Agenda

- Presentations
  
  Colonel  Michael Clancy

  *New Orleans District Commander*

  Martin Mayer

  *Regulatory Branch Chief*

  Charlie Zammit

  *Contracting Officer*
New Orleans District Compensatory Mitigation

Industry Day

7 September 2018
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

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

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).
# Mitigation Bank Review Timeline

## Compensatory Mitigation Rule

**Timeline for Bank or ILF Instrument Approval**

<table>
<thead>
<tr>
<th>Event</th>
<th># of Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Optional Preliminary Review of Draft Prospectus</td>
<td>30</td>
</tr>
<tr>
<td>DE provides copies of draft prospectus to IRT and will provide comments book to the sponsor within 30 days.</td>
<td></td>
</tr>
<tr>
<td>Day 1</td>
<td>Complete Prospectus Received by DE</td>
</tr>
<tr>
<td>Day 30</td>
<td>Public notice must be provided within 30 days of receipt of a complete prospectus</td>
</tr>
<tr>
<td>Day 30</td>
<td>30-Day Public Comment Period</td>
</tr>
<tr>
<td>Day 30</td>
<td>DE must provide the sponsor with an initial evaluation letter within 30 days of the end of the public comment period.</td>
</tr>
<tr>
<td>Day 30</td>
<td>Within 90 days of the receipt of a complete draft instrument by IRT members, the DE must notify the sponsor of the status of the IRT review.</td>
</tr>
<tr>
<td>Phase II</td>
<td>30-day IRT comment period begins 5 days after DE distributes draft instrument to IRT members</td>
</tr>
<tr>
<td>Day 60</td>
<td>DE discusses comments with IRT and seeks to resolve issues</td>
</tr>
<tr>
<td>Phase III</td>
<td>Final Instrument Received by DE &amp; IRT</td>
</tr>
<tr>
<td>Day 1</td>
<td>IRT members must notify DE &amp; IRT of intent to approve or not approve instrument within 30 days of receipt.</td>
</tr>
<tr>
<td>Day 30</td>
<td>Remaining time for initiation of dispute resolution process by IRT members</td>
</tr>
<tr>
<td>Day 45</td>
<td>INSTRUMENT APPROVED/NOT APPROVED, or DISPUTE RESOLUTION PROCESS INITIATED</td>
</tr>
</tbody>
</table>
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…