

The U.S. Army Corps of Engineers, New Orleans District (CEMVN) has reviewed and approves the changes to the In-Lieu Fee Program Instrument (ILF) and associated attachments establishing the State of Louisiana, Department of Natural Resources In-Lieu Fee Program as shown in the attached documents. Except as set forth and modified by the attached documents, all other provisions of the ILF shall remain in full force and effect.

This amendment may be executed in one or more counterparts, including facsimile/electronic signature, each of which shall be deemed to be an original and together constitute one agreement which shall be binding upon all parties.

Martin S. Mayer

Martin S. Mayer
Chief, Regulatory Branch
CEMVN

2 June 2017

Date

Keith Lovell

Keith Lovell
Assistant Secretary
LDNR OCM
Sponsor, DNR-ILF Program

6-2-17

Date



State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT

June 1, 2017

U.S. Army Corps of Engineers – New Orleans District
Brian Breaux
Regulatory, Special Projects & Policy Team
7400 Leake Ave.
New Orleans, Louisiana 70118

RE: Modifications to the LDNR In-Lieu Fee Instrument

Brian,

Please find attached the revised documents for Modifications to the Louisiana Department of Natural Resources' In-Lieu Fee Instrument. These revisions were made at the direction of the Interagency Review Team. Please also find enclosed two original Signature Pages. Once signed, please send one original back to OCM so we can add the updated signature page to our Instrument. The enclosed documents are as follows:

- Enclosure One: Language addition and removal
- Enclosure Two: Revised Attachment 4 (Coastal Service Areas Map)
- Enclosure Three: Revised Attachment 6 (Assessment tool-LRAM)
- Enclosure Four: Revised Attachment 7 (Projected Program Costs)

If you have any questions, please don't hesitate to give me a call.

Sincerely,

A handwritten signature in blue ink that reads "Kelley Templet".

Kelley Templet
Mitigation Manager
Office of Coastal Management
Louisiana Department of Natural Resources

ENCLOSURES

ENCLOSURE ONE
Language Addition and Removal

Modifications to the DNR-ILF Program Instrument Text

Page 5, Section 2.0: Remove text CEMVN in sentence: “Provide CEMVN permittees another means by which to satisfy compensatory mitigation requirements for DA permits.”

Page 9 Section 3.2: Change boundary line between deltaic and chenier plains from a geopolitical boundary to a USGS hydrologic unit boundary and expansion westward of the chenier plain to the LA state boundary by adding the following underlined text and removing the strikethrough text:

The Deltaic Plain Service Area is defined by the eastern boundary of HUCs 0808010306 and 0808010305 ~~Vermilion/Iberia Parish line~~ and extends eastward to the easternmost limits of the New Orleans District in St. Tammany Parish near the Pearl River. “The deltaic plain service area includes HUCs 08070202, 08070203, 08070204, 08070205, 08080101, 08080102, 0808010301, 0808010302, 0808010304, 08080103-07, 08080103-08, 08080103-09, 08090100, 08090201, 08090202, 08090203, 08090301, 08090302.”

The Chenier Plain Service Area is defined as the area extending from Vermilion Bay, Louisiana west to East Bay, Texas encompassing six river basins. For purposes of this ILF Program, the Chenier Plain Service Area extends westward to Louisiana/Texas boundary at the Sabine River.” ~~The Chenier Plain Service Area includes HUCs 0808010303, 0808010305, 0808010306, 08080202, 08080206, 12010005 (LA only), 12040201 (LA only). This service area starts at the Vermilion/Iberia Parish line and extends westward to the westernmost limits of the New Orleans District in Cameron Parish near the Sabine River.~~

~~Since the actual boundary between the Chenier Plain and the Deltaic Plain does not coincide precisely with any easily identifiable physical feature (i.e. a river or bayou), the political boundary between Vermilion and Iberia Parishes provides an easily identifiable boundary that is approximately equivalent to the actual geographical boundary and was selected with the advice and consent of the CEMVN.~~

The landward boundary of these two service areas was determined by adopting the boundary that would afford encompassing the greatest area from the following regulatory or study areas: the Louisiana Coastal Zone boundary, the Louisiana Coastal Wetlands Conservation Plan Area boundary and the 2004 Louisiana Coastal Area Ecosystem Restoration (LCA) boundary.; ~~all of which are located within the geographical confines of the CEMVN District.~~ DNR seeks to encompass the greatest possible area for the mitigation of loss of marsh habitat in areas with a defensible nexus to marsh resources.

Page 13, Section 3.7: Revise the submittal date of the Annual Program Account Report by adding the following underlined text and removing the strikethrough text:

DNR must submit an annual program account report to the CEMVN and the IRT. The report will be made available to the public upon request. The annual program report must be submitted no later than ~~November 1~~, August 1, or the following business day if that date falls on a federal/state holiday or weekend.

Page 27, Attachment 6: Revise Attachment 6 and Table of Contents by adding the following underlined text and removing the strikethrough text:

**Louisiana Wetland Rapid Assessment Method ~~Habitat Restoration/Enhancement~~
~~Mississippi Valley New Orleans Modified Charleston Method Worksheet~~**

(This page intentionally left blank as a placeholder. A copy of the ~~MVN-MCM~~ LRAM Worksheet used to derive the habitat credit value for marsh impacts will be delivered electronically and separately.)

ENCLOSURE TWO
Revised Attachment 4 (Coastal Service Areas Map)

Louisiana Coastal In-Lieu Fee Service Areas

NOTES:
The landward boundary of these two service areas was determined by adopting the boundary that would afford encompassing the greatest area from the following regulatory or study areas: the Louisiana Coastal Zone boundary, the Louisiana Coastal Wetlands Conservation Plan Area boundary and the 2004 Louisiana Coastal Area Ecosystem Restoration (LCA) boundary, all of which are to be located within the geographical confines of the USACE New Orleans District and the portion of the Galveston District that is located in Louisiana.

CHENIER PLAIN SERVICE AREA

DELTAIC PLAIN SERVICE AREA



Legend

- Chenier/Deltaic Plain Service Area Boundary
- ▣ Louisiana Coastal In-Lieu Fee Service Area(s)
- ▭ State of Louisiana

LDNR-OCM
5/4/2017



Scale = 1:2,000,000

ENCLOSURE THREE
Revised Attachment 6 (Assessment tool-LRAM)

Louisiana Wetland Rapid Assessment Method (LRAM)

CEMVN Acct #	MVN-2010-00847	Bank Name
Acres Mitigation	25	LDNR ILF
Watershed Basin		

		Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Area 7	Area 8
Mitigation Factors	Mitigation Type	Re-Est	Pick Here						
		6.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Management	None	Pick Here						
		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Negative Influences	Low	Pick Here						
		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Size	Less than 10	Pick Here						
		-0.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Buffer / Upland	Pick Here	Pick Here	Pick Here	Pick Here	Pick Here	Pick Here	Pick Here	Pick Here
		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Sum:	5.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Area:	25.0							
	Sum x Area Affected:	137.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Σ Mitigation: 137.5

Mitigation Potential: 5.5

COMMENTS

Mitigation Type	dredge for marsh crection
Management	none presumed
Negative Influences	minor negative influences presumed
Size	approximated value
Buffer/Upland	none presumed

ENCLOSURE FOUR
Revised Attachment 7 (Projected Program Costs)

Attachment 7 (Revision 2, April 2016)

State Marsh Creation Bid Tabulations and Associated Projected Program Costs

Since new marsh creation construction cost data has become available to DNR, we have evaluated this data and adjusted the fee schedule accordingly. See below.

Funding Source	Project	Date	Acres	Project Cost/Ac
CWPPRA/CIAP	Long Distance Sediment Pipeline and Bayou Dupont 2	Oct-13	784	\$82,077.00
CWPPRA	Grand Liard	Feb-14	436	\$68,107.55
CWPPRA	Bayou Bonfuca (95%)	Jan-16	620	\$35,028.00
CWPPRA	Lost Lake (95%)	Jan-16	502	\$45,465.00
CWPPRA	Cole's Bayou (95%)	Jan-16	418	\$34,910.00
CWPPRA	Cameron Creole (95%)	Jan-16	618	\$37,340.00
CWPPRA	Oyster Bayou (95%)	Jan-16	605	\$38,106.00
			Avg.	\$48,720.00

Other Costs Considered:	
Engineering & Design	\$4,000/acre
Vegetative Plantings	\$2,100/acre
Real Estate Costs/Legal fees	\$2,000/acre
Planning Costs	\$750/acre
Monitoring/Surveying	\$2,250/acre
Operations and Maintenance	\$2,000/acre
Administrative Costs	\$3,000/acre
Total:	\$16,100/acre

The bid tabulations above represent marsh creation project construction costs. These construction costs include, but may not be limited to: mobilization, demobilization, hydraulic dredging (paid by the cubic yard), surveying, containment dike construction and maintenance, settlement plate installation, and grade stakes and flagging. Based on the data above, the cost per acre has been revised to \$64,820.00.

The construction costs above vary due to project specific items that affect the price of marsh creation projects. Some of these may include, but are not limited to:

1. Soil Foundation
2. Fuel costs
3. Timing, seasonal and other
4. Providence

5. Dredge Availability
6. Labor availability/Labor costs
7. Project Size
8. Amount of containment required
9. Permit restrictions
10. Distance from Borrow Area