

Template letter to be utilized by OCM to send to the Applicant who is not the landowner, and has impacts <1 acre.

Month XX, XXXX

Name of Applicant or Agent Company if using an agent
Address of Applicant or Agent Company if using an agent
Attn: Name of Applicant or Agent Contact if using an agent

RE: P#, Coastal Use Permit Application
Name of Applicant
Description: Project description
Location: Project location
Name of Parish Parish, LA

Dear Applicant/Agent Contact if using an agent:

The Office of Permitting and Compliance (OPC) has reviewed the need and alternatives for the above referenced activity and has determined that compensatory mitigation is required for the anticipated unavoidable loss of **0.00 acres** of **type habitat** resulting from the proposed use.

In accordance with amendments to the Rules and Procedures for Mitigation effective January 20, 2014 (LAC, Title 43, Part I, Chapter 7, Subchapter C, Section §724), landowners with less than 1 acre of unavoidable anticipated net losses of or impacts to coastal resources do not have the right to request mitigation be performed on their property. Therefore, please complete and return the applicant's mitigation intent form **within 30 days of the date of this letter.**

Please be advised that if you choose the option to implement an individual mitigation plan, a complete written mitigation plan in accordance with the required technical items as outlined in the attached Mitigation Proposal Requirements must accompany the Applicant Mitigation Intent Form.

In addition, the applicant will be assessed a compensatory mitigation processing fee of **\$XXX.00** in addition to any cost associated with providing compensatory mitigation pursuant to LAC Title 43, Part I, Chapter 7, Subchapter C, Section §724.D. An acceptable compensatory mitigation proposal and the compensatory mitigation processing fee must be received prior to issuance of the referenced permit. An invoice will be prepared at the

conclusion of processing this permit which will include the mitigation processing fee. Please remit payment for all fees upon receipt of the invoice. Please note that this fee is in addition to any cost associated with permit processing fees.

In accordance with LAC, Title 43, Part I, Chapter 7, Subchapter C, Section §724, processing of your application will be placed on hold and will resume once the above information is received. Be advised that additional information may be required to fully evaluate the mitigation plan. Please refer to the above Coastal Use Permit number when responding to this request. If you have any questions, call me at (225) 342-XXXX.

Sincerely,

[Analyst name](#)
Permit Analyst

[Analyst initials: approver initials](#)

Attachments

cc: [Section Chief for Parish, USACE](#)
[Project Manager if known, USACE](#)
[Applicant Representative if using agent, Applicant Name](#)

Applicant Mitigation Intent Form

Department of Conservation and Energy
Office of Permitting and Compliance
P. O. Box 44487
Baton Rouge, LA 70804-4487

RE: **Name of Applicant**
CUP# : PXXXXXXXX

Dear Office of Permitting and Compliance:

I, _____, hereby notify OPC of my compensatory mitigation plan
(Applicant Name, please print) in accordance with the selection identified below.

Please check one of the following options:

- _____ I request to implement the attached landowner coordinated individual mitigation plan on the landowner's property in accordance with the required technical items as outlined in the Mitigation Proposal Requirements.

- _____ I request to implement the attached individual mitigation plan off of the landowner's property in accordance with the required technical items as outlined in the Mitigation Proposal Requirements.

- _____ I request to purchase the appropriate type and quantity of mitigation credits from a mitigation bank approved by OPC or from an approved In-Lieu Fee Program, or where applicable, through a contribution to the Coastal Mitigation Account.

(Signature) (Date)

Mitigation Proposal Requirements

The following technical items must be submitted in order for C&E/OPC to evaluate your Proposed Mitigation Project (these items are required; however, you are not limited to these items):

1. a scope of work that provides:
 - (a). the wetland creation or habitat restoration activity that the applicant is proposing, for example: erosion control, marsh creation, shoreline protection, plantings, etc.;
 - (b). information as to whether the proposed wetland creation or habitat restoration activity will result in the establishment of coastal plant communities; a description of the proposed construction activities;
2. an explanation detailing why the proposed site requires wetland creation or habitat restoration and why this measure should be implemented, for example, the shoreline is retreating, the site is a prior converted wetland, existing degraded habitat, and the applicant is proposing this measure to create a wetland or restore a habitat, etc.;
3. on-site habitat loss rates. Provide the average land loss rate (acres per year) and the shoreline erosion rate (linear feet per year);
4. the exact limits/location (latitude and longitude) of the proposed habitat restoration site, center coordinate (GCS NAD 83), plan view plats and the exact coordinates on the plan view plats for all boundary corners must be provided;
5. a list of landowner(s) and addresses for the proposed wetland creation or habitat restoration site;
6. a list of the extent of the proposed work, total acreage benefited and total linear feet benefited;
7. the existing site condition. Provide a detailed description of the condition of the site; describe the soils; drainage patterns/hydrology; list all existing manmade structures on the site, etc.;
8. a list of the proposed resulting wetland creation or habitat type(s), for example, forested wetland, fresh/intermediate marsh, or brackish/salt marsh;
9. a long-term protection and maintenance plan (marsh creation/restoration sites must be maintained for 20 years, forested wetland sites must be maintained for 50 years), plan for re-establishing wetland vegetation if initial planting fails, plan for invasive species management, and also a plan for all maintenance and or management activities (include all timber stand improvement activities);
10. a planting plan (if applicable) shall include:
 - (a). the type and number of trees per acre that will be planted;
 - (b). the size of the seedlings that will be planted and the type of container;
 - (c). the type and number of marsh grass transplants that will be planted;
 - (d). the size of the marsh grass transplants that will be planted and the type of container;

- (e). the total number of acres that will be planted; and
 - (f). the expected survival rate of all plants after two years;
11. and provide the following submittal information:
- (a). the party responsible for the submittal;
 - (b). the name of the applicant and/or landowner(s);
 - (c). the domiciliary address and phone number of the applicant and/or landowner(s);
 - (d). the name and phone number of the agent or contact if different from applicant; and
 - (e). the mailing address of the applicant and/or landowner(s) if different from the domiciliary address.