

Agenda

- **Presentations**

Colonel Michael Clancy

New Orleans District Commander

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Contracting Officer



New Orleans District Compensatory Mitigation

Industry Day

7 September 2018



BUILDING STRONG®

Purpose

- To provide Industry, Community and Agencies information regarding estimated mitigation needs
- We are interested in your ideas



What is Environmental Mitigation?

- **Avoid impacts to natural resources**
- **Minimize impacts to the greatest extent possible**
- **Compensate for unavoidable impacts**
 - ▶ **Enhancement (betterment of existing habitat)**
 - ▶ **Restoration/creation (historic or new habitat)**



Risk Reduction Projects resulting in unavoidable environmental impacts

- **Comite**
 - ▶ 12 miles of diversion channel, 1 diversion structure, 3 drop structures, clearing and snagging of 3 streams, construction of 4 vehicular bridges and 2 rail road bridges within East Baton Rouge Parish.

- **East Baton Rouge**
 - ▶ Improving 66 miles of channels in 5 sub-basins within East Baton Rouge Parish

- **Westshore Lake Pontchartrain**
 - ▶ 18.5 Miles of levee, T-wall, pumping stations and drainage structures in St. Charles, St. John and St. James Parishes

- **West Bank and Vicinity (HSDRRS)**
 - ▶ Construction of 100-year levee system in the West Bank and Vicinity area

- **New Orleans to Venice**
 - ▶ Repairing and restoring the original levees, accelerating the completion of unconstructed portions of the authorized projects in Plaquemines Parish



Estimated Mitigation Needs and Deadline for Completion

Project Name	Habitat Type	AAHUs Needed*	Minimum Acres Needed**	Applicable Basin	Mitigation Project Completion
Comite	BLH-Wet	453	690	Lake Pontch	Feb 2022
East Baton Rouge	BLH-Wet	383	430	Lake Pontch	Feb 2023
Westshore Lake Pontchartrain	BLH-Wet	99	150	Lake Pontch	Apr 2023
	Swamp	1,090	2,020	Lake Pontch	
West Bank and Vicinity (HSDRRS)	BLH-Wet	72	110	Barataria	Jun 2020
	Swamp	135	250	Barataria	
New Orleans to Venice	BLH-Wet	140	215	Barataria	Sep 2023
	Swamp	34	63	Barataria	
	Marsh	159	500	Barataria/ Deltaic	
Total		2,565	4,428		

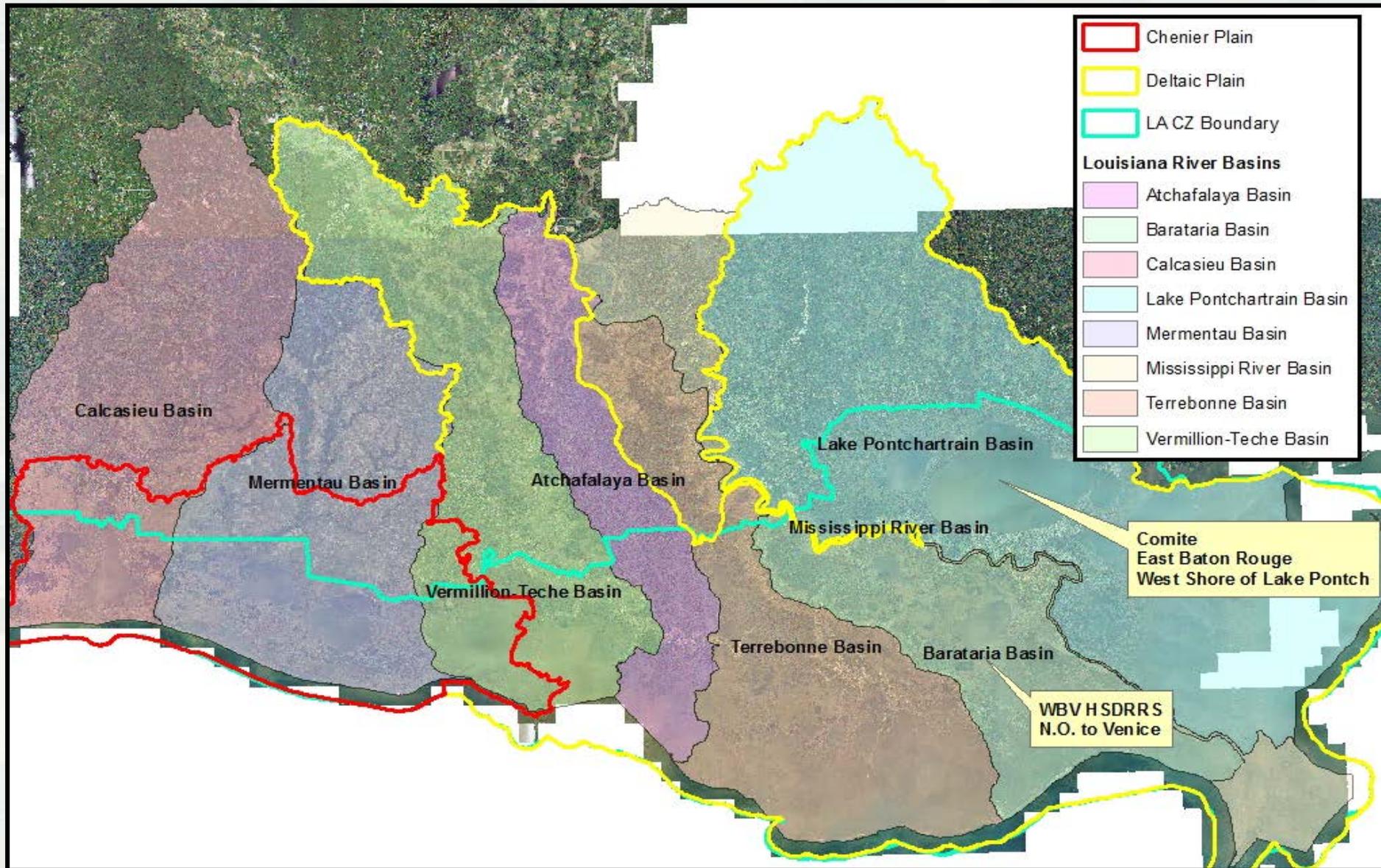
Note: Estimated mitigation needs and project completion dates may be subject to change as designs are refined and impacts quantified.

*AAHU (Average Annual Habitat Unit) is a numerical value representing the quality of a habitat.

**Acres and credits may be obtained in increments.



Mitigation Needs By Basin



Current Implementation Methods

- **Step 1 - Planning**
 - ▶ Identify potential projects: consider time, costs, risks among other factors
 - ▶ National Environmental Policy Act evaluation
 - ▶ Select Plan

THEN

- **Step 2 - Purchase Mitigation Bank Credits**
 - ▶ Solicit Bids from Bankers
 - ▶ Purchase Credits

OR

- **Step 2 - Build Mitigation Project**
 - ▶ Finish Design of Selected Plan
 - ▶ Acquire Real Estate
 - ▶ Solicit Bids from Contractors
 - ▶ Construct Project, including planting and invasive species control as applicable
 - ▶ Sponsor operates and maintains project after construction
 - ▶ Corps and Sponsor monitor to assure achievement of success criteria



Other Ideas?

- Please submit your ideas or questions to email Mitigation-Industry@usace.army.mil by 31 Oct 2018
- All responses to questions will be provided publicly on Mitigation Website
- Ideas will not be publicly released unless selected for National Environmental Policy Act evaluation



New Orleans District Mitigation Bank Overview

- Regulatory administers District Mitigation Banking program.
- MVN has 87 active banks; 50 sold-out banks; 48 pending banks & 1 approved ILF program (DNR).
 - Aquatic Resource types covered include: Bottomland Hardwoods, Cypress-Tupelo Swamp, Pine-Savannah/Flatwoods, Coastal Prairie, Tidal Fresh, Intermediate, Brackish and Saline Marsh.
- Assessment Tools
 - Regulatory uses Louisiana Wetland Rapid Assessment Method (LRAM 2.0).
 - CW uses Wetland Value Assessment (WVA).



Federal Register

Thursday,
April 10, 2008

Part II

Department of
Defense

Department of the Army, Corps of
Engineers
33 CFR Parts 325 and 332

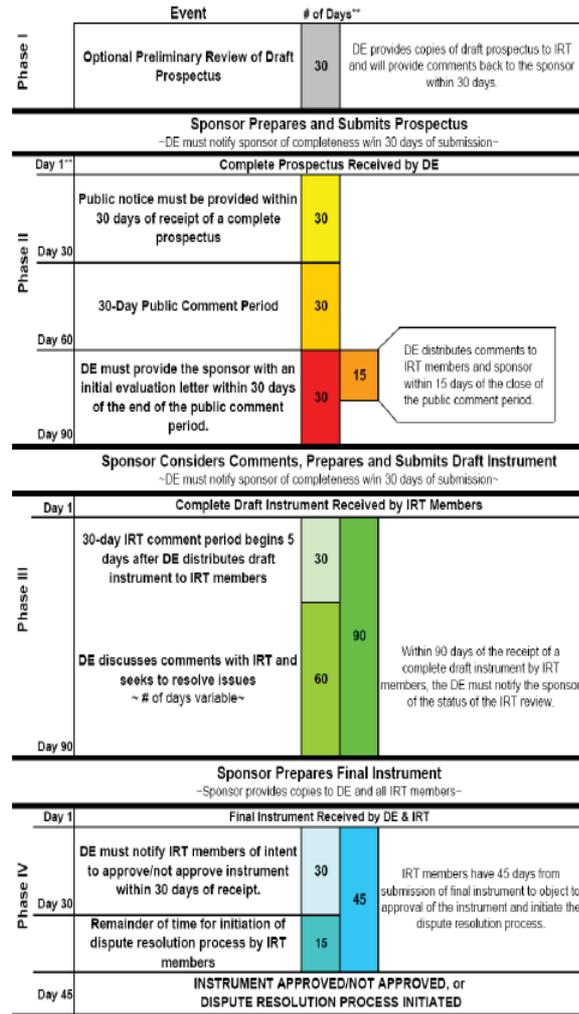
Environmental
Protection Agency

40 CFR Part 230
Compensatory Mitigation for Losses of
Aquatic Resources; Final Rule



Mitigation Bank Review Timeline

Compensatory Mitigation Rule Timeline for Bank or ILF Instrument Approval*



EPA/Corps draft 4/02/08



Mitigation Bank Challenges

- Workloads
- Increasing restoration project complexity
- Attendant issues – e.g. loss of farmland/conflicting land uses/watershed needs/deviation from templates/etc.
- Demand – timing of credit availability and need
- Industry business practices - e.g., reserving credits
- Variability in regulation – e.g., 2015 CWR



Contracting For Mitigation

- Purchase Mitigation Bank Credits
- Constructed Mitigation Projects
- Other



Purchasing Bank Credits

- Identify banks with available credits of the required Habitat type in Target Watershed. (RIBITS)
- Obtain current Wetland Value Assessment.
- Post Notice of a Request for Proposals on the Federal Business Opportunities (FedBizOps) website.
- Issue the Request for Proposal to Mitigation Banks.
- Receive and Evaluate Proposals for Technical Acceptability.
- Award Contract(s) to the Lowest Priced Offeror(s).



The Request for Proposal

- Will request a price per acre from the individual Mitigation Bank.
- The number of acres required from an individual bank will be based on the application of a Wetland Value Assessment (WVA) Model for the particular habitat being mitigated. The model will determine the number of Average Annual Habitat Units (AAHUs) per acre available from a particular bank.
- Proposed price will be based on the quantity and unit price per acre needed to meet the AAHU mitigation requirement of the solicitation.



Technical Acceptability of the Offeror (Bank)

- Must be approved by New Orleans District Regulatory Office in full compliance with its Mitigation Banking Instrument (including Conservation Servitudes and Financial Assurances).
- Provide the Habitat Type being requested in RFP.
- Be physically located in the Hydrologic Unit (HUC), i.e. Watershed / Basin required.



Constructed Mitigation Projects

- Built on private land acquired by the non-federal sponsor or acquired in the name of the non-federal sponsor.
- Built on Public land.
- Depending on habitat type being mitigated may involve: clearing, dredging, filling, replanting, etc.
- Have been solicited and awarded as competitive Construction Contracts.



Other ??

- Requesting your Ideas and Alternatives...

