

BEYOND UNINTENDED CONSEQUENCES

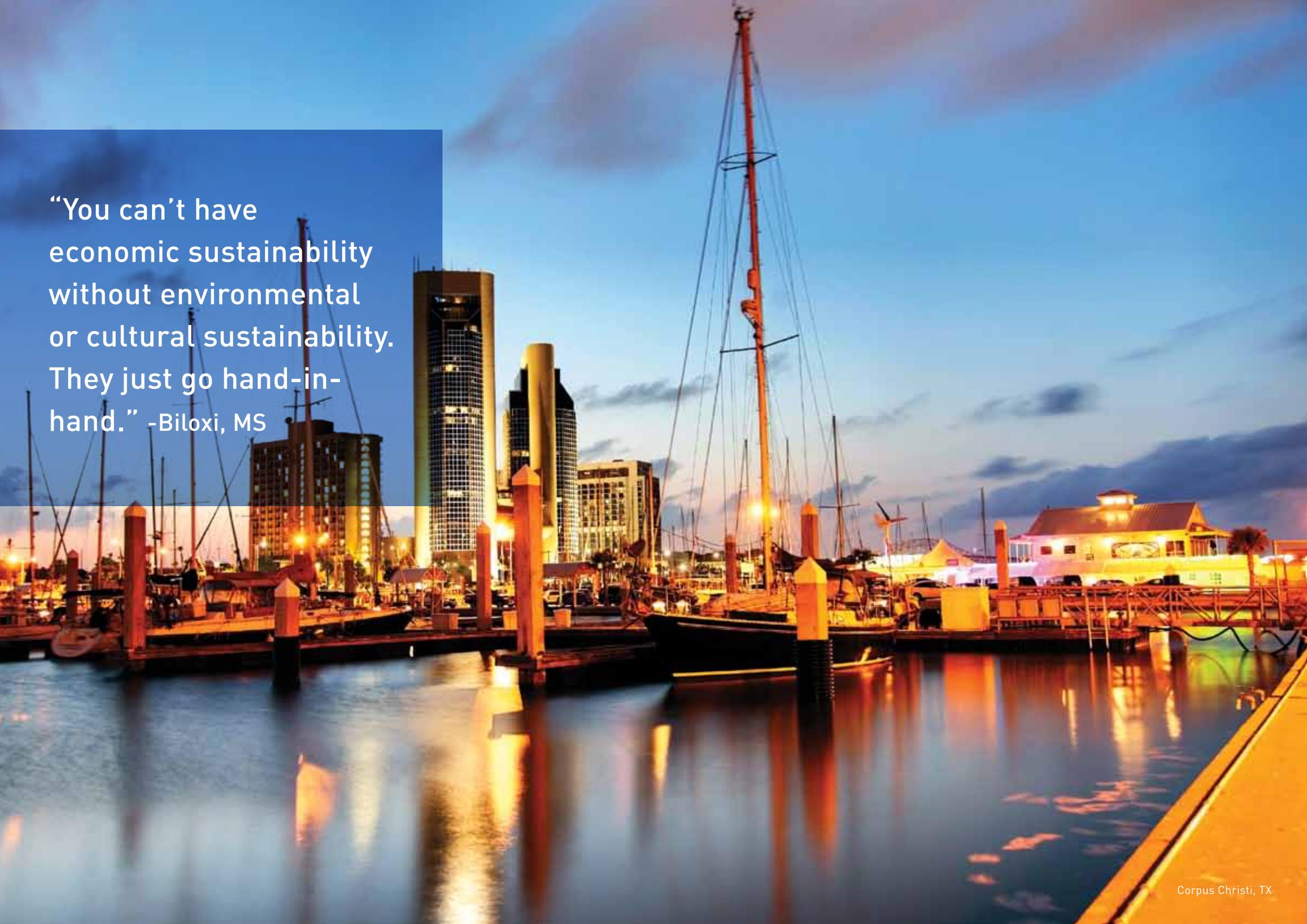
Adaptation for Gulf Coast Resiliency and Sustainability



Blue Ribbon Resilient Communities:
Envisioning the Future of America's Energy Coast

Final Report & Recommendations





“You can’t have economic sustainability without environmental or cultural sustainability. They just go hand-in-hand.” -Biloxi, MS

Facing the Constant Storm: TOWARD A MORE RESILIENT GULF COAST

The Gulf Coast faces a constant storm. Man's efforts to tame the Mississippi River with flood control structures have led to many unintended consequences, primarily the degradation of the Mississippi River Delta. Throughout the Gulf Region, land loss caused by subsidence, sea-level rise, and the alteration of critical environmental processes has stripped the Gulf Coast of its natural defenses and is accelerating the collapse of coastal ecosystems.



A decade of catastrophic events marked by Hurricanes Katrina, Rita and Ike, and the Deepwater Horizon oil spill, have further devastated one of the most fragile landscapes on the planet. Such incidents have highlighted the region's significance and its vulnerabilities, yet complacency and a false sense of security have returned. Disasters that should have sparked a reckoning instead produced only minor reforms, and so the status quo has become yet another force battering the Gulf Coast.

The deterioration of America's WETLAND and key assets of America's Energy Coast is jeopardizing the tremendous benefits provided by a healthy Gulf Coast to the nation. Yet,

even as awareness of the Gulf's importance grows, this recognition faces a policy and regulatory reality that responds to consequences but does not work to achieve real sustainability. Comprehensive solutions must be implemented or the region's irreplaceable resources will be lost in a matter of decades. Katrina, Rita, Wilma, Ike, Gustav, Isaac: the next big storm is always here.

There is a movement afoot, however, to face reality and adapt to change. This empowerment comes in the form of community efforts, comprehensive state plans for coastal restoration and protection, public/private partnerships, and self-taxation to provide emergency funding for projects that cannot abide an onerous and expensive federal process.

Consider the unfortunate example of Louisiana, where the costly practice of waiting for disaster to strike has exacted an astronomical post-Katrina toll — just to bring coastal communities back to pre-storm conditions. The \$140 billion in estimated recovery costs makes earlier projections of \$14 billion for coastal restoration seem like a bargain today. To protect national, state and local assets now, a minimum of \$50 billion is required to save the coast in Louisiana alone. The price tag may seem high, but will we again make a tragic miscalculation and wait until the damage is done?

This report reflects a combination of grassroots experience and scientific research. Eleven forums were held over 14 months across five states seeking answers to how a faltering coastal

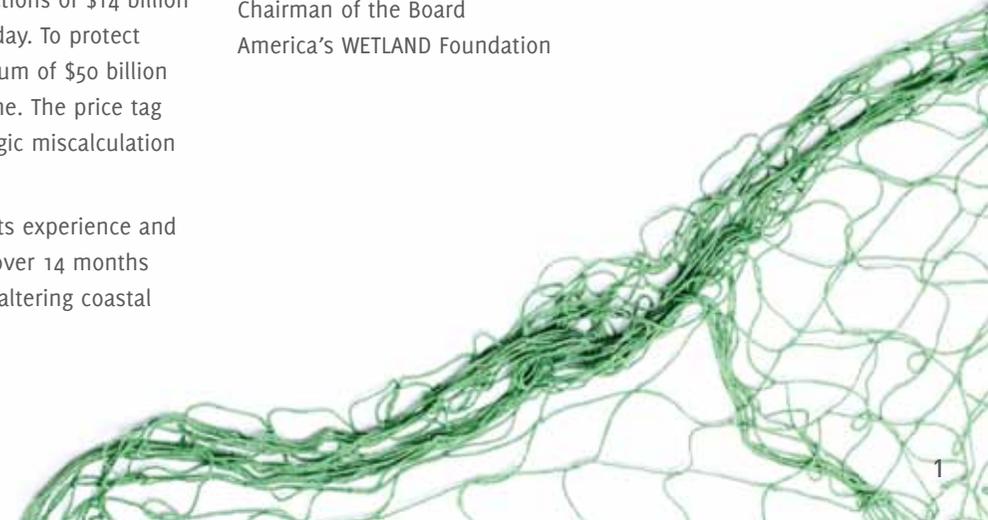
landscape can be made more resilient in an age of mounting challenges. Some of the recommendations are common sense. Others will require a push from Washington to move past years of failed practices and outdated, conflicting federal processes that too often slow or stop real restoration.

Gulf Coast communities have welcomed self-inspection, criticism and the resolution of historical differences because they must. This has not been a perfect process, but it has been effective, and it demands action.

Blue Ribbon Resilient Communities across the Gulf are working to stop merely reacting to unintended consequences. The goal is to anticipate, to prepare and, most of all, to adapt. Join us as we move swiftly to prevail against the constant storm.

A handwritten signature in black ink that reads "R. King Milling". The signature is stylized and cursive.

R. King Milling
Chairman of the Board
America's WETLAND Foundation





ENERGY

- 54% of U.S. crude oil production
- 52% of U.S. natural gas production
- 47% of U.S. crude refining capability
- \$15.6 billion in wages



SHIPPING

- 2 of the world's largest ports & 6 of the 10 largest ports in the U.S. (by tonnage)
- 50% of all U.S. international trade tonnage
- 2/3 of all oil and gas imports
- 60% of all U.S. grain exports (2.5 billion bushels)



CULTURE & TOURISM

- \$20+ billion annually
- 15.2 million beachgoers
- \$2.2 billion spent on 23 million recreational fishing trips
- 600,000+ jobs
- Rich ethnic & indigenous communities
- Louisiana Purchase historic landscapes



SEAFOOD

- 1.4 billion lbs in annual commercial fishing landings
- 78% of U.S. Shrimp – 221 million lbs
- 62% of U.S. Oysters – 22 million lbs
- \$10.5 billion in sales & \$5.6 billion in income



ECOSYSTEMS

- 97% of Gulf of Mexico commercial seafood landings rely on estuaries and wetlands to survive
- 75% of North American migratory birds depend on estuarine habitats during migration
- 1 acre of wetlands can sequester significant amounts of carbon and store 1.5 million gallons of water, reducing the impact of flooding and storms
- Gulf Coast restoration could create 57,697 jobs over the next decade

● South Padre Island, TX

● Blue Ribbon Resilient Community Forum locations

WHAT'S AT STAKE: Local Livelihoods & National Assets

The Gulf Coast is home to 21 million people, and is expected to grow by more than 15 percent over the next decade. The five Gulf States account for 17 percent of U.S. Gross Domestic Product. If considered a country, their combined GDP of more than \$2.4 trillion would rank as the 7th largest economy in the world.

Gulf Coast resiliency depends on a tightly woven fabric of economic, environmental and cultural health. From wetlands and coral reefs to barrier islands, cypress swamps and

hardwoods, the Gulf region derives its great wealth from its diverse ecology, which also protects its coastal communities and critical infrastructure. It is difficult to place a precise value on natural processes – the Mississippi River Delta's ecosystem services alone are estimated to be worth \$11-47 billion. But this much is certain: no one industry can survive if any part of the larger ecosystem fails.

*References available at www.futureofthegulfcoast.org/beyond/references

Blue Ribbon Resilient Communities

MESSAGE FROM GULF COAST LEADERSHIP



Jay Dardenne
Lt. Governor of Louisiana
Blue Ribbon Chair,
Louisiana State Chair



William W. Walker, Ph.D.
Executive Director
Mississippi Department of
Marine Resources
Mississippi State Chair



Buddy Garcia
Commissioner
Texas Railroad Commission
Texas State Chair



Vivian Davis Figures
Alabama State Senator
Alabama State Co-Chair



Randy Davis
Alabama State Representative
Alabama State Co-Chair

We are pleased that this cooperative initiative has positioned the Gulf Coast to adapt to change. Resiliency is often talked about these days, but meaningful action is scarce, and the country cannot afford to wait. The five Gulf States share a remarkable ecosystem, and four states — Texas, Louisiana, Mississippi and Alabama — play a key role in national security as America’s Energy Coast.

The Blue Ribbon Resilient Community Leadership Forums brought more than 1,100 leaders and community representatives face to face for a complicated dialogue. Participants put aside their allegiances and sought consensus on complex issues. Combined with a sense of urgency and a genuine spirit of compromise, their dedication produced essential recommendations for a more resilient future.

Please read through the pages of this report with an eye toward balancing competing interests for a sustainable Gulf Coast. We have concluded that a strong economy relies on a sound environment. America depends on our region for its energy future. Our shipping lanes,

beaches, bays, bayous and channels supply the nation with goods and services, seafood and agriculture, and recreational opportunities that rival anything on the planet. But the health of the Gulf’s economic, community and environmental assets is threatened.

Countless lives and entire cultural heritages are rooted here, along with powerful natural assets that must be secured. This report provides answers that will lead to a more resilient Gulf region, for the benefit of the nation and its future generations. Join us in making sure Congress, the White House, and Gulf Coast leaders act now on its recommendations.

For more information or to learn how you can get involved,
please visit www.americaswetland.com



Blue Ribbon Resilient Communities

FACING A RISING TIDE: ASSESSING COMMUNITY VULNERABILITIES

On February 15, 2011, The America's WETLAND Foundation announced its "Blue Ribbon Resilient Communities: Envisioning the Future of America's Energy Coast" initiative to help Gulf Coast communities prepare for the growing threat posed by storms, rising sea levels, and man-made disasters.

Spanning 14 months and five states, the Blue Ribbon campaign convened forums in 11 communities from Texas to Florida. More than 1,100 local leaders came together with a wider network of experts and stakeholders to push past political and parochial boundaries and set a course for cooperative action.

Data from a \$4.2 million study commissioned by Energy and AWF quantified the economic value of what is at stake. The livelihoods of 12 million people, natural resources that

support \$634 billion in annual GDP, and assets valued at more than \$2 trillion are increasingly vulnerable to storm surge, flooding, wind damage and the effects of sea level rise. The study also identified \$49 billion in investments over the next 20 years that could avert \$137 billion in losses.

In advance of each Blue Ribbon forum, AWF conducted community research, including a focus group and a series of interviews. Respondents in both cases were asked to discuss their community's values and to rate their community's performance on a number of resiliency indicators. Combined responses generated a resiliency index for each community (see following page). These layers of local feedback, combined with detailed research, gave forum participants a groundbreaking opportunity to assess their community's vulnerabilities and outline steps to improve its resiliency.

The input gathered over the course of this initiative has come from policymakers, agency officials, business

leaders, concerned citizens and the gamut of professionals on the front lines – environmental managers from all fields, engineers, energy sector workers, farmers, fishermen, public works officials and community activists, among others. Their insights have generated dozens of recommendations that have already had a significant influence on state and federal policies.

The most important impact of this initiative, however, might be community empowerment. The Blue Ribbon forums have mobilized the energy, expertise and dedication of an entire region to protect its heritage and secure its future.

This report echoes the voice of an entire region. To view the specific recommendations generated by each Blue Ribbon Resilient Community, please visit: www.futureofthegulfcoast.org/



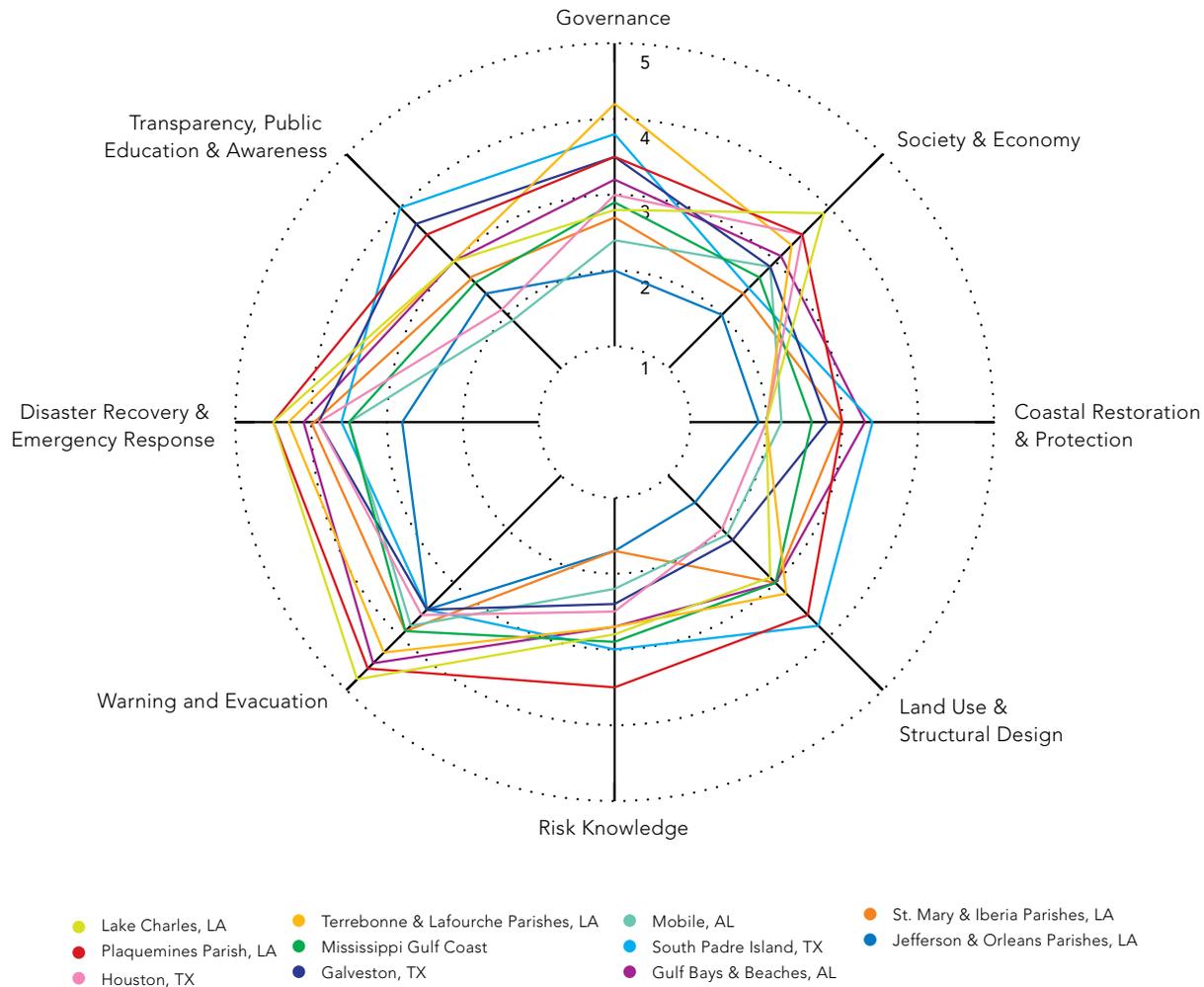
Lt. Governor Jay Dardenne, Louisiana; Chair, Blue Ribbon Resilient Communities (Plaquemines Parish, LA Forum)



John Hankinson, Executive Director, President's Gulf Coast Ecosystem Restoration Task Force (Jefferson/Orleans Parishes, LA Forum)



Blue Ribbon Resilient Communities: Combined Resiliency Indexes*



“The coastline is our top priority. Ultimately, if you can maintain the wetlands, you maintain the communities and their culture. But if they disappear, so does the fishing, cooking, music — all the family traditions, an entire heritage.” -Lake Charles, LA

*Based in part on the Coastal Resilience Index developed by the National Oceanic and Atmospheric Administration. More at: www.masgc.org/page.asp?id=591; † Entergy Corporation (2010). *Building a Resilient Energy Gulf Coast* (www.americasenergycoast.org/resilient.pdf).



Data from a \$4.2 million study[†] commissioned by Entergy and AWF quantified the economic value of what is at stake:

- The livelihoods of 12 million people;
- Natural resources that support \$634 billion in annual GDP; and
- Assets and critical infrastructure valued at more than \$2 trillion are increasingly vulnerable to storm surge, flooding, wind damage, and the effects of sea level rise.

The study also identified \$49 billion in investments over the next 20 years that could avert \$137 billion in losses.



Blue Ribbon
Resilient Communities

RECOMMENDATIONS FOR GULF COAST ADAPTATION AND RESILIENCY

THE VOICE OF AN ENTIRE REGION

The following recommendations represent the voice of an entire region. They are built on research, testimony and an open dialogue that engaged more than 1,100 participants across five states. Each of these recommendations is critical, but one above all needs to be heard. Action must be taken immediately. If the status quo is allowed to continue, the deterioration of the Gulf Coast will accelerate and its valuable resources will eventually disappear.

1

SEEK URGENT FEDERAL ACTION

Resolve Conflicting Federal Policies & Practices

Contradictory rules, regulations and agency priorities impede coastal restoration by delaying projects and increasing costs. A more orderly, efficient process must be established to meet urgent needs.

1. Fast-track coastal restoration projects that align with approved plans and priorities by establishing an appropriate mechanism, such as an emergency rule.
2. Eliminate conflicting federal policies and improve inter-agency coordination by working with the Gulf Coast Ecosystem Restoration Council and the President's

Gulf Coast Ecosystem Restoration Task Force to create a facilitating mechanism or agency structure that streamlines Gulf Coast protection and restoration.

3. Clarify mitigation requirements and restructure the permitting process to avoid delays or increased costs for environmentally beneficial coastal projects.
4. Consider alternative approaches, such as pooled mitigation funds, to finance priority, systemic projects.
5. Unlock the Harbor Maintenance Trust Fund for its intended purpose — navigation channel maintenance — and enact policies

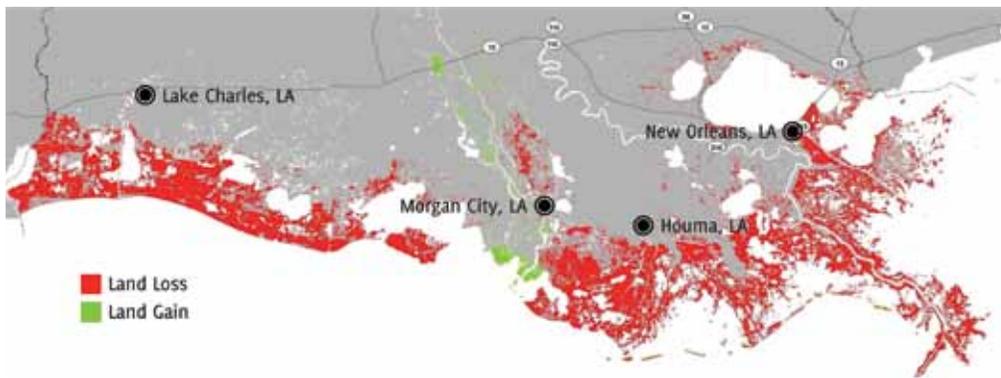
that greatly increase the beneficial use of dredge material for coastal restoration.

6. Support and expedite efforts by the U.S. Army Corps of Engineers to update their guidelines and principles to more appropriately address coastal restoration.
7. Resolve conflicts among the National Flood Insurance Program, Federal Emergency Management Administration, U.S. Army Corps of Engineers, and the Housing and Urban Development Agency, so that uprooted communities can refer to a single, easy-to-understand relocation/"buy-out" policy.

"It's so hard to work your way through the political process, to get a law or a regulation modified, or to get a permit to do anything. We are forced to spend years doing studies and demonstration projects to develop guidelines, etc., before we can do any real work that actually helps. In the meantime, things just keep getting worse."

-Mobile, AL

"Some see Texas as a state with a coast, not a coastal state." -Houston, TX



Louisiana loses the equivalent of a football field of land every hour.

Projected Land Loss Map, 2012-2061, Louisiana Coastal Protection and Restoration Authority



Mississippi Gulf Coast Forum



Paul McIlhenny, CEO, McIlhenny Co., Makers of Tabasco® (Avery Island Forum)

Blended Funding Streams

The key to Successful Local Financial Planning



Blending Reliable, Long-Term Funding Streams. Presented at South Padre Island, TX, Forum by P. Ravella, PAR Consulting, LLC.

“There is no comprehensive regional management for coastal hazards. Given what we have learned from natural events, we need to adapt — from the federal level on down. But we just can’t seem to get out of the blocks.” -Galveston, TX

2

DEPLOY MULTIPLE LINES OF OFFENSE

Decrease Regional Vulnerabilities through Cooperative Action

Short-term thinking has led to consequence planning defined by inadequate, piecemeal fixes — mainly in the wake of disasters. The focus must shift to a long-term vision for the future that emphasizes adaptation by using innovative, systemic approaches that incorporate non-structural and structural elements.

1. Address the Gulf Coast as a system with cooperative efforts that emphasize a comprehensive approach beyond geographic or political boundaries.

2. Ensure that all levels of government enact policies and set funding priorities that support the maintenance and security of critical at-risk coastal infrastructure.

3. Establish a local financial capacity to act by blending reliable, long-term funding streams, such as a percentage of occupancy and property taxes, dedicated to coastal restoration and protection.

4. Secure a stable, sustained dredging budget for the U.S. Army Corps of Engineers that includes an additional 15 percent for the transportation and distribution of dredged material for coastal restoration.

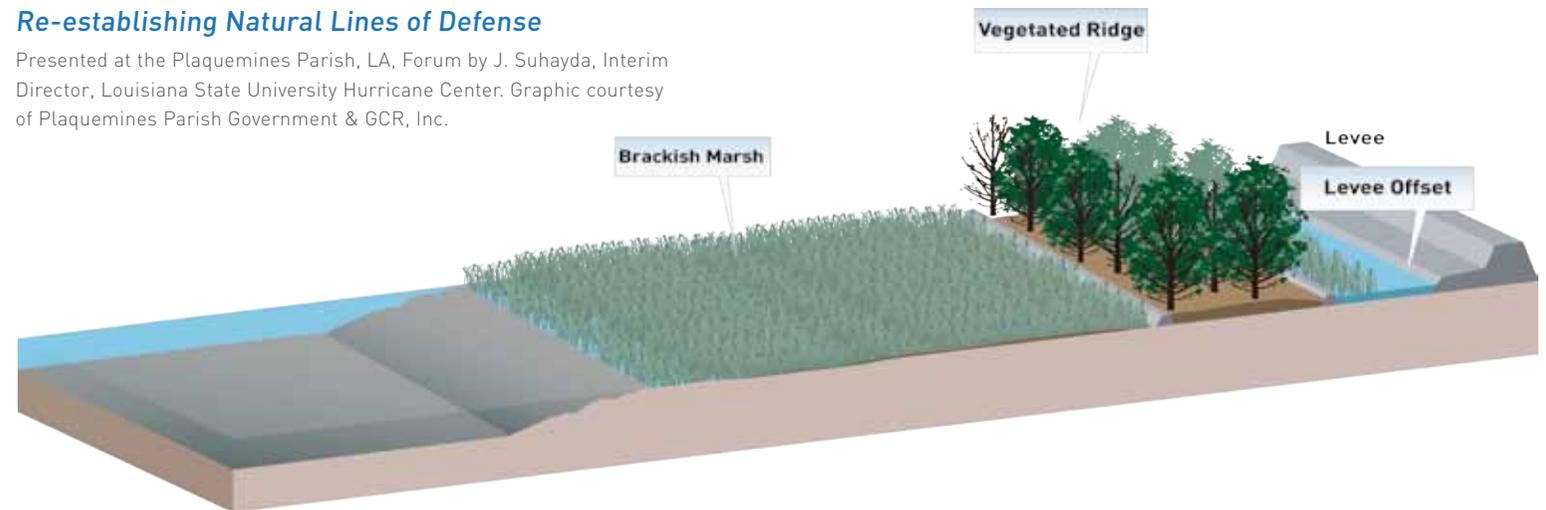
5. Consider amending federal policies so that urgent coastal restoration projects can be accomplished using the best available technologies to avoid unnecessary delays, cost overruns and capacity issues.

6. Modify U.S. Army Corps of Engineers’ policies and practices to utilize dredging resources continuously and to prioritize the assignment of necessary equipment and material to critical areas.

7. Determine the best method for beneficial retrieval and reuse of Mississippi River sediments during high water periods.

Re-establishing Natural Lines of Defense

Presented at the Plaquemines Parish, LA, Forum by J. Suhayda, Interim Director, Louisiana State University Hurricane Center. Graphic courtesy of Plaquemines Parish Government & GCR, Inc.



3 ALLOW INNOVATION & ENTERPRISE TO FLOURISH

Support Strategies To Facilitate Regional Stewardship

Bureaucratic barriers and a lack of smart incentives hinder the development of creative, efficient coastal restoration strategies. Unless policies and plans harness the power of new technologies, visionary research, market forces and local ingenuity, environmental degradation will continue to outpace restoration and protection efforts.

1. Determine a method for valuing ecosystem services that can be incorporated into

the permitting process, including the development of a consequence/cost ratio to be used as a supplement to traditional cost/benefit project analysis.

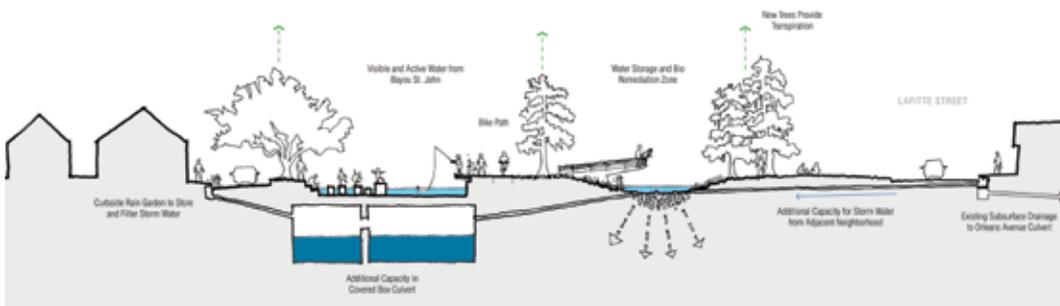
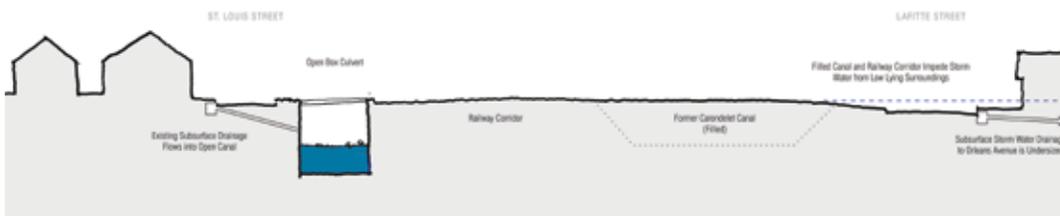
2. Provide tax credits or other incentives, such as mitigation credits, for private landowners who complete restoration and resiliency projects, such as marsh creation, carbon sequestration and home retrofitting.
3. Support funding for living shorelines, such as constructed oyster reefs, which provide multiple benefits, including shoreline protection, water quality

improvement and enhanced coastal habitats.

4. Develop a viable carbon market through public/private partnerships to create incentives for carbon sequestration, land building and emissions reductions.
5. Fund the development of a comprehensive, regional water management and coastal restoration strategy that integrates the Mississippi River watershed and fresh water planning.

Living With Water — Integrated Management

Presented at Jefferson/Orleans Parishes, LA Forum by D. Waggoner, Waggoner & Ball Architects



Dale Morris, Senior Economist and Director, Dutch Water Management Network, Royal Netherlands Embassy to the United States (New Orleans, LA, Forum)

“Our evacuation procedures have gotten very good, but we need to discuss integrated water management. We need to get beyond levees, floodwalls and house-raising. We need to change our attitude to think about what we need — not just to survive here, but to thrive here. We need to think differently about living with water.”
-New Iberia, LA



4

REVITALIZE REGIONAL STRENGTHS & PRIDE

Empower Communities to Practice Self-Determination

“Entrepreneurs, academia, industry — they’re all starting to recognize that we could be a world leader on coastal issues. There’s a huge opportunity, both here at home and abroad, to market our developing products and expertise.”

-Metairie, LA

“If our beaches and shorelines continue to erode, we’re going to lose both residents and tourists alike.”

-Pensacola, FL

Coastal degradation and mounting vulnerabilities threaten entire communities, cultures and a valued way of life. Local citizens must adapt to changing circumstances to preserve their cultural heritage and build the foundation for a stronger future.

1. Ensure that plans, policies and regulations developed at all levels of government to address coastal vulnerabilities commit to a principle of “no net loss of culture” to

avoid the loss of at-risk indigenous and historic cultures along the Gulf.

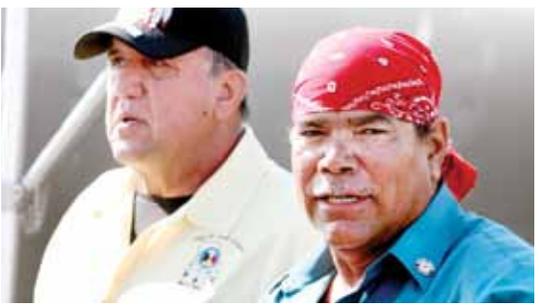
- 2.** Revise U.S. Army Corps of Engineers’ valuation methodology so that Gulf oil and gas ports are ranked by tonnage.
- 3.** Encourage local entrepreneurship and economic diversification to reduce reliance on the success of any one sector for future prosperity.
- 4.** Increase inland communities’ understanding of their reliance on vulnerable coastal assets so that

restoration and protection funding is properly prioritized.

- 5.** Capitalize on the Gulf Coast’s opportunity to become a global leader in coastal planning, restoration and water management by supporting related institutions and businesses.
- 6.** Coordinate marketing efforts regionally to promote tourism and highlight Gulf Coast assets, such as outdoor recreation, seafood, eco-tourism, and domestic energy production.



David Keane, Vice-President, BG Group; Chair, America’s Energy Coast Industry Council (Houston, TX Forum)



Chief Albert Naquin, Isle de Jean Charles Band of Biloxi-Chitimatcha; Chief Thomas Dardar, Jr., United Houma Nation (Lafourche/Terrebonne Parishes, LA Forum)



5

SUSTAIN ACTION BASED ON RECOMMENDATIONS

Communicate Regional Visions for Resiliency

The degradation of the Gulf Coast will continue to accelerate without a robust, coordinated response that enlists all interested parties and every level of government.

1. Release Blue Ribbon Resilient Communities recommendations and disseminate to policymakers at all levels.
2. Build support among state governors for the Blue Ribbon recommendations with the help of organizations such as the Gulf of Mexico Alliance.
3. Convene industry and NGO government affairs staff to coordinate advocacy efforts and to establish support within Congress, the Administration, and state and local governments.
4. Build broader trust and understanding by briefing state, local and federal agencies to solicit their involvement in planning and project development.
5. Advocate at every level for comprehensive, long-term planning in lieu of reactionary, piecemeal projects and policies.

“We don’t think long term about anything — from how we deal with storms to actually thinking about sustainability. We need to paint a vision for the region, connect it to policies and outline what they mean on a day-to-day basis. There needs to be a collective effort to say, ‘this is how we view our region and where we need to go’.”
-Biloxi, MS



Mayor Randy Roach, Lake Charles, LA, (Lafourche/Terrebonne Parishes, LA Forum)



“Right now there are landowners who will do their own coastal restoration at their own expense, but even if they do manage to get a permit, their hands are tied up in so much red tape that they can’t get anything done.”
-Houma, LA



Jeff Williams, Director – Climate Strategy, Entergy (Mobile, AL Forum)



Susan Kaderka, South Central Regional Director, National Wildlife Federation (Jefferson/Orleans Parishes, LA Forum)



Parish President Billy Nungesser, Plaquemines Parish, LA (Plaquemines Parish, LA Forum)



Gary Serio, Vice President, Entergy; Commissioner Buddy Garcia, Texas Railroad Commission (Jefferson/Orleans Parishes, LA Forum)



Dr. Susan Rees, Program Manager, U.S. Army Corps of Engineers (Mobile, AL Forum)

Blue Ribbon Resilient Communities ENVISIONING THE FUTURE OF AMERICA'S ENERGY COAST

COMMUNITY FORUMS (below) & INDIVIDUAL SPEAKERS (on right)

- Lake Charles, LA, March 22-23, 2011
- Plaquemines Parish, LA, May 16-17, 2011
- Houston, TX, June 28, 2011
- Lafourche & Terrebonne Parishes, LA, September 28-29, 2011
- Mississippi Gulf Coast, October 19-20, 2011
- Galveston, TX, November 16-17, 2011
- Mobile, AL, January 25, 2012
- South Padre Island, TX, March 8, 2012
- Gulf Bays & Beaches, AL & FL, March 22, 2012
- St. Mary & Iberia Parishes, LA, April 11, 2012
- Jefferson & Orleans Parishes, LA, May 29-30, 2012

All presentations delivered at the Blue Ribbon Resilient Communities Forums are available for free download online at www.futureofthegulfcoast.org, as are the findings reports from each community, along with a more detailed description of the initiative and contact information for media and further inquiries.

The America's WETLAND Foundation is a non-partisan, non-profit organization that has acted

as a neutral arbiter for coastal interests since its inception in 2002, elevating issues facing the Gulf Coast, specifically those of coastal land loss, to regional and national attention.

For more information please visit: www.americaswetland.com

An initiative of the America's WETLAND Foundation, America's Energy Coast is a diverse group of business and industry leaders, national environmental and conservation organizations, scientists and researchers, and coastal interests from across the four energy-producing states

of Texas, Louisiana, Mississippi and Alabama. The coalition's mission is to provide a balanced forum to work together toward the development of comprehensive solutions to sustain the vital Gulf Coast economic region and the environment on which it depends.

For more information please visit: www.americasenergycoast.org



The following Cooperating Organizations were instrumental in the success of this initiative

- 5 rivers – Alabama's Delta Resource Center
- Bayou Interfaith Shared Community Organizing
- Center for Planning Excellence
- Coalition to Restore Coastal Louisiana
- Galveston Bay Foundation
- Greater Houston Partnership
- Greater New Orleans Foundation
- Greater New Orleans, INC
- Harte Research Institute, Texas A&M University
- Houston Wilderness
- Louisiana Sheriff's Association
- Mississippi Department of Marine Resources
- National Association of Counties

- National Conference of State Legislatures
- National Wildlife Federation
- Police Jury Association of Louisiana
- Shell Center for Sustainability, Rice University
- Texas Commission on Environmental Quality
- Texas General Land Office
- The Nature Conservancy

The Blue Ribbon Resilient Community Initiative was made possible by the generous support of its sponsors



LIST OF SPEAKERS

Judith Adams

Vice President, Marketing
Alabama State Port Authority

Mead Allison, Ph.D

Associate Director, *Jackson School for Geosciences, University of Texas-Austin*

John Anderson, Ph.D

*Shell Center for Sustainability
Rice University*

Johnny Atherton

Vice President of External Affairs
Mississippi Power

Steven Atkins

Owner, *The Atkins Group*

Alita Bagley

Councilmember
South Padre Island, TX

Colette Boehm

Director of Special Projects
Gulf Shores & Orange Beach, AL, Tourism

Jeffrey Buchanan

Senior Domestic Policy Advisor
Oxfam America

Chris Canfield

Vice President, *Gulf of Mexico Conservation & Restoration, National Audubon Society*

Jeff Carney

Director, *Coastal Sustainability Studio Louisiana State University*

Lynne Carter, Ph.D

Associate Director, *Southern Climate Impacts Planning, Louisiana State University*

Hon. Michel Claudet

President, *Terrebonne Parish, LA*

Sidney Coffee

Senior Advisor
America's WETLAND Foundation

Thomas Colbert

Associate Professor
College of Agriculture, University of Houston; SSPEED Center at Rice University

Joe Conn

Director of Port Restoration
Port of Gulfport

John Cronin, Jr.

President & CEO, *Houston Wilderness*

Hon. Jay Dardenne

Lt. Governor, LA

Hon. Randy Davis

Alabama State Representative

Quenton Dokken, Ph.D

President and CEO
Gulf of Mexico Foundation

Brent Dorsey

Director, Environmental Programs
Entergy Corporation

Hon. JoAnn Evans

Mayor Pro-Tem
South Padre Island, TX

Hon. Vivian Figures

Alabama State Senator

John Foret, Ph.D

Research Ecologist, *National Oceanic and Atmospheric Association (NOAA)*

Buddy Garcia

Commissioner, *Texas Railroad Commission*

Sharon & David Gauthé

Bisco, LA

Karen Gautreaux

Director of Government Relations
The Nature Conservancy, LA

James Gibeaut, Ph.D

Endowed Chair for Geospatial Sciences
Harte Research Institute, Texas A&M University-Corpus Christi

Ronnie Gonsoulin

Owner, *Gousoulin Farms*

John Hankinson

Executive Director, *President's Gulf Coast Ecosystem Restoration Task Force*

Dan Hanson

Homeowners' Insurance Initiative
All Churches Together (ACTII)

David Keane

Chair, *America's Energy Coast Industry Council*; Vice President for Corporate & Policy Affairs, *BG Group*

Paul Kemp, Ph.D

Vice President, *Gulf Coast Initiative, National Audubon Society*

Hon. Tony Kennon

Mayor, *Orange Beach, AL*

James Landry

CBO, *New Iberia, LA*

Camille Manning Broome

Director of Planning
Center for Planning Excellence

Valsin Marmillion

Managing Director
America's WETLAND Foundation

Steve Matheis, Ph.D

Technical Director, *Cardno*

Paul McIlhenny

Chairman and CEO, *McIlhenny Company*

Larry McKinney, Ph.D

Director, *Harte Research Institute, Texas A&M University-Corpus Christi*

William Merrell, Ph.D

George P. Mitchell Chair of Marine Sciences & Director, *Center for Texas Beaches, Texas A&M University-Galveston*

R. King Milling

Chairman, *America's WETLAND Foundation*

Randy Moertle

President, *Randy Moertle and Associates, Inc.*

Jerry Mohn

President, *West Galveston Island Homeowners and Property Owners Association*

Peggy Montana

Executive Vice President,
Supply & Distribution, *Shell*

Dale Morris

Senior Economic Advisor
The Royal Netherlands Embassy

Hon. Paul Naquin, Jr.

President, *St. Mary Parish, LA*

Jack Norris

President, *Gulf Coast Business Council*

Hon. Billy Nungesser

President, *Plaquemines Parish, LA*

Ken P'Pool

Deputy State Historic Preservation Officer,
Mississippi Department of Archives & History

Bharat 'Barry' Patel

Owner, *Copa Inn*; Member, *South Padre Island, TX, Beach and Dune Task Force*

Dan Pennington

Community Planner
1000 Friends of Florida

Alice Perry

Assistant Director, *Mississippi Department of Environmental Quality*; Member, *Gulf Coast Ecosystem Restoration Task Force*

Roy Pontiff

Executive Director, *Port of New Iberia*

Patti Powell

State Lands Director, *Alabama Department of Conservation and Natural Resources*

Hon. Charlotte Randolph

President, *Lafourche Parish, LA*

Peter Ravella

President, *Peter Ravella Consulting, LLC*

Denise Reed, Ph.D

Chief Scientist, *Water Institute of the Gulf*

Susan Rees, Ph.D

Program Manager, *Mobile, AL, District, U.S. Army Corps of Engineers*

Hon. Randy Roach

Mayor, *Lake Charles, LA*

Hon. Errol Romero

President, *Iberia Parish, LA*

Dan Seal

Executive Director,
Bay Area Houston Economic Partnership

Steve Sempier

Deputy Director,
Mississippi/Alabama Sea Grant Consortium

Gary Serio

Former Chair, *America's Energy Coast Industry Council*; Vice President, *Corporate Safety & Environment, Entergy Corporation*

Mike Shelton

Program Manager
Weeks Bay National Estuary Research Reserve

William Clifford Smith

Member Designee
Mississippi River Commission

Judy Steckler

Director, *Land Trust for the Mississippi Coastal Plain*

Bob Stokes

President, *Galveston Bay Foundation*

Mary Kate Stubijar

Coastal Conservation Specialist
The Nature Conservancy

Alan Sudduth

Mississippi Public & Government Affairs Manager, *Chevron*

Joseph Suhayda

Interim Director, Hurricane Center
Louisiana State University

Roberta Swann

Director, *Mobile Bay National Estuary Program*

LaDon Swann, Ph.D

Director, *Mississippi/Alabama Sea Grant Consortium*

Hon. Craig Paffaro, Jr.

President, *St. Bernard Parish, LA*

Elizabeth 'Boo' Thomas

President and CEO
Center for Planning Excellence

Rueben Trevino

Coastal Resources Manager
South Padre Island, TX

Robert Twilley, Ph.D

Executive Director, Louisiana Sea Grant
Louisiana State University

Mark Vincent

Director of Channel Development
Port of Houston Authority

J. David Waggoner

Waggoner & Ball Architects

William Walker, Ph.D

Executive Director, *Mississippi Department of Marine Resources*

William C. Walton, Ph.D

Assistant Professor, *Auburn University*

Jeff Williams

Director, Climate Strategy
Entergy Corporation

Meg Winchester

Director, *Galveston Convention and Visitor's Bureau*

Helen Young

Deputy Commissioner, Coastal Resources
Texas General Land Office

ADDENDUM: ANECDOTAL SUBMISSIONS

Throughout the Blue Ribbon Resilient Communities Initiative, participants submitted anecdotal evidence regarding permitting for coastal improvement projects – a topic that has generated considerable frustration and debate due to the often costly, confusing, and lengthy approval process. We include samples of that anecdotal evidence here as expressed in the participants’ own words.



Nicholas Matherne

Director, Office of Coastal Restoration & Preservation
Terrebonne Parish, LA Consolidated Government

“Terrebonne Parish is currently working with the U.S. Fish & Wildlife Service to acquire permits for the North Lake Boudreaux Freshwater Introduction CWPPRA project (TE-32a). The project was approved over 15 years ago, and, to date, we still have not been granted the necessary permits. This is an inexcusable timeframe to get such a conceptually simple project built. The project consists of deepening Bayou Pelton and constructing a conveyance channel under LA Hwy 57 eastward to the alarmingly degraded marsh north of Lake Boudreaux. While the devil may be in the details here, even going so as far as to split hairs on terminology, mitigation is being required for this project on two levels.

The first level of mitigation requirements is somewhat more understandable than the other. We have not yet conducted a wetland delineation to help determine the quantity of mitigation, but under the Modified Charleston Method, our outlook is not an optimistic one. As Dwayne Bourgeois of the North Lafourche Conservation, Levee, and Drainage District suggested to Col. Edward Fleming of the New Orleans District, public works projects (most specifically levees) that have direct impacts to wetlands, can understandably require mitigation. To be reasonable,

however, the Corps should recognize that these projects are not undertaken to access an oil well or encourage navigation in an area where there was previously no such access so the governmental entity can reap profits, but rather to protect communities so that there can be an actual population still present on the coast to enjoy the benefits of the wetlands the permitting regulations seek to protect. Rather than the possibly extreme mitigation requirements to be doled out through the Modified Charleston Method, perhaps the New Orleans District could consider imposing a maximum 1:1 ratio for mitigation on public works projects. Our North Lake Boudreaux Freshwater Introduction project would be a prime candidate for this type of mitigation imposition. The levees, by nature of their construction, obviously have direct impacts to wetlands, but since it is meant for protection of the public, and not for private revenue, the impacts should be mitigated no more than 1:1, if at all.

The second level of mitigation requirements is much more difficult to comprehend and accept. To transport a larger volume of freshwater in an area that was historically cypress swamp, but is now merely a cypress “graveyard,” as a result of saltwater intrusion, we need to both deepen the existing channel of Bayou Penchant and construct a new conveyance channel to facilitate movement of freshwater into a formerly fresh environment that has now converted to a more saline brackish environment. The permitting and commenting agencies, however, choose to blatantly ignore the benefits of re-introducing fresh water into the basin, simply because they are not quantifiable, and so these agencies require the dredged material from deepening Bayou Pelton and constructing the conveyance channel to be used beneficially. While we agree on the local level that this would be the most environmentally beneficial plan of action, we also recognize the limited funds available for coastal restoration in Louisiana and further recognize that this far more expensive option that is being REQUIRED by the permitting and commenting agencies robs funding for other projects in areas that are in dire need of attention. This requirement is especially frustrating when realizing that, although the conveyance channel may not transport a high enough volume of sediment resources to build new land, the fresh water introduced into the basin will undoubtedly save and retain wetlands that would have otherwise fallen victim to saltwater intrusion.

In addition to the mitigation research, calculations, and negotiations that hold up projects like this, there is the issue of Essential Fish Habitat that was raised the America’s WETLAND Foundation Blue Ribbon Resilient Communities forum in New Orleans. There are almost infinitely more numerous examples of projects that have been negatively affected by the management of Essential Fish Habitat, but for my purposes, I will continue with the example of the TE-32a CWPPRA project. The term “Essential Fish Habitat” is defined in the Magnuson-Stevens Fishery Conservation and Management Act (Public Law 94-265) as “those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity.” (16 U.S.C. 1802 Sec. 3.10) This broad definition effectively encompasses ALL coastal waters in the Gulf of Mexico region, in Louisiana, apart from White Lake in Vermillion Parish and Grand Lake in Cameron Parish. As a portion of the area proposed to be enclosed by the levees associated with the CWPPRA project mentioned above include wetlands and open water areas that allegedly are currently utilized by fisheries of the area, NOAA’s National Marine Fisheries Service has voiced its objection to enclosing these areas and impeding fish access. NMFS wishes us to move the levees more inland, in inconveniently close proximity to established communities. The Magnuson-Stevens Fishery Conservation and Management Act defines the classification “fishing community” to be “a community which is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing vessel owners, operators, and crew and United States fish processors that are based in such community” (16 U.S.C. 1802 Sec. 3.16). The communities to be benefited by the TE-32a CWPPRA project are specifically defined in Appendix D of the March 2004 Final Environmental Impact Statement for the Generic Essential Fish Habitat Amendment to all 7 management plans of the Gulf of Mexico Fishery Management Council to be “fishing communities”.

Here’s where the Magnuson-Stevens Act really gets interesting. Sec. 301.a.8 of the Act, under the heading “National Standards for Fishery Conservation and Management” states: 301.a.8 Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide

for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

NMFS may wish to argue the point that in the case of this CWPPRA project, moving the levees more inland and encroaching on the accessibility of the affected landowners’ property may not “maximize” adverse economic impacts on this particular fishing community, but there are obvious impacts, such as property value, that will quantifiably affect the economy. I would argue, in return, that there is no quantifiable way for NMFS to prove the “necessity” of the fishery resources we would be enclosing with the proposed levees that is required by NMFS’ very own definition of Essential Fish Habitat.

Regarding mitigation, I believe we need to continue our ongoing discussion/negotiation with the New Orleans District on how mitigation is calculated and imposed. I would also like to see us collaborate regionally to formulate a list of impediments that have been endured by our region because of Essential Fish Habitat regulations, and to work with USGS to identify the number of acres of wetlands lost during the delays that have come at a cost of EFH policy implementation.”



Ted Falgout, Falgout & Associates

Former Executive Director, Port Fourchon
Lafourche Parish, LA

“When I was building the Maritime Forest Ridge Project at the port, which was a very beneficial project to re-establish ridge habitat that once existed north of the port and had subsided and turned to mostly open water, I experienced delays and additional costs that were totally unwarranted as a result of National Marine Fisheries comments. Again, this was not compensatory mitigation, just a very

expensive project that I convinced my board to do that would create a world class birding area and establish some very rare and much needed habitat.

Every agency that is responsible for protecting Coastal Louisiana should have done everything they could to support this initiative. In fact many did; NOAA gave a grant, NRCS did a planting and EPA granted the project its coveted Gulf Guardian Award. Just about everyone except National Marine Fisheries Service was extremely supportive. As a result of their comments, I had to make modifications to the ridge that were costly, reduced its utility and effectiveness and were totally unnecessary in my opinion. They demanded that I gap the ridge every 1000 ft. in order to increase fisheries access! This was in a rapidly eroding wetland that was quickly turning to open water. The Corps of Engineers is extremely reluctant to challenge NMFS once they play the Magnuson Fisheries Act card. I venture to say that most would have told NMFS where to shove the project and it would have never been built! There were other similar experiences that make my blood boil as well!

The example I gave at the meeting is also something that needs to be fixed and just doesn't: this happens to levee districts, parishes and many private landowners that have established borrow areas for levees in freshwater habitat. If the owner does the environmentally positive thing and lets aquatic growth accumulate in the borrow canal and allows floatant marsh to establish through a process called succession, then when he needs to obtain borrow from the canal, he has to incur expensive mitigation for destroying the marsh that he has allowed to establish and provide environmental benefits for the timeframe between borrow needs which can be decades. The owner is far better off if he sprays herbicide and maintains his canal and does not allow marsh plants to establish. So, in essence, we have a policy in place that discourages allowing marsh to establish. Now that the New Orleans District has adopted the Modified Charleston Method, this disincentive will be magnified many fold!

I will close by giving my thoughts on the Modified Charleston Method (MCM): I believe the impacts of this decision by the New Orleans District will be far reaching and will further challenge our ability to achieve sustainability for communities along the coast of Louisiana. In most cases, we simply do not have the option to avoid wetland impacts in Coastal Louisiana, especially for levee protection projects. Basically the district has tripled the cost of mitigation! Many communities have been struggling to find funding for protection. Unless we reverse this decision, we have basically written off the protection of much of Coastal Louisiana. Combined with the practices of NMFS above, I think this decision will discourage anyone

wishing to consider a restoration project that would be assessed for mitigation."



Randy Moertle

President, Randy Moertle & Associates

"Please find attached a timeline for our Coastal Use Permit for water control structures south of Avery Island. Please note the following concerning the permit:

1. Our project area for our permit application was under marsh management for 27 years previous to the permit application. The purpose of the permit was to replace an existing weir that had fallen under disrepair with four new stop-log, flap-gated water control structures. We also wanted to repair two other weirs and add four additional structures in a natural bayou. This natural bayou had previously been issued a permit to have a weir placed in it, but the work was never done. We were seeking to get the permit so we could apply for a North American Wetlands Conservation Act (NAWCA) grant to enhance waterfowl habitat. We partnered with Ducks Unlimited (DU) on the project. We were to get the permit and DU would do the design, engineering, and administration of the project.
2. From the very first we received objections from EPA, NMFS, and the FWS, as we expected. In each instance, they based their objections primarily on Essential Fish Habitat (EFH) access. In each case, they were concerned that placement of water control structures would inhibit fisheries access. They based their assumptions on several scientific studies done at Louisiana State University. Please note that both the NMFS and FWS personnel writing the objections had gone to LSU and worked for or with the research scientist that authored the literature they cited.
3. We rebutted each and every objection in their letters in two responses (see attached), but had little to no progress in convincing them of our project's merit. In our rebuttals, we used the same scientific studies they cited and even used other scientific studies showing

results countering their conclusions. For example, they came to their conclusions using studies done in other water shed basins, done in brackish marshes, and within leveed impoundments to make assumptions of conditions for our area in the Teche-Vermilion Basin, in a fresh-intermediate marsh, and in a non-leveed marsh. Even when the limitations of the scientific studies they cited were addressed in the papers, the federal agencies ignored and did not address those limitations. In our rebuttal, we even cited other scientific literature that questioned the findings of those studies cited. We believe, however, that as a whole, the federal agency personnel did not objectively consider our rebuttal. Instead, they stuck by their original objections based on their subjective assumptions of the literature cited.

4. All the agencies objected to the installation of new water control structures in Bayou Cassmer, even though a weir had been previously permitted. We believe it shows inconsistency and bias toward an overall policy of opposition to installation of any type of water control structure.
5. Interestingly enough, the same agencies that oppose the use of water control structures, use water control structures on their federal and state wildlife management areas and refuges. There seems to be an "ocean wide" difference between how academics and regulatory personnel view water control and marsh management and how federal, state, and private land managers view water control and marsh management. The academics and regulatory personnel equate unobstructed water flow as essential to fish habitat. In their opinion, this unobstructed flow allows the maximum numbers of fish to utilize an area, therefore, maximizing the habitat. Resource managers, on the other hand, believe that unrestricted water exchange allows for the introduction of harmful saline waters and causes extreme erosion as a product of sheer velocity and friction. It is obvious that those that really do manage marshlands are in favor of water control and marsh management while those who have never managed one acre falsely believe they are maximizing fisheries habitat. It seems intuitive that with no marsh habitat, you will eventually end up with no fisheries.
6. Although the U.S. Army Corps of Engineers makes the ultimate decision on whether or not a permit is issued, the National Marine Fisheries Service (NMFS) has a memorandum of understanding in which they can challenge the Corps decision. It is without question, that they use the threat of elevating their objection to a higher level to cower the Corps analysts. The Corps is already overwhelmed with permit issues and they do not want to add even more work and effort in fighting NMFS.
7. As applicants, we feel there is no appellate system to address the flawed interpretation of EFH. Even though we may have a proven track record of 27 years that demonstrates that our land management practices have preserved and even increased marsh habitat, the regulatory agencies have policies in place that discouraged our efforts for habitat management enhancement. Many landowners find that the process is so expensive and onerous that they completely give up trying to get permits for much needed protection and restoration. This only leaves applicants with a feeling of despair that nothing can be accomplished given the current permitting process.
8. As applicants, we often find ourselves dealing with analysts that have limited field experience. They often have difficulty understanding plans and engineering drawings and have a limited knowledge of construction equipment. Therefore, permit applicants are in a constant "trick-bag" of having their permit applications put on-hold (see attached timeline). This forces the applicant to continually make plan revisions and respond to redundant and unnecessary information requests. This only delays permit issuance and runs up costs. It also appears that even though the applicant had mimicked previously authorized permit applications, the regulatory agencies seem to find new and unusual ways to increase the requirements and information needed for each successive permit application.
9. As landowner applicants, we do not believe we need to be saddled with all types of monitoring and annual reports. They are time consuming and costly. Our greatest goal is to preserve, enhance, and protect our own property. Having to report to regulators that do not either understand the landowner management goals or believe that the goals and objectives are counter to their particular regulatory mandate is unacceptable. It is not the job of the regulators to set private property management goals. By forcing their limited understanding of management on the landowner, and atmosphere of conflict develops between regulators and private property owners. Each landowner understands the regulators public trust, however, in an effort to protect the public trust, policy positions like those taken by NMFS in their interpretation of EFH causes far more harm than good.

As applicants to the federal and state permitting process, it appears to us that NMFS is "driving the bus" and leading the process through their single species focused EFH mandate. We as landowners are greatly in favor of EFH, however, we believe it is more important to preserve habitat than to allow unabated fish access and that all fish and wildlife species need to be considered, not just a few estuarine dependent species.

10. Finally, as demonstrated by the expansion of the Louisiana Coastal Zone, it is evident that government intervention and regulation is only becoming more invasive and onerous. Like all government intervention, the regulatory permit system is grinding coastal protection and restoration to a halt. The added time, effort, and expense to get permits has discouraged many landowners to the point that they no longer want to even try. Hope this helps in understanding what permit applicants are up against. If you need any clarification, let me know."

(*Three Bayous Permit Timeline on right)



Jerome Zeringue

Executive Director, Louisiana Office of Coastal Restoration & Protection

OBSERVATIONS

- Agreement among federal agencies on the goal of Coastal Restoration programs is needed, i.e., is the goal to build land, restore ecosystems, restore historic water conditions, maintain current conditions? Opposing goals can delay projects while this issue is being negotiated. One agency may be seeking to restore the area to the historic ecology and another believes its agency's mission is to keep maintain the status quo and will resist the change to historic conditions.
- The current practice of funding Federal projects one year at a time is an impediment that should be removed.
- The establishment of a Programmatic EIS/EA and a programmatic BO for Endangered Species would remove significant impediments to implementation of restoration projects.
- Joint Coastal Permits: Currently, USACE does not have a restriction on how long it takes to evaluate and respond to a permit request. If a permit has a 30-day public comment period they should be required to comment

within that period like the other Federal agencies.

- USACE Feasibility Study Screening Criteria: Restoration projects should not be evaluated solely on environmental benefits but also by national economic benefits. For example, a barrier island has one of the lowest AAHU's of all of the restoration projects, but it has one of the highest benefits to flood protection, seafood industry, etc. Projects may have more national interest if all the benefits to the nation were highlighted.
- Total Project Costs: There needs to be a greater recognition by the Federal Government and the public of what the true total project costs are to the non-federal sponsor. This is never clearly stated in the Chief's Report to Congress or to the public by USACE. A project construction effort may be cost shared 65% Federal/35% Non-Federal (LCA program), but if the non-Federal sponsor is responsible for 100% O&M costs, 100% Adaptive Management Implementation after the first 10 years of construction for a project with a 50 year product life cycle, plus any planned re-nourishment costs to meet the life cycle objectives then it is possible that the non-Federal sponsor will pay more money than the Federal Government over the life of the project.
- Federal Reimbursement Policy: CPRA should be able to receive reimbursement for projects constructed by the State or apply credit for that project to another Federal program.
- Federal funding by fiscal year: If USACE and other Federal agencies were fully funded up front and allowed to carry funds over without the risk of losing them they could focus on the product more than the process. Also, this would increase the project team's ability to deliver them on schedule and within budget.
- USACE Agreements: Multiple agreements for a single project (Feasibility, Design, and Construction) slow project momentum and could be combined when prudent to do so. For example, if the Design and Construction agreements could be combined then tasks such as land

rights acquisition could be performed when the final project footprint is identified rather than waiting until the construction agreement is signed.

EXAMPLE PROJECTS:

BA-43 Mississippi River Long Distance Sediment Pipeline Project (MVN-2009-1353-EFF) and BA-48 Bayou Dupont Marsh Restoration and Ridge Creation BA-48 (MVN-2010-2720-EFF)

- The delay on these two projects has been the slow permit process by the Corps.
- The Corps does not have a deadline for submitting comments during and after the project permit has gone out on public notice.
- At the Corps, all responses to permits have to follow a procedural review process through various offices and divisions regardless of specific comments.
- Despite sending specific comments to the Corps requesting office/division, they will not discuss or respond except through the permit review process.

TIMELINE

August 4, 2011- Bayou Dupont permit application resubmitted to Corps;

September 28, 2011- Bayou Dupont permit comments received from Corps;

September 29, 2011- Meet at Corps with Engineering Operations to discuss permit comments; Corps reiterated that CPRA delineate 1.3 MCY reserve for the Saltwater Barrier Sill (SWBS) — Borrow Area 1 in the Alliance Anchorage Borrow Area.

October 26, 2011- Meeting was held at Corps to discuss SWBS footprint and Slope Stability Analyses requirements; Corps reiterated again that CPRA delineate 1.3 MCY for SWBS; Dredging template layout discussed and revised as per USACE.

November 3, 2011- A presentation on LDSP proposed borrow areas, dredging templates, and SWBS delineation was made at the Corps to the Mississippi River Maintenance Forum. Presented the revised proposed borrow area and dredging template which reserves 1.3 MCY for SWBS.

December 16, 2011- LDSP permit was put out on joint public notice.

January 27, 2012- Corps Engineering/Operations permit comments were received requesting additional slope stability analyses. It was also requested that CPRA demonstrate the sediment for the SWBS remain.

March 14, 2012- Two sets and digital copies of the slope stability analyses reports for the Wills Point, Alliance Anchorage, and Alliance South borrow areas, and responses to permit comments for the LDSP and Bayou Dupont projects, were hand delivered to the Corps permitting office.

June 8, 2012- CPRA received permit comments from Corps Permit Analyst.

June 19, 2012- Follow up meeting held at the Corps office. Reviewed comments with Corps Geotechnical Section. At the end of the meeting we were advised by Corp Operations that they now needed 2.0 to 2.5 MCY of material for the SWBS and that the SWBS borrow area had been redefined into our Alliance borrow area as shown in red on the attachment.

The CPRA proposed dredging template for the LDSP/BA-48 project estimates approximately 6.5 MCY of available material for marsh creation and additionally reserves 1.3 MCY for the SWBS.

Using the permitted area, the recently revised SWBS borrow area will reduce available material to less than 1.0 MCY in the Alliance Anchorage Borrow area due to the new orientation, thus making this borrow area ineffective for the construction of this project and future projects as well.



Plaquemines Parish, LA Forum



Volunteers at a marsh grass planting (Mississippi Gulf Coast Forum)



Karen Gautreaux, Director – Government Relations, Louisiana Chapter, The Nature Conservancy (Lake Charles, LA Forum)



Mayor Mitch Landrieu, New Orleans, LA (Jefferson/Orleans Parishes Forum)

Three Bayous Permit Timeline (Moertle & Associates)

Date	Description	Agency	Comments	Major Impediments
12/12/08	Submitted permit application	OCM		
12/16/09	Returned to McIlhenny	OCM	Request for permit plat revisions	
12/18/09	Application resubmitted	OCM	Revised drawings sent to OCM	
12/24/09	Returned to McIlhenny	OCM	Request for more permit plat revisions	
12/29/09	Application resubmitted	OCM	Revised drawings sent to OCM	
12/30/09	Application completed and sent to OCM analyst	OCM		
12/30/09	Application put on-hold	OCM	Request for information concerning equipment right-of-way, where rock to be placed, contact LDWF to resolve sensitive feature	
1/30/09	Information requested provided by McIlhenny	OCM	Permit taken off-hold	
2/2/09	Application put on-hold	OCM	Request for more information concerning depth of dredging, more equipment right-of-way information, operational schedule for water control structures	
2/17/09	Objection to project by Environmental Protection Agency (EPA)	EPA	Objection to marsh management and water control structures	Essential Fish Habitat
2/19/09	Information requested provided by McIlhenny	OCM	Permit taken off-hold	
2/23/09	Objection to project by National Marine Fisheries Service (NMFS)	NMFS	Objection to marsh management and water control structures using Essential Fish Habitat (EFH) reduction as justification	Essential Fish Habitat
2/25/09	Objection to project by U.S. Fish and Wildlife Service (FWS)	FWS	Objection to marsh management water control structures at Bayou Cassmer and proposed drawdowns for waterfowl enhancement	Essential Fish Habitat
2/26/09	U.S. Army Corps of Engineers (COE) request for rebuttal to EPA, NMFS, and FWS objections.	COE	Request for rebuttal to objection letters	Essential Fish Habitat
2/20/09	Application put on-hold	OCM	Third request for information to applicant for equipment ROW information and dredging depth	
3/9/09	Application put on-hold	OCM	Request to coordinate with LDWF on sensitive areas	
4/3/09	Application put on-hold	OCM	Request for landowner decision on compensatory mitigation.	
4/13/09	McIlhenny rebuttal to objection letters.	COE	Fifteen (15) page rebuttal sent to COE addressing each objection from the federal agencies.	Extensive review of literature cited as basis for objections required a point by point rebuttal from McIlhenny
5/19/09	Application off-hold	OCM		
6/5/09	Application put on-hold	OCM	Request for landowner to meet with agencies and respond to letters of objection and rebuttals	
6/6/09	FWS response to McIlhenny rebuttal.	FWS	Objection to drawdowns dropped; all other comments remain the same as previous objection letter.	Federal agencies would not be deterred in their belief that any impediment to fisheries access equated to loss of fisheries habitat. Did not address scientific research that questioned this hypothesis even though it was included in McIlhenny rebuttal.
6/10/09	NMFS response to McIlhenny rebuttal.	NMFS	All objections remain the same as in previous objection letter based on EFH. NMFS exercises its elevation authority between the COE and NMFS.	
6/17/09	EPA response to McIlhenny rebuttal	EPA	Further objections were not forthcoming as EPA had not visited the site.	
7/1/09	Louisiana Department of Wildlife & Fisheries email of concerns for EFH	LDWF	LDWF wanted water control structure operational information during non-drawdown years.	

Date	Description	Agency	Comments	Major Impediments
7/1/09	McIlhenny response to LDWF	OCM	Response to all agency objections and concerns will be forthcoming.	
8/7/09	McIlhenny response to FWS, NMFS, and EPA rebuttals and LDWF concerns	COE	Seven (7) page response was sent to COE that addressed continued objections from FWS, NMFS, and EPA	The agency refusal to move from their EFH policy position, required the landowner to respond again to their comments.
8/24/09	McIlhenny forced to remove water control structures at Bayou Cassmer in order to continue with permit application.	COE	Because of federal agency objections and EFH concerns, the water control structures at Bayou Cassmer had to be removed	Agency objections required the landowner to abandon planned water control structures at one location despite a 27 year proven record of marsh management.
9/11/09	McIlhenny response to OCM concerning permit plat revisions to reflect removal of Bayou Cassmer water control structures.	OCM	McIlhenny informs OCM that permit plat revisions will be forthcoming.	Over nine (9) months had passed since the original permit application had been submitted due to federal agency interpretation of EFH policy. The landowner was forced to revise the project and undergo the added expense of permit revisions.
11/2/09	OCM field investigator revises calculated impacts.	OCM	Impact calculations reduced as result of removal of water control structures at Bayou Cassmer	
11/3/09	FWS, NMFS, LDWF objection to Bayou Cassmer water control structures cause revision of permit plats	OCM	The water control structures were removed from permit plats.	
11/30/09	Application put on-hold	OCM	Request for change in permit plats to reflect three different types of fill material.	
12/7/09	LDWF wants revised management plan to reflect recommendations from FWS and NMFS	LDWF	LDWF wants change in operational plan.	The water control operational plan had to be revised despite the submitted plan being acceptable in other authorized marsh management permits. This is inconsistent.
12/16/09	Landowner response	OCM	Application put off-hold by analyst	
12/17/09	OCM wants review of revised operational plan.	OCM	Requested review by all agencies.	
1/4/10	Processing fee paid	OCM		
1/4/10	Coastal Use Permit issued with special conditions	OCM	Permit required installation of water level gauges, salinity monitoring, vegetative monitoring, recording of any changes in the marsh and annual reports	These special conditions require an ongoing expense to the applicant.
2/9/10	COE permit issued under condition that Real Estate Division of COE gives authorization	COE	Project was believed to be in an area where the COE had real estate interests and requires a Real Estate Division authorization	Prior to issuance of COE permit; McIlhenny was asked by a request from NMFS through the COE to redesign the water control structures to include a fisheries slot. McIlhenny refused stating that NMFS had over one year to make this request. To accommodate this request would have required revisions to all permit plats and to the Coastal Use Permit causing further delays. The COE relented and issued the permit.
4/15/10	Louisiana Department of Environmental Quality Water Quality Certification permit issued	LDEQ	Water Quality Certificate issued	
7/29/10	North American Wetlands Conservation Act (NAWCA) grant application		NAWCA grant application for construction of project could not be submitted until all permits had been acquired	

(COE) U.S. Army Corps of Engineers; (EPA) Environmental Protection Agency; (FWS) U.S. Fish and Wildlife Service; (LDWF) Louisiana Department of Wildlife & Fisheries; (NMFS) National Marine Fisheries Service; (OCM) Office of Coastal Management



fb

www.facebook.com/AmericasWetland



www.twitter.com/AmericasWetland

URL

www.AmericasWetland.com

MARMILLION  COMPANY
strategic communications

This report was prepared by Marmillion + Company
Strategic Communications | www.marmillion.com