middle basin, 400,000 people in Baton Rouge, rural in the north, are we're going to try to standardize it? I agree with standardization. Are we going to use the high standard of the urbanized area or the North standard of the rural area? So the standardization is going to be a middle ground, and it has to define by region. It's not a formula for that, and how can we do that? My head has been going through this, there is a way of having standardizing it, but it would have to base on something like density or population, because what are we after in this whole process? What are we after? Lowering the damages caused by floods. And how is that measured? Where will people live, houses, not where trees are? So anyhow, we're trying to protect the area, we've got to protect these people. So it's a little bit different for each region, and I just wish the state will be a little bit flexible in looking at each region and see what is the best for each region. I believe in the rural areas, it's better to have a larger administrative agency to do it. But in areas that have large populations, I think it's better to have their own because that is what the majority of the laws, when you add it together, that's what the laws in aggregate in the state is concentrated. If I may just add to on the development, look, I'm pretty involved and pretty engaged in my parish, we can't ask that within our parish. So, when you take those regional approach like that, that's very difficult. And I can tell you what happens in Northshore is a lot different than what happens in Livingston parish. What happens in Livingston parish is a lot different to what happens in East Baton Rouge. So that's a complicated question, but again, I think it just emphasizes the fact that we've got a basin that is structured that can do those things, there's no stopping us from doing it. Look, I'm just trying to do what I can to protect my area and better of flood protection, and I think this is a part of it. And look, I know there's an interest in kicking the can down the road, but this thing has been out there since 2019. I think you all should give us that opportunity, let's go ahead and do this now, let's make an effective January 1. And that'll give us an opportunity for that transition so when the new Amite River Basin Commission gets going, they can roll.

**Chris Knotts:** Yes, sir, Rep. Mincey, you mentioned about controlling your own destiny. And Dietmar and I have been knowing each other a long time when we were trying to do Amite, when us and the Corps and ARBC were swapping nickels back and forth trying to do something. The only way a watershed can control your own destiny is if you have the ability to permit or not permit certain activities. I believe that, I was a proponent of that a long time ago. Otherwise, you're just managing projects that are trying to affect what you know on the landscape now, not what may be permitted by people that maybe don't think like you, don't have the same philosophy as you. So, like Mr. Forbes, don't really understand what you're missing. I do believe that watersheds are gonna have to be strengthened to do exactly what you said they need to do, I'm not so sure this goes there. And you use kicking the can. I don't use kicking the can, I've been doing this for 38 years. I know if I pass this today, and you say we're gonna fix things, that don't work well. You need to fix them and then pass them so that you know what you're passing, you know how it's gonna turn out. So at the appropriate time I'd like to make a motion that we table this and we have a meeting sooner than later, and in the meantime work out these issues that we're talking about. Governance, funding, what happens to West Feliciana. I don't live in West Feliciana, but I'm concerned about the whole state. Once we get those things ironed out, then I think we have a process to move forward. But I think if we pass it now and then say we're gonna fix it, in my experience, that doesn't work.

**Rep. Mincey:** Well, if I may add, when I say pass it now and fix it, I'm talking about as far those concerns that you have as far as those rules and how we incorporate this together. That gives LWI enough time to put that in place. These different flood regions, these different floodplains, West Feliciana being on the west of it, I mean they can still logistically work with the Eastern part of the Amite River Basin. I don't think that's an issue, that's just a logistical issue. I don't see where anything stops us from doing this now. And I don't understand why if we want to fix those rules, why can't we go ahead and allow us to plan on our end on what we're gonna do. Then we can work together to do that.

**Chris Knotts:** I think you said the effective date for the new changes was January 1st. I’m saying we are promising to make the decision before then.

**Robert Shadoin:** Do you foresee any kind of issue that if the Amite River Basin makes a decision that might be contrary or is not complimentary to the other parishes in this district? How will that be worked out?

**Rep. Mincey:** Any project will need two-thirds to move forward, so that in itself will require them to work together. Each parish president gets to appoint someone, could be themselves, but each parish gets an appointee, then each legislator in the district, gets to nominate two people. Seven at large and six from the parishes total.

**Public Comment:**

John Clark, Iberville Parish Council on behalf of Parish President Ourso

Supportive of the ARB becoming its own watershed region.

**Motion: Chris Knotts motioned to table the item and readdress in 30-60 days at the next council meeting.**

**Second: Pat Forbes**

**Motion passed unanimously**

**Motion: Chris Knotts motioned to assign to working group for recommendations within 30 days.**

**Second: Pat Forbes**

**Motion passed unanimously**

1. **Updates**

***Genea Lathers, Office of Community Development***

* Provided an update on the funding and how the spending of the current $1.2 billion that was allocated under the mitigation funding from HUD.
* Discussed the three focus areas as regional water management, modeling and data, and flood risk reduction projects.
* Funding Progress: $450M to flood projects. $145M to the watershed modeling effort. $15M on the river and rain gauge network. $10M to the capacity building in the regional watershed management efforts.
* Discussed slide on funded projects.
* Provided an overview and update on State Projects and Programs

***Billy Williamson, Louisiana Department of Transportation & Development***

* + - Provided an overview and update on the Statewide Data & Modeling Program
      * Model Use, Storage & Maintenance Plan (phase 2) TAGs
      * River & Rain Gauge Network (37 sites have gauges installed by LWI partners)

**Chairman Tingle** commented on the modeling. Monumental undertaking to do this and certainly excited about the progress.

***Genea Lathers, Office of Community Development***

* + - Training and Workforce Development Programs Updates

**Regional Workshops**

***Keila Bingham, Watershed Coordinator for Region 5, Acadiana Planning Comm.***

* + - * Provided an update on Region 5 Accomplishments
      * Discussed the six biggest projects (See slide 20 of presentation)
        1. Comprehensive Project Inventory
        2. Upper Bayou Nezpique Project
        3. Acadiana Regional Gauge Network
        4. Regional Watershed Plan
        5. UL Lafayette Research Project
        6. Future Regional Levee Protection Project

**Pat Forbes:** Is the Acadiana Regional Gauge Network going to be able to supplement the USGS gauge network?

**Keila Bingham:** Yes, any data, once the gauge network is up and running. The idea is to have an RFP created in the fall. It would be great to have some type of construction starting, maybe the first quarter of next year, but once we get the gauges up and running, that would supplement the state river and rain gauge network. We are not duplicating any type of data that USGS is doing, or the state, this is more granular data to help with models and the gauge network.

**Chris Knotts:** I’m familiar with the silver jackets, was your proposal funded 100% or are you having a cost share?

**Keila Bingham:** There is no cost share. It is in-kind services. I understand it is up to $100K in in-kind technical services.

**Keila Bingham recognized two steering committee members:**

**Mr. Matt Johns, Rapides Parish**

**Mr. John Clark, Iberville Parish**

***Rachelle Sanderson, Watershed Coordinator for Region 7, Capital Region Planning Comm.***

* + - * Provided an update on region 7
      * 2 handouts (RCBG Phase 1 Review & LWI Achievements)
      * 23 regional steering committee meetings; leveraged more than $3.1 million through grants & partner-based activities
      * Provided a more in-depth description of the grants & partnerships (all listed on slide 21)

**Chairman Tingle:** Commented on the cost benefit analysis.

1. **Action Items**
   * **Round 2 Strategy and Budget**

***Genea Lathers, Office of Community Development***

We are proposing that the project application period begins in January of 2023, having the project application deadline two months after that, and being able to fund awards in late spring of 2023.

**Chairman Tingle:** This will be the first item that we are going to consider. Round 2 projects $400M with funding for low-risk, high-impact flood mitigation projects, focusing on the benefit to low- to moderate income, and the HUD most impacted and distressed areas. Questions?

**Chris Knotts:** Just for my clarification, slide 23, the Round 2 Phase 1 $100M, that’ not the projects in the design support, correct? Correct me if I’m wrong, it could be that some of the projects that are given technical support in that motion could be ready for submission in time for Round 2, I mean, that is a possibility, right? But they are not necessarily connected.

**Kay LeSage:** Right. The ones we have in the design support are the ones that we have determined that we could give technical assistance, with their willingness to produce an application that should be funded. It could be we talk to them, we don’t get to that point, or there is Round 1’s that were submitted that were not selected for DSP that could be submitted in this next round of $100M. We are talking two different things.

**Pat Forbes:** I want to make sure I’m clear, not the thing we are about to vote on, but the next one, that also includes implementation funding. That’s not just planning funding, that is to implement projects that may have come in Round 1 without enough information to actually be awarded but the need is there, so this is technical assistance to go do it and implement a project potentially, right?

**Kay LeSage:** Yes. We will work with them to get to a project. It may require re-scoping. This is an estimated budget with the increases we foresee could be needed. In order to increase our percentage to meet that requirement for the funding, we need to designate that these projects benefit a low-to moderate individual or area.

**Chairman Tingle: Do I have a motion and a second to approve the Round 2 strategy and budget? $100 million w/application period beginning in Jan. 2023, awards in Spring 2023.**

* + - **Motion – Chris Knotts**
    - **Second – Sam Martin**
    - **Motioned adopted unanimously**
  + **Design Support Program Recommended Projects**

**Chairman Tingle:** We just had discussion regarding this topic, which was the outline of specific projects to receive the technical support necessary to take them from where they are in terms of some level of application, to a fully developed project that can be implemented.

**Kay LeSage:** We took the initiative to address what we found in round one and the competition. We go from very small entities in the state to the larger parishes. We made an attempt to address the very local rural areas and the lack of funding that was received in some of the regions, to try to get a balance from the round one funding, and bring back in some additional projects from across the regions. If this is approved, the awards will go out tomorrow.

**Rob Shadoin:** When do they get the money?

**Kay LeSage:** They will each be assigned a technical assistance person that will be reaching out to them directly. Tomorrow they will all receive a letter requesting their agreement to move forward, because this is not just a straight up aware, we need to work together.

**Chris Knotts:** Was there some consideration as to the entity’s financial ability to do this engineering work themselves in this selection?

**Kay LeSage:** We did not look at the entity itself, we looked at what was required to bring it to a full application. So, will they need heavier technical assistance? Will they need to procure an engineer to help them get to a full application? Because there is not opportunities in some places where they have the available funds for hiring.

**Chris Knotts:** That’s my point. Some entities don’t have the funds for that. Are we going to give everybody money?

**Kay LeSage:** We went through the process and these are the projects that meet the initiative and meet the need of addressing across the region, so the priorities given to that panel, yes.

**Pat Forbes:** Going back to Mr. Shadoin’s comment, the timeline for design support has an early 2023 date but that’s the implementation, right? That’s once the project is scoped and we know how much money it is going to cost and how much money they are going to get for that.

**Kay LeSage:** Right, and we put that for an estimated timeline. There may be some of these projects that complete their scoping and application way in advance of that date. That is just a timeline estimating of how much technical assistance they will need in order to get to that point. It will be a rolling award based on as they finish their application.

**Chairman Tingle: Do I have a motion and a second to approve the Design Support Program Recommended Projects?**

* + - **Motion – Pat Forbes**
    - **Second – Chris Knotts**
    - **Motion passed unanimously**

1. **Public Comment**
   * Roderick Scott, Flood Mitigation Industry Association
   * Kathleen Gunn, Region 5 and 7 Engagement Manager
2. **Closing Remarks**

**Chairman Tingle:** Thanked the members of the council. Spoke on governance. Learning from what we have already done and getting better.

1. **Adjournment**
   * **Motion – Rob Shadoin**
   * **Second – Sam Martin**
   * **Adjourned at 3:34 p.m.**