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NRSC-1-2024: IMPLEMENTATION

The Implementation working group investigated the state's functions focused on public infrastructure pertaining to flood protection, restoration, and resiliency. These functions are currently distributed among various agencies, including CPRA, DOTD, and local levee districts or other regional bodies. While CPRA has been successful in managing projects within the coastal zone, its success stems from a well-defined separation of functions—policy, planning, and implementation—that occur without direct consideration of funding. Outside the coastal zone, however, there is no equivalent structure, and resources for large-scale projects are limited. This could be streamlined or made more efficient by developing a single entity to be the non-federal sponsor on federally authorized flood risk reduction projects with the U.S. Army Corps of Engineers and other federal entities, as is done within the coastal zone.

To address this, the Implementation working group recommends evaluating a restructuring of multiple offices and that provide restoration and flood risk reduction public infrastructure into distinct functions statewide. These would mirror the CPRA's model, with clear divisions for policy, planning, and implementation. In theory, the Governor's Office of Coastal Activities (GOCA) would continue the planning and policy role, expanding it to take on a comprehensive approach for the entire state's water and natural resource-related construction projects, functioning as a hub for strategic policy and planning with consideration not to dilute a coastal focus. Therefore, a parallel function to CPRA's planning process for the non-coastal area is necessary, a process separate and apart in mission, with a focus on the non-coastal area, calling the entity Upland Resource Management Authority (URMA), whose mission will focus on non-coastal areas. This function, hereinafter referred to as Upland Planning (UP) will provide strategic direction for non-coastal areas as well as coordinate with CPRA.

This approach would ensure that implementation—handled by CPRA or the newly created URMA—incorporates cohesive management across regions, with clear accountability for both planning and execution.

Planning

As the state's strategic body for water and natural resource management, focused on URMA's mission, UP will become the key driver of strategic oversight and coordination between CPRA and URMA and policy and planning development for URMA. UP will assume responsibility for policy creation, long-term planning, and the evaluation of statewide needs for flood protection, restoration, and resilience outside of the coastal area while CPRA continues its mission within the coastal area. UP's involvement will be layered on top of the existing foundation of planning in existence at CPRA, to ensure coordination between the missions of the two entities.

By building these functions within UP, the state will ensure a consistent, coordinated approach to both coastal and non-coastal water management.

UP will serve as the primary body for assessing statewide water management needs outside of the coastal area and developing comprehensive strategies for coordination between CPRA and URMA. Additionally, UP will work directly with both CPRA and URMA to assess the feasibility and financial implications of proposed projects. Once these evaluations are complete, UP will work with CPRA and URMA on detailed plans for implementation of projects approved and funded by the annual plans of the entities in coordination with UP. This restructuring will ensure that all projects—regardless of location—are rooted in solid planning, with transparent budgeting, and accountability built into the process from the start.

By building these functions, UP will ensure a consistent and coordinated approach between CPRA and URMA on matters of project vetting and funding before implementation begins. This unified planning process will reduce duplication and ensure that CPRA and URMA are working from a shared, clearly defined blueprint with transparent financial boundaries.

CPRA

CPRA will continue as the primary entity responsible for the implementation of coastal projects. However, under this new structure, CPRA's involvement in planning and policy formulation will continue in coordination and collaboration with UP. CPRA's focus will continue to be the development and implementation of projects approved and funded by the authority's annual plan, in coordination with UP. This approach ensures that coastal infrastructure is developed and restored according to well-vetted plans with consideration for the mission of URMA outside of the coastal areas.

The restructuring will allow CPRA to continue to concentrate on the technical and operational aspects of coastal protection, further streamlining the implementation process. However, future funding for CPRA remains a critical concern. As Deepwater Horizon oil spill settlement funds begin to taper, it will be necessary to consider alternative funding sources to ensure CPRA's continued success. Opportunities may exist to utilize funds from the state's natural resources and energy developments, as well as from the Natural Resources Trust Authority (Trust), to address these financial challenges. The NRSC recommends a thorough exploration of funding mechanisms to ensure CPRA's continued success.

URMA

To address the needs of regions outside the coastal area, the NRSC proposes creating the URMA, modeled on CPRA. Currently, the necessary functions to create URMA—such as statewide management of flood risk reduction and water resources infrastructure (i.e. levees, canals, and flood protection)—are housed within DOTD, isolated from the rest of the state's natural resources management structure. The formation of URMA would centralize these responsibilities and create a direct counterpart to CPRA, focused on non-coastal flood protection.

This restructuring would ensure better coordination between CPRA and URMA through UP, recognizing that water management issues often span coastal and non-coastal regions. The NRSC recommends a comprehensive review of the functions housed in DOTD's Public Works Division to facilitate URMA's creation, as well as an evaluation of other existing governmental entities involved in these efforts, in collaboration with the interested agencies, to establish an effective structure for URMA, ideally with an existing funding source.

Like CPRA, URMA will focus on project design and execution, relying on UP for planning and policy guidance as well as coordination with CPRA. This alignment will ensure that URMA's projects are rooted in solid, well-coordinated strategies, addressing long-standing concerns raised by residents and leaders about flood protection needs north of the coastal zone.

Funding Considerations

Future funding will be an important consideration for both CPRA and URMA. While UP will address coordination of planning and cost assessments, stable financial support will be necessary for both agencies to execute their projects. The Trust could provide a valuable funding mechanism, ensuring the long-term sustainability of both coastal and non-coastal infrastructure efforts.

The NRSC recommends further research into funding opportunities, including leveraging natural resources and energy developments to secure future financial stability. With proper funding in place, CPRA and URMA will be able to address the infrastructure needs of the state in a coordinated and efficient manner.

Conclusion

This new structure, which pursues project execution from a standpoint of coordinated planning, promises a more efficient approach to managing public infrastructure for flood protection and natural resource management. By building on the successful foundation at CPRA, ensuring coordination through UP, and leaving project development and execution to CPRA and URMA, the state can ensure that all projects are thoroughly vetted, funded, coordinated, and strategically sound before implementation. This system will improve coordination, streamline processes, and make more effective use of state resources to meet infrastructure needs both inside and outside the coastal zone.



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NRSC-2A-2024: OFFICE OF THE SECRETARY

The Office of the Secretary working group was tasked with reviewing the DENR Secretary's Office and its included divisions. The working group identified two key areas requiring attention: restructuring of the legal division and the absence of strategic planning within DENR. The State Energy Office, Oilfield Site Restoration program, and Technology Assessment Office were previously housed in the Office of the Secretary, but all functions related to these programs are being proposed under a different structure. As such, no report will be included in this review on those matters.

Legal Consolidation

Currently, DENR's legal team is dispersed across various offices, resulting in inefficiencies and potential inconsistencies in providing legal support for the department's natural resources management. During the June 18th meeting, the Office of the Secretary working group recommended adopting a governance structure similar to the Solicitor's Office within the Department of the Interior (DOI). The NRSC agrees with this approach and recommends consolidating DENR's legal positions into a single centralized Legal Office to streamline operations and improve legal oversight.

Under this DOI-like structure, the Legal Office would provide specialized legal services, including litigation, administrative law, and general counsel functions through clear Standard Operating Procedures (SOPs). One of the key functions of the office will be drafting advisory opinions, which will serve as the formal legal basis upon which the agency acts. These advisory opinions will provide a structured framework to guide DENR's decision-making processes, ensuring that the agency's actions are supported by clear and legally sound reasoning. Advisory opinions will act as a foundation for agency policies and decisions, helping the department navigate complex regulatory matters.

Additionally, the NRSC recommends DENR explore establishing an appellate procedure providing impacted parties with a way to challenge an advisory opinion. As a preliminary step, DENR should consider protocols where the agency's process aligns with practices of the Attorney General's Office. This alignment would allow any DENR work product to be factored into the drafting of an Advisory Opinion, which could affirm, modify, or overturn the legal basis established by the DENR Legal Office. An oversight mechanism would be necessary to ensure accountability and that all legal interpretations and actions are in line with broader state legal framework.

By centralizing the legal advice process and establishing formal advisory opinions, DENR can ensure that all divisions operate on consistent legal footing, minimizing confusion and reducing the risk of legal challenges. This structure enhances the clarity and transparency of the legal guidance provided to all stakeholders within the department.

Additionally, the NRSC recommends the inclusion of a cross-agency collaboration framework and the development of alternative dispute resolution (ADR) mechanisms. ADR would provide a specialized venue for resolving disputes related to regulated activities, offering a more efficient and cost-effective alternative to traditional litigation. Although this is not a typical function within legal offices, the inclusion of ADR would strengthen DENR's ability to manage disputes efficiently.

Lastly, the NRSC recommends further evaluation with reporting under EO-13 on whether some or all of the proposed legal functions, including ADR, should be performed in consultation and collaboration with the Attorney General, focusing on efficient administration of oversight, coordination, and technical expertise. Further investigation is required to assess the feasibility of such a move, ensuring input from all affected agencies.

Strategic Planning

The absence of strategic planning within DENR has significantly held the agency back from innovation and growth. Without a structured approach akin to CPRA's continuous planning process—comprising a Master Plan, 5-Year Plan, and Annual Plan—DENR lacks the forward-thinking framework necessary to navigate the complex landscape of natural resource management effectively. This gap inhibits the agency's ability to adapt to emerging challenges, collaborate across divisions, and pursue long-term goals.

Currently, the strategic planning policies administered by the Division of Administration offer limited involvement by the Legislature, leaving DENR without a robust process to drive innovation. In contrast, CPRA and GOCA have shown how a well-integrated planning process at the intersection of the Executive and Legislative branches can provide strategic oversight and growth opportunities. By not adopting a similar approach, DENR is missing a critical opportunity to align its regulatory actions with both legislative priorities and executive direction, which is crucial for fostering innovation and adaptability in its policies and programs.

The lack of a formal planning structure has also led to blurred lines between policy development and implementation. This ambiguity restricts DENR from clearly defining its initiatives, resulting in inefficiencies and confusion that prevent the agency from reaching its full potential. A well-defined strategic planning process would create a more intuitive regulatory framework, allowing the Legislature to appropriate funding based on actual, forward-looking needs, while enabling DENR to act decisively and with clear authority, even when immediate funding is unavailable.

By not establishing a continuous planning process similar to CPRA's, DENR has missed opportunities to innovate and grow within the constraints of its complex legal and regulatory environment. The NRSC recommends that DENR adopt a strategic planning process modeled on CPRA's successful integration of Executive and Legislative oversight, to create actionable, long-term strategies that provide a path for innovation and sustainable growth.

To further ensure stability, the NRSC suggests that DENR's strategic planning functions could be housed in a more permanent structure, such as an administrative office. This would help shield strategic initiatives from disruptions caused by changes in leadership and provide a consistent foundation for long-term innovation and growth.

Conclusion

The lack of strategic planning has held DENR back from achieving the innovation and growth needed to meet the challenges of today's energy operating environment. By implementing a strategic planning framework similar to that used by CPRA and GOCA, DENR could unlock its potential for greater innovation, improved collaboration, and more decisive action at the intersection of the Executive and Legislative branches.

Simultaneously, centralizing legal operations within a Legal Office and integrating advisory opinions as the basis for regulatory actions will reduce legal ambiguities and provide the clarity needed to support the agency's growth. Together, these efforts will position DENR to meet future challenges with confidence and improved capacity for innovation.



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NRSC-4-2024: OFFICE OF CONSERVATION

The Office of Conservation working group was tasked to review all functions located within the current Office of Conservation (OC). The working group recommended moving certain programs within OC to Enforcement, and any permitting functions elsewhere within the Department to OC. This proposed change makes sense given the streamlining of all functions within DENR and creates an office focused solely on permitting. The NRSC recommends that OC be renamed the Office of Permitting to better reflect its new mission.

Currently, OC holds permitting, compliance, and enforcement functions within divisions of jurisdiction. This structure has become outdated over time and not kept up with the additional duties that have been added over the past 40 years, meaning that it is not as efficient or as effective as it optimally could be. Under the current system, a member of the public may need to obtain permits from multiple offices and divisions to be able to do business in the state. There also can be overlap and duplication in permitting, or unnecessary delays due to lack of clarity on the permitting process. The NRSC finds that there is a need for modernizing OC to focus on the conservation of the state's natural resources through properly siting and organizing permitting and compliance activities.

The proposed permitting office can streamline the permitting process and oversee those permitting functions currently overseen by: (1) the pipelines division of OC, (2) Office of Coastal Management sections, (3) engineering division of OC, (4) injection and mining division of OC, and (5) 404 permitting if received. Creating one office to manage all permitting functions will not only streamline the functions of DENR but will also provide a more intuitive interface with government for industry while still providing the protection of a robust permitting system. The NRSC therefore recommends that the restructuring of all permitting functions into the proposed Office of Permitting be pursued.



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NRSC-5-2024: OFFICE OF LAND AND WATER

The Office of Land and Water working group reviewed how best to structure the newly created office of Land and Water. The working group recommended moving all energy-related state lands functions to DENR as well as considering how to cooperate with other agencies to manage all state-owned minerals. The working group also testified that DENR's audit capability is lacking with respect to minerals management, causing lost revenue. During the NRSC meeting and in written reports, the Land & Water working group repeatedly stated that the Office of Land & Water, created in the 2024 regular session, likely has expanded its mission beyond simple management of land and water.

Therefore, there is likely a need to take those functions envisioned to be in the office of Land & Water and create an office which encompasses management of all statewide resources used in energy. For the purposes of this report the office will be termed "State Resources". The NRSC recommends that the Office of Land and Water be renamed to better reflect its purpose using an intuitive term of art for all statewide resources used in energy (water, land, minerals). The Office of State Resources would oversee state lands, energy and commercial related management, minerals & energy leasing/agreements, and statewide water management as to quantity. Statewide water management will be phased in over time, as rulemaking authority will be necessary. Statewide water management includes both surface and ground water and will likely require a strategic planning process. The NRSC recommends that DENR consider how to utilize current structure to effectively manage statewide groundwater and surface water as to quantity in the interim.

The NRSC recommends that DENR staff consider if an existing body, such as the Water Resources Commission, could be utilized to assist in creating a statewide water management regime. The royalty management for the State, currently housed in Mineral Resources, likely also should be included in the proposed Office of State Resources. Further, a proposed commercial resources division could house those functions at the office of state lands, which have already been transferred to the office of Land & Water and should continue into State Resources. The NRSC therefore, recommends that a broader office be established to manage the quantity of Louisiana's natural resources as described above. As a preliminary recommendation, an Office of State Resources be housed within DENR incorporating state lands, energy and commercial related lands management, minerals & energy leasing/agreements, and statewide management of surface and groundwater as to quantity.



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NRSC-7-2024: OFFICE OF ENFORCEMENT

The Office of Enforcement working group was tasked with reviewing the newly created Office of Enforcement within DENR. The working group recommended moving all enforcement functions to the new office and to investigate any unintended consequences, such as financial issues or loss of statutory authority. Currently, there is no one location for enforcement within DENR. Enforcement functions, much like permitting functions, are spread across the agency. This structure can result in inefficiency from overlap and duplication, as well as a lack of a clear path forward for non-compliant operators.

The proposed Office of Enforcement, created during the 2024 regular session, can remedy this situation. Modernizing and streamlining all enforcement functions into one office will help prevent inefficiency from duplication of efforts and will provide a well-defined pathway for operators who have gone out of compliance. As part of this process, Office of Enforcement should explore ways to notify other agencies, such as Louisiana Economic Development, Department of Environmental Quality, to name a few. By notifying other agencies, the magnitude of enforcement increases without a need for statutory changes. Further, the DENR should prioritize technology solutions and ways to incorporate into other agencies' existing processes to efficiently administer their programs, especially on matters that other state agencies are sophisticated. For example, DENR should explore ways for debt collection, bankruptcy, audits, and other matters related to the financial operations of its regulated community.

Overall, the NRSC agrees the Office of Enforcement should oversee enforcement of federal programs, state programs, management of district offices, and explore audit and debt recovery functions for the state's natural resources management based on existing agency systems. The first step should be whether the audit function provides an opportunity to recover revenue which might otherwise never be realized by the state. A more efficient administration of the audit function immediately provides increased auditing capability, a matter raised by the Land & Water working group at the NRSC's meeting. In conclusion, the NRSC recommends the Office of Enforcement be given authority over enforcement of DENR's existing state and federal programs, management of all district offices, and over the auditing functions located within DENR. However, the NRSC formally requests the DENR continue investigation of ways for collaboration and notification within existing state government protocols, focusing on communication and efficient administration using technology.



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NRSC-2B-2024: BOARDS AND COMMISSIONS

The Boards and Commissions working group was tasked with a review of statewide boards and commissions related to natural resources. In the 2024 regular session, a statewide review of all natural resources boards and commissions was set for 2026, to be led by DENR. The working group recommended creation of a zero-basis review structure for all boards and commissions related to natural resources, to eliminate CLEER, and to reduce the Governor's Advisory Commission on Coastal Protection, Restoration, and Conservation by half of its members. The working group recommended a reduction of the Governor's Advisory Commission on Coastal Protection, Restoration, and Conservation to optimize its efficiency. Public comments voiced concern for the reduction of the Governor's Advisory Commission on Coastal Protection, Restoration, and Conservation and support for its current structure. The NRSC requests the Governor to evaluate whether a reduction in membership of the Governor's Advisory Commission on Coastal Protection, Restoration, and Conservation is advisable. The NRSC otherwise recommends that staff of DENR prepare a zero-basis review plan for natural resources boards and commissions and that CLEER be eliminated based on lack of action over the past few years.



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NRSC-3-2024: OFFICE OF MANAGEMENT AND FINANCE

The Office of Management and Finance working group was created to review the management and finance functions across natural resources management, in collaboration with CPRA management personnel. The working group recommended collaboration between DENR and CPRA to enhance DENR's capabilities to administer the influx of federal grant funds. Further, the working group recommended further investigation to create a workflow which allows CPRA and DENR to collaborate on grant support through the Indefinite Delivery Indefinite Quantity (IDIQ) process while not diluting CPRA. The working group otherwise recommended no change to the administrative structure of DENR.

Currently, all administration functions for natural resources management are housed within the Undersecretary's office of DENR. During the 2024 regular session, the Natural Resources Trust Authority (Trust) was created, which is to be housed within the Undersecretary's office. The Trust will be discussed further in the following paragraphs. The creation of the Trust provides additional opportunity and additional workload to the Undersecretary's office. Given the expanded role of the Undersecretary's Office, the NRSC recommends that the position of Undersecretary be changed to Chief Administrative Officer to better reflect the nature of the office.

Further, as referenced in the previous section, the need for strategic planning across natural resources management has become obvious through the DRIVE Initiative. Such planning will also require working across governmental boundaries to encompass the breadth of all natural resources management. The above section regarding the Office of the Secretary considers the utility of housing strategic planning functions within the administrative offices of DENR. If the planning functions are housed within the administrative office, the office will need additional flexibility going forward to perform these necessary functions in addition to its current role.

The functions of planning across agency lines and intergovernmental boundaries creates challenges which are difficult to overcome in a traditional agency structure. The NRSC recommends that further due diligence be executed and reported under EO-13 for the Governor to consider. Given the complexities under the Division of Administration, along with the budgeting process, any proposed administrative and planning functions will require multi-year implementation plan.



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NRSC-6-2024: OFFICE OF ENERGY

The Office of Energy working group was tasked with review of the new Office of Energy, which was created from the State Energy Office (SEO). The SEO was previously housed within the Office of the Secretary at DENR but was made a separate office in the 2024 regular session. Currently, the energy office houses technology assessment and federal grants as their main functions. The SEO has recently received an influx of federal funding but does not have the administrative capacity to administer these grants on its own and also pursue the energy policy envisioned in its current state. The office's current functions are necessary, but more functions are needed within the office for effective natural resources management. For example, there is no statewide energy plan.

Statewide energy planning is necessary to provide the state's natural resources with guidance and attainable goals for energy policy and planning. The drafting and management of a statewide strategic energy plan could be housed within the new energy office. Further, both the working groups and NRSC commissioners have seen the need for coordination with the Public Service Commission (PSC) on matters of power and energy. Coordination with the PSC could help address regulatory gaps related to competitiveness, similar to how the Federal Energy Regulatory Commission (FERC) operates at the federal level. Additionally, stronger alignment with the PSC could establish a clear state position on energy matters and allow Louisiana to pursue its interests, particularly in decisions affecting competition in a manner akin to FERC's approach. Further, there is also a dire need to revive strategic partnerships and develop new ones, such as the Water Institute, Center for Energy Studies, and the Louisiana Geological Survey, creating significant opportunity for management of geologic and engineering data with a goal of developing a national lab. Lastly, a workforce and economic development function could also utilize strategic partnerships within the energy office. Further, there is a need for a focus on resiliency, as the influx of Federal grants focused on resiliency has shown.

Creating a standalone energy office within DENR prioritizes energy within the natural resources management structure. However, the energy office is not limited by regulatory programs thus may be afforded more priority and flexibility if it were to be moved to the Executive Department or combined with other functions. For example, considering how to integrate the Chief Resiliency Officer position, or function, could be used to great effect in a reorganized energy office, whether located within DENR or at the Executive Department. The NRSC recommends that the DENR continue exploring how to efficiently incorporate these functions as part of EO-13 and the Governor seriously consider moving some or all of the functions contained within the proposed Office of Energy to the Executive Department or remain at the agency.

Summary of Incorporated Comments:



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NRSC-3A-2024: NATURAL RESOURCES TRUST AUTHORITY

The Natural Resources Trust Authority (“Trust”) was created in Act 727 of the 2024 regular session, to be housed in the Undersecretary’s Office of DENR and overseen by the Undersecretary. The NRSC recommends the Trust enhance its appeal to legislators and stakeholders by focusing on transparency, oversight, and sound fund administration. A key strategy involves engaging the Legislative Auditor’s Office (the “Auditor”) to ensure accountability in financial management. Regular audits conducted by the Auditor will review fund use, investments, and project financing, providing ongoing transparency and demonstrating fiscal responsibility. The Trust should consider clearly establishing the State Mineral and Energy Board as having vested authority with clear oversight, thus bolstering financial oversight by regularly monitoring fund allocation and decision-making processes in a public setting. To promote public trust, developing real-time public facing information on fund disbursement, revenue generation, and investment performance, ensuring legislators and the public have easy access to the financial activities will help. Additionally, performance audits will assess whether the Trust is meeting its long-term strategic goals, such as supporting energy projects, including their decommissioning. Regular reporting mechanisms will provide the Auditor with updates on fund administration, ensuring transparency in the management of infrastructure projects, coastal restoration, energy development, and natural resource management.

Effective fund administration is critical to the Trust’s success. A dedicated financial management team will oversee fund allocation, investment strategies, and compliance with state regulations. Funds will be segregated for different projects, such as energy development and coastal restoration, allowing the Auditor to track the use of public money clearly and efficiently. The Trust will also establish investment guidelines, developed in collaboration with the Bond Commission, State Treasury, and the Legislative Auditor, to balance investment returns with environmental considerations. A comprehensive financial risk management program will be implemented to identify and mitigate potential risks, safeguarding funds from unnecessary financial and political exposure.

By enhancing transparency and financial oversight, the Trust will gain legislative support, as lawmakers will be reassured that public funds are being managed responsibly and in alignment with the state’s strategic goals. This commitment to regular audits and transparent management will also increase public confidence in the Trust’s fiscal discipline. Accountability to all stakeholders, including local governments, industry partners, and the public, will be ensured through ongoing audits and performance reviews.

To implement these improvements, the Trust should formalize the Legislative Auditor's involvement in conducting annual audits and overseeing financial activities. A Trust Oversight Committee should be formed to review financial decisions regularly, and a financial transparency dashboard should be developed to provide real-time tracking of fund disbursement and investments. Performance audits should be conducted to ensure that the Trust is achieving its strategic goals in energy and resource sustainability, infrastructure resilience, and economic development. Finally, robust fund management practices, including risk management and the segregation of funds, will be adopted to ensure the proper use of public funds.

By prioritizing transparency and engaging the Legislative Auditor, the Trust will demonstrate accountability and fiscal responsibility, solidifying its credibility with legislators, stakeholders, and the public.