

Template letter to be utilized by OPC to send to the Applicant who is not the landowner, contains the template letter to be utilized by the Applicant to send to the appropriate landowner(s).

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.

Please be advised that 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), applicants are responsible for notifying all landowners of the mitigation options available to them when unavoidable anticipated net losses of or impacts to coastal resources on their property is **one** acre or greater. Evaluation of your mitigation proposal will require consideration of landowner rights, location factors, and interagency coordination. For this reason, it is required that you coordinate with the landowner(s) regarding compensatory mitigation for impacts. A template letter with associated attachments has been provided for the applicant to utilize for notification purposes (see attached Landowner Letter/Attachments 1, 1A & 2).

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.

Following notification and coordination with the affected landowner(s), it is also the applicant's responsibility to submit documentation of the acres and habitat type of impacted landowners (i.e impacted landowner habitat map), notification letter(s) to landowner(s) with one or more acres of impacts, all signed Mitigation Intent Forms and, if applicable, and all written mitigation plan(s) to the OPC **within 40 days of the date of this letter.**

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
(Applicant Name, please print) plan 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.

The following options are only available if the applicant has documentation that the landowner(s) has/have waived their right to have compensatory mitigation to be performed on their property:

_____ 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.

Template letter to be utilized by the Applicant/Agent to send to the appropriate landowner(s)

Month XX, XXXX

Name and Address of Landowner/Representative

CERTIFIED MAIL

No: _____

(If mailing and not hand delivered)

RE: P#, Coastal Use Permit Application

Applicant name

Description: project description

Location: project location

Name of Parish, LA

Dear Name of Landowner/Representative:

This is to inform you, as a landowner, that the Office of Permitting and Compliance (OPC) is requiring Name of above referenced permit applicant to provide compensatory mitigation for the unavoidable loss of ± # acres of Type of Wetland Habitat that will result from the above-referenced activity on your property. As the permit applicant, we are required under LAC, Title 43, Part I, Chapter 7, §724.J to inform the owner of the land upon which the proposed impacts to coastal resources are to occur of the following potential mitigation options available to landowners:

1. The landowner may waive their right to have compensatory mitigation performed on his/her property.
2. The landowner (s) may choose to have compensatory mitigation performed on his/her property by either coordinating the development of a mutually acceptable plan with the permit applicant or if the landowner finds the permit applicant's mitigation proposal to be unacceptable, the landowner shall provide his/her own mitigation proposal.

To help simplify this process please complete Attachment 1, Landowner Mitigation Intent Form, to indicate which option you, as a landowner, would like to pursue. If you choose the option to have compensatory mitigation performed upon your property, it is recommended that the permit applicant and the landowner pursue the development of a mutually acceptable mitigation plan. Name of Permit Applicant would like to coordinate the development of such a mitigation plan and request that you please contact Name of Permit Applicant Representative/Agent at phone number or email address.

If the applicant and landowner are unable to develop a mutually acceptable mitigation plan and/or the landowner finds the permit applicant's mitigation proposal to be unacceptable, please be advised that it is the landowner's responsibility to provide a written explanation as to why the proposal is unacceptable and attach your own mitigation plan in accordance with Attachment 2, Mitigation Proposal Requirements, to [Name of Permit Applicant Representative/Agent](#). Please send all Mitigation Intent Forms and, where applicable, Mitigation Proposals to: [Address of Permit Applicant/Agent](#) and refer to the above Coastal Use Permit number when responding to this request **within thirty (30) days of receipt of this letter**.

Failure to submit the above information within the timeframe specified will result in forfeiture of the landowner's right to require compensatory mitigation to be performed on the landowner's property (LAC, Title 43, Part I, Chapter 7, §724.J.5.d.), but does not necessarily preclude compensatory mitigation from occurring on the landowner's property.

If you have any questions, please call me at [Phone number of Permit Applicant/Agent](#).

Sincerely,

[Name of Permit Applicant/Agent
Representative](#)

Attachments

Attachment 1

Landowner Mitigation Intent Form

Name and Address of Landowner:

RE: [Name and Address of Applicant](#)
CUP# : [PXXXXXXXX](#)

Dear [Name of Permit Applicant/Agent](#):

I, _____ (Landowner Name, please print), hereby acknowledge notification of my rights as a landowner to request that compensatory mitigation be performed on my property for impacts to ([# as reported by OPC](#)) acres ([type of wetland](#)) habitat upon my property by ([Name of Applicant](#)) as a result of the proposed activities under the above referenced permit and provide my option for compensatory mitigation in accordance with the selection identified below.

Please check one of the following options:

_____ I hereby waive my right to request that compensatory mitigation be performed on my property.

_____ I have coordinated with the permit applicant to develop a mutually acceptable compensatory mitigation proposal to be performed on my property.

_____ I find the permit applicant's mitigation proposal unacceptable and have provided a written explanation as to why the proposal is unacceptable along with my own mitigation proposal in accordance with the required technical items as outlined in Attachment 2, Mitigation Proposal Requirements.

(Signature)

(Date)

(Form may be utilized in cases where Landowner Mitigation Letters are delivered in person by the applicant or their representatives and where landowners are not yet decided on their mitigation intent at the time of notification.)

Attachment 1-A

Landowner Receipt of Mitigation Letter Form

Name and Address of Landowner:

RE: Name and Address of Applicant
CUP# : PXXXXXXXX

Dear Name of Permit Applicant/Agent:

I, _____ (Landowner Name, please print), hereby acknowledge notification of my rights as a landowner to request that compensatory mitigation be performed on my property for impacts to (# as reported by OPC) acres (type of wetland) habitat upon my property by (Name of Applicant) as a result of the proposed activities under the above referenced permit and will take my options outlined in the Landowner Mitigation Letter into consideration at this time. I understand that I must submit the Landowner Mitigation Intent Form along with a mitigation plan proposal, should that option be elected, to the applicant within 30 days of the date of notification in order for my mitigation intent to be considered.

(Signature)

(Date)

Attachment 2 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.