



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT  
7400 LEAKE AVE  
NEW ORLEANS, LA 70118-3651

Programs and Project Management Division  
Regional Projects Branch

1050019

Mr. Kyle R. "Chip" Kline, Jr.  
Chairman  
Coastal Protection and Restoration  
Authority Board of Louisiana  
Capitol Annex, Suite 138  
1051 North Third Street  
Baton Rouge, Louisiana 70802

Mr. Kirk M. Lepine  
Parish President  
Plaquemines Parish Government  
333 F. Edward Hebert Boulevard  
Building 100  
Belle Chasse, Louisiana 70037

Dear Messrs. Kline and Lepine:

You are hereby informed that the Fresh Marsh Mitigation Bank contract, NOV-EVM-04, for the New Orleans to Venice (NOV), Louisiana Project for hurricane and storm damage risk reduction, environmental mitigation for fresh marsh impacts, has been completed. This project was completed by the United States pursuant to Public Law (PL) 109-148, Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act of 2006 and PL 109-234, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery of 2006.

The U. S. Army Corps of Engineers (USACE) has purchased fresh marsh credits from the following bank to compensate for unavoidable habitat losses associated with the NOV project:

Contract Number	Mitigation Bank	Number of Credits	Number of AAHUs	Type of Credit	Total Price
W912P8-18-C-0016	Jesuit Bend	96.8	35.8	Fresh Marsh	\$19,059,750

Enclosed are the confirmation letter and signed purchase agreement from the mitigation bank. The purchase of mitigation bank credits representing 35.8 average

annual habitat units (AAHUs) of fresh marsh habitat fulfills the compensatory mitigation requirement for impacts to fresh marsh resulting from past, current, and reasonably foreseeable impacts resulting from future NOV, LA project construction. Pursuant to this purchase agreement, the mitigation bank has assumed the responsibility for the NOV, LA project fresh marsh compensatory mitigation requirements, including implementation, achievement of mitigation success, and long term management. In accordance with Section 2036(c) of the Water Resources Development Act of 2007 (PL 110-114), the purchase of these credits relieves USACE, Plaquemines Parish Government (PPG), and the Coastal Protection and Restoration Authority Board (CPRAB) of Louisiana from responsibility of monitoring the mitigation and for demonstrating mitigation success. Accordingly, PPG and CPRAB (as the "non-Federal sponsors) have no operation and/or maintenance responsibilities with respect to this completed mitigation.

Should you have questions, please contact Mr. Mark Wingate, Deputy for Project Management at (504) 862-2204 or Ms. Elizabeth Behrens, Chief, Environmental Studies Section at (504) 862-2025.

Sincerely,



Michael N. Clancy  
Colonel, U.S. Army  
District Engineer

Enclosures

CERTIFIED MAIL NO.  
RETURN RECEIPT REQUESTED

cc: (w/enclosures)

Mr. John Helmers  
Director of Coastal Restoration  
Plaquemines Parish Government  
333 F. Edward Herbert Boulevard  
Building 100, Suite 225  
Belle Chasse, Louisiana 70037

Mr. Ignacio Harrouch  
Operations Chief  
Coastal Restoration and Protection  
Authority  
150 Terrace Avenue  
Baton Rouge, Louisiana 70802

Mr. Michael Ellison  
Executive Director  
Coastal Protection and Restoration  
Authority  
150 Terrace Avenue  
Baton Rouge, Louisiana 70802

Mr. Don Beschel  
Director of Operations  
Plaquemines Parish Government  
333 F. Edward Hebert Boulevard  
Building 100  
Belle Chasse, Louisiana 70037

Mr. Bren Haase  
Deputy Director  
Coastal Protection and Restoration  
Authority  
150 Terrace Avenue  
Baton Rouge, Louisiana 70802

Mr. L.V. Cooley  
PPG Attorney  
Plaquemines Parish Government  
333 F. Edward Hebert Boulevard  
Building 100  
Belle Chasse, Louisiana 70037

Mr. David Peterson  
General Counsel  
Coastal Protection and Restoration  
Authority  
150 Terrace Avenue  
Baton Rouge, Louisiana 70802

cc: (w/o enclosures)

C/OC  
C/PRO

**MITIGATION PURCHASE AGREEMENT  
BY AND BETWEEN  
Restoration Systems, LLC AND  
THE UNITED STATES ARMY CORPS OF ENGINEERS**

THIS AGREEMENT is entered this 16th day of September, 2018 by and between **Restoration Systems, LLC** ("Sponsor"), whose mailing address is **1101 Haynes St., Ste. 211, Raleigh, NC 27604** and the United States Army Corps of Engineers, New Orleans District, whose mailing address is 7400 Leake Avenue, New Orleans, Louisiana 70118 ("USACE").

WHEREAS, Sponsor owns and operates the Jesuit Bend Mitigation Bank (the "Bank"), which is approved by USACE to provide compensatory mitigation for authorized wetland impacts.

WHEREAS, the operation of the Bank and the obligations of the Sponsor are governed by the Mitigation Banking Instrument ("MBI") signed by Sponsor and USACE, whereby the Sponsor has agreed to perform all necessary work to create, enhance, rehabilitate and/or restore wetland functions and to maintain and to monitor wetland habitats in accordance with the specific requirements of the MBI.

WHEREAS, the Bank is located in Plaquemines Parish, as more particularly described in the MBI. The property occupied by the Bank is burdened with a duly-recorded perpetual conservation servitude, which protects its natural values.

WHEREAS, USACE desires to purchase mitigation bank credits in order to satisfy its obligation to compensate for unavoidable impacts to **Fresh Marsh (FM)** habitats to compensate for unavoidable habitat losses caused by the construction of the New Orleans to Venice (NOV) Hurricane Risk Reduction Project, solicitation W912P818R0044.

THEREFORE, for and in consideration of the premises and the payment set forth herein, Sponsor and USACE agree to the following terms and conditions:

1. Sponsor agrees to satisfy the obligation incurred by USACE as a result of the construction of the above-referenced project to compensate for unavoidable impacts to 35.8 AAHU's of **Fresh Marsh (FM)**.
2. Sponsor will satisfy USACE's compensatory mitigation obligation by mitigating 96.75 acres of **Fresh Marsh in the Barataria Basin** in accordance with the requirements, conditions and performance standards set forth in the MBI.
3. USACE agrees to pay Sponsor a non-refundable payment of \$ 19,059,750.00 to purchase mitigation credits from the Bank, which sum will be paid by electronic funds transfer.

4. Upon receipt of this sum, Sponsor accepts and assumes all responsibility for the mitigation of 96.75 acres of **Fresh Marsh (FM)** habitat in accordance with all requirements of the MBI. Sponsor specifically accepts and assumes the responsibility to achieve mitigation success for this acreage and to monitor and to report mitigation performance in accordance with the requirements of the MBI.

5. This Agreement does not grant USACE any rights to any monies generated by the Bank and it does not grant USACE any ownership interest in the Bank or any ownership interest in the immovable property occupied by the Bank.

6. This Agreement constitutes the entire agreement between Sponsor and USACE and it may not be changed, amended or modified except in writing signed by both parties.

7. This Agreement shall be governed by and construed under the laws of the United States and shall be binding upon and inure to the benefit of the successors and assigns of both parties.


**IN WITNESS THEREOF**, the parties hereto have caused this Agreement to be duly executed by their duly authorized officers.

**AGREED AND ACCEPTED**, this 21st day of August, 2018.

For Sponsor:

**Restoration Systems, LLC**

By:



**George A. Howard -  
Member Manager Chief  
Executive Officer**

**AGREED AND ACCEPTED**, this 16th day of September, 2018.

For USACE:



**Michael N. Clancy  
Colonel, U.S. Army  
District Engineer**



August 22, 2018

US Army Corps of Engineers  
Regulatory Branch  
PO Box 60267  
New Orleans, LA 70160  
Attn: Lauren Gandolfi

Gentlemen:

Restoration Systems, LLC. has made arrangements with US Army Corps of Engineers to purchase 96.75 acres of fresh marsh (LDNR) for unavoidable impacts associated with work associated with NOV-EVM-04. Restoration Systems, LLC. assumes the responsibility for the permittee's compensatory mitigation requirements (i.e., to implement, assure performance, and provide long-term management of the compensatory mitigation project) in accordance with provisions of the Mitigation Banking Instrument governing this bank.

Sincerely,

A handwritten signature in blue ink, appearing to read 'GALW', is positioned above the typed name.

George A. Howard  
Member Manager  
Chief Executive Officer  
Restoration Systems LLC