

LAKE PONTCHARTRAIN BASIN RESTORATION PROGRAM MANAGEMENT CONFERENCE

Operational Procedures/Organizational Parameters FY23

Background

In 2000, Congress established the Lake Pontchartrain Basin Restoration Program (PRP) under the Clean Water Act (CWA) to protect and improve the ecological health of the Lake Pontchartrain Basin. The Basin (watershed) is bordered by the Mississippi River on the west, the Pearl River on the east, small drainage courses on the north and the Mississippi Sound and Gulf of Mexico to the south and southeast. Topography varies from rolling woodlands in the north to coast wetland in the south and southeast. Habitats include pine upland forest, flatland savannah, riverine, alluvial river swamp and Tupelo swamp, coastal wetlands, and others. The Basin is the center of southeastern Louisiana's unique cultural heritage and the most densely populated region of the state. With almost 2.1 million residents, residing in rural agricultural/farming areas, metropolitan New Orleans and Baton Rouge, and coastal communities, the area is brimming with a diversity of people bound by a common interest: the desire for clean and healthy water in the Pontchartrain Basin.¹ The Pontchartrain Basin includes 16 parishes in southeast Louisiana and portions of four Mississippi counties.

Planning for restoration of the Lake Pontchartrain Basin began in the early 1990s and included numerous public meetings and extensive input from individual citizens, user groups, local governments, state and federal agencies, and universities. User groups consisted of representatives of commercial and recreational fishing organizations, the farming community and dairy operators, the business and industrial community, sportsmen's groups, and others. Ultimately, 92 entities agreed to the problems identified and restoration plans outlined in the Comprehensive Management Plan (CMP) for the Pontchartrain Basin. The CMP was completed in 1995 and became the roadmap for Pontchartrain's restoration. The CMP was supplemented by the Comprehensive Habitat Management Plan (CHMP) in 2006. The CHMP focused on identifying coastal habitats in distress and developed plans to reestablish self-sustaining conditions. Over the last two decades, many problems initially identified such as shell dredging, abandoned oil and gas structures, various agricultural uses, unsewered communities, saltwater intrusion from the Mississippi River Gulf Outlet, and others have been addressed.

To date, over \$29 million has been awarded to 249 projects for water quality improvements, habitat preservation and restoration, education/outreach, and other enhancements. Currently, conditions in the Basin are being reevaluated and it is anticipated that an updated master plan, the Comprehensive Conservation Management Plan (CCMP) will be completed by the end of 2025.

¹ <https://www.epa.gov/la/lake-pontchartrain-basin-restoration-program>

Role of the Lake Pontchartrain Basin Restoration Program Management Conference

The purpose of the PRP according to its statute is to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects. To accomplish this mission, Management Conference members decided early on that their standing orders are to implement restoration activities/projects that provide the most benefits to the Basin's ecological health and its residents for the least cost.

Member Code of Conduct

Members should demonstrate high ethical standards in all activities related to the Lake Pontchartrain Basin Restoration Program. No member shall seek to influence consensus or action by the group in such a way as to derive any direct or indirect personal profit or gain. These guidelines shall also apply to the member's organization, business or other nonprofit affiliations, family and/or significant other, employer, or close associates who may stand to receive a benefit or gain. Any member participating in a discussion that may fall under the descriptions above is expected to announce that they may have a potential conflict of interest and shall refrain from further participation in any discussion or decision on such matter. Chairs and Co-Chairs of meetings/committees are expected to be particularly sensitive to potential conflicts of interest by themselves resulting from decisions of the group and conduct the meeting and their input accordingly. Suspected violations of this policy should be reported to the Executive Committee for further review or elevated where appropriate. All members should be familiar with these ethical behavior guidelines, conduct themselves in a manner that places the highest priority on allowing consensus to occur and be respectful of all opinions, including balancing the priorities of the member's respective organization/jurisdiction with the mission/purpose/priorities of the Lake Pontchartrain Basin Restoration Program.

Who is a Stakeholder?

A stakeholder is any individual or entity that is within the Basin and affected by the impacts made to the Basin.

What is the Stakeholders Conference?

A Stakeholder Conference will be composed of a broad-based, inclusive conference of stakeholders from throughout the Basin, including local and state government, university, environmental, business, agricultural, fishing, community leaders, and citizens at large. This conference will meet once a year or every other year, depending on needs of the Basin or to update the stakeholders regarding developments in the Basin. These meetings are for information and the concerns of the Basin to be shared. Management Conference members may attend the Stakeholders Conference, but stakeholders do not vote on program decisions and no program business will be conducted during a Stakeholder Conference.

What is the Management Conference?

The PRP governing statute requires a Management Conference convened under CWA § 320 [33 U.S.C. § 1330]. CWA § 320 defines the purposes of the Management Conference as:

1. assess trends in water quality, natural resources, and uses of the estuary;
2. collect, characterize, and assess data on toxics, nutrients, and natural resources within the estuarine zone to identify the causes of environmental problems;
3. develop the relationship between the in-place loads and point and nonpoint loadings of pollutants to the estuarine zone and the potential uses of the zone, water quality, and natural resources;
4. develop a comprehensive conservation and management plan that--
 - A. recommends priority corrective actions and compliance schedules addressing point and nonpoint sources of pollution to restore and maintain the chemical, physical, and biological integrity of the estuary, including restoration and maintenance of water quality, a balanced indigenous population of shellfish, fish and wildlife, and recreational activities in the estuary, and assure that the designated uses of the estuary are protected;
 - B. addresses the effects of recurring extreme weather events on the estuary, including the identification and assessment of vulnerabilities in the estuary and the development and implementation of adaptation strategies; and
 - C. increases public education and awareness of the ecological health and water quality conditions of the estuary;
5. develop plans for the coordinated implementation of the plan by the States as well as Federal and local agencies participating in the conference;
6. monitor the effectiveness of actions taken pursuant to the plan; and
7. review all Federal financial assistance programs and Federal development projects in accordance with the requirements of Executive Order 12372, as in effect on September 17, 1983, to determine whether such assistance program or project would be consistent with and further the purposes and objectives of the plan prepared under this section.

Additionally, CWA § 320 requires, at a minimum, that a Management Conference include representatives of the following as members:

1. EPA;
2. each State and foreign nation located in whole or in part in the estuarine zone of the estuary for which the conference is convened;

3. international, interstate, or regional agencies or entities having jurisdiction over all or a significant part of the estuary;
4. each interested Federal agency, as determined appropriate by EPA;
5. local governments having jurisdiction over any land or water within the estuarine zone, as determined appropriate by EPA; and
6. affected industries, public and private educational institutions, nonprofit organizations, and the general public, as determined appropriate by EPA.

MANAGEMENT CONFERENCE PROCEDURES

Under the statutory requirements, the PRP Management conference includes local, state and federal government, university, environmental, business, agricultural, fishing, and community leaders. It consists of diverse stakeholders and uses a collaborative, consensus-building approach to implement the Comprehensive Conservation Management Plan and Comprehensive Habitat Management Plan.² The Management Conference will meet one to two times a year to determine projects to receive federally appropriated grant funding. There is a limit of one vote for each organization/parish. Tasks of the Management Conference follow.

1. Adopt and periodically update a Management Plan for Basin clean-up, the starting point being the carefully developed CMP and soon to be the newly updated CCMP.
2. Lead efforts to review and revise the CCMP, and submit the CCMP to EPA at least every five years as required by PRP's statute;
3. Adopt an Annual Implementation Plan of how appropriated federal and other matching funds in the Lake Pontchartrain Basin Restoration Program will be spent in furtherance of the Management Plan.
4. Vote to select proposed projects for grant funding from those received pursuant to PRP Requests for Proposal;
5. Vote on candidate members for the Management Conference.
6. Vote to dismiss members of the Management Conference who do not consistently (miss two consecutive conferences) participate in Management Conferences.
7. Vote on candidate members for the Executive Committee.

How to become part of the Management Conference?

Subsequent to the Management Conference membership established at the September 5, 2023 meeting, additional members (candidates) may be considered by sending a request to the University of New Orleans Research and Technology Foundation (UNORTF) and EPA Region VI indicating the entity, its purpose, and reason to be considered for membership. Proposed candidates must be received no later than 90 days prior to a scheduled Management Conference. Candidates will be reviewed by the Executive Committee prior to presenting to the Management Conference for consideration.

² https://www.epa.gov/system/files/documents/2023-06/EPA_PRP%20Management%20Conference.pdf

How will these decisions be made?

The Executive Committee of the Conference will make annual recommendations regarding items above. The Conference will adopt or reject the recommendations by majority vote (no amendments allowed).³ If rejected, the Executive Committee will reconvene to make new recommendations to present to the Conference for another vote. The Executive Committee and the EPA Region VI will jointly conduct Management Conferences.

What is the make-up of the Executive Committee?

Seven members as follows:

1. EPA representative
2. New Orleans Regional Planning Commission Chair if within the basin, or most recent chairman from the basin (rotates among eight parishes, all within the basin) ⁴
3. South Central Planning and Development Commission Chair if within the basin, or most recent chairman from the basin (rotates among eleven parishes, eight within the basin)
4. Capitol Regional Planning and Development Commission Chair if within the basin, or most recent chairman from the basin (rotates among six parishes, three within the basin)
5. Environmental representative, elected every two years by majority vote of the Conference
6. Business representative, elected every two years by majority vote of the Conference
7. Agricultural representative, elected every two years by majority vote of the Conference

How to become a part of the Executive Committee?

To become a part of the Executive Committee, one must be a current member of the Management Conference, have a record of consistently attending Management Conferences and fall within the criteria for an Executive Committee seat (see above). Within six months of an announcement that a seat is or will be vacant, the Management Conference will vote for a candidate that has been vetted by the Executive Committee. Candidates for Executive Committee seats should be submitted to the UNORTF and EPA Region 6 within six weeks of the vacant seat announcement. The Executive Committee is responsible to vote out of that Committee who will be the Chair of the program. The Executive Committee may also establish committees for specific purposes when beneficial and will assign members to committees.

What administrative and scientific support will the Conference have?

Currently, the University of New Orleans Research and Technology Foundation serves as the grantee pass-through entity for the PRP and fulfills many administrative responsibilities, including but not limited to, drafting the RFPs in cooperation with EPA, publishing the RFPs,

³ Throughout this outline, majority vote means a majority of those present and voting at a meeting of the Conference to which all Conference members have received reasonable notice, or a majority of those who respond to a ballot sent to all conference members.

⁴ Chairmen are, by definition, elected officials from parish government, usually the chief executive.

and overseeing all of the project subawards. Scientific support will be provided by the EPA and the universities within the Conference, the universities under the leadership of the University of New Orleans.

What is the process for amending Operational Procedures/Organizational Parameters?

Revisions to this document may be considered bi-annually. Proposed revisions should be submitted to the UNORTF and EPA Region 6. Proposed revisions must be received no later than 90 days prior to a scheduled Management Conference.

What are the amounts for the FY21 – FY 23 appropriated funds and the legal parameters for spending?

Pursuant to CWA § 121 [33 U.S.C. § 1273] which governs the program, grants may be made for restoration projects, studies, and public education projects. Public education projects may not exceed 15 percent of the appropriation for a fiscal year.

GrantFunds

FY 2019/20	\$2,388,000.00 (already dedicated to projects)
FY 2021	\$1,899,000.00 (includes funds set aside to update the CCMP)
FY 2022	\$10,248,000 (IIJA) + \$1,899,000 (program base appropriation)
FY 2023	\$2,199,000 (program base appropriation) \$10,139,000 (IIJA)

1. Infrastructure funding may be used for construction projects to improve Pontchartrain Basin water quality/habitats/ecosystem.

Neither the PRP statute nor PRP appropriations under IIJA specifically authorize or excluded projects involving construction. The PRP statute states that EPA may make grants for restoration projects, studies, and public education projects. If a restoration project to restore streambanks moves dirt, it can be considered construction and is allowable, for example. Projects that include infrastructure/construction projects must be part of a restoration project, study, or public education project. If the project doesn't reasonably fit under one of those three categories, it isn't authorized by the statute as a project for which grant funds may be awarded or used. Proposed projects will be evaluated on a case-by-case basis. Wastewater infrastructure projects are typically funded by the Clean Water State Revolving Fund Program.

2. To date, PRP funding from EPA has been dedicated to Parish/Municipality/AG/NGO projects. Originally, NOAA/USGS funding was dedicated to university projects. Does EPA guidance now allow PRP funding of university projects as well?

Eligible entities for PRP projects include federal, state, interstate, local governments, Tribal governments (must be federally recognized), regional water pollution control agencies, and other public or nonprofit private agencies, institutions,

and organizations; and public and private institutions of higher education. Private profit-making entities, and individuals, are not eligible. Eligible subaward grantees may be located outside of the Lake Pontchartrain Basin Watershed but projects must be located inside the Basin.

Lake Pontchartrain Basin Executive Committee

Chair and Environmental Representative, Carlton Dufrechou (interim)

Greater New Orleans Expressway Commission

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Metairie, LA 70010

504-835-3118

Agricultural Representative, Madison Plaisance (interim)

Louisiana Farm Bureau

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Baton Rouge, LA 70895-9004

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New Orleans Regional Planning Commission, Jeff Roesel appointed by Mike Cooper – St.

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South Central Planning and Development Commission, Kevin Belanger

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