

VILLAGE OF FOLSOM

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE VILLAGE OF FOLSOM APPROVING THE RESOLUTION TO URGE THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT, TO FOLLOW THE RECOMMENDATIONS OF THE LOUISIANA DEPARTMENT OF NATURAL RESOURCES, OFFICE OF COASTAL MANAGEMENT, AS TO THE IMPLEMENTATION OF FAIR AND REASONABLE REGULATIONS ON WETLAND HABITAT ASSESSMENT AND COMPENSATION FOR WETLAND IMPACTS.

WHEREAS, pursuant to federal law the U.S. Army Corps of Engineers (USACE) enforces regulations regarding Louisiana's wetlands and when development is proposed in a wetlands area, the developer (local and state government or business) is required to pay a mitigation fee that is used to preserve other wetland areas; and

WHEREAS, much of coastal Louisiana is under the purview of the New Orleans District of the USACE and subject to that District's application of regulations pertaining to the assessment of wetland habitat and the designation of applicable compensatory credits for impacts to said wetlands; and

WHEREAS, the Village of Folsom knows the importance of wetlands to public safety and to the economy; and

WHEREAS, the cost of mitigation fees assessed by the USACE greatly increase the cost for capital projects in this Parish; and

WHEREAS, the USACE, New Orleans District, has promulgated rules, also known as the Modified Charleston Method (MCM), pertaining to the assessment of wetland habitat and the computation of compensatory credits for wetland impacts from public safety and economic development projects; and

WHEREAS, the MCM significantly changes mitigation requirements for unavoidable wetland impacts greatly increasing the cost and hindering the ability to build public works projects which protect the public and facilitate the growth of our local economy; and

WHEREAS, the MCM has been criticized as an unreasonable and unwarranted change to the USACE'S mitigation policies by numerous public officials, many of Louisiana's congressional delegation included, government and regulatory bodies, including the Louisiana Department of Natural Resources, Office of Coastal Management (OCM); and

WHEREAS, in public comments in response to the proposed MCM rules, OCM criticized the MCM for not being based on actual scientific data and for failing to certify the MCM as a model which is adequate to assess habitat impacts on the USACE'S own civil works projects; and

WHEREAS, OCM has further stated the MCM must be revised as the effects of the current MCM language will be to impose excessive mitigation requirements and exponential penalties on public works and infrastructure projects while not providing enough credit for marsh creation projects or insuring that sufficient mitigation banking opportunities are available.

THE VILLAGE OF FOLSOM HEREBY RESOLVES that its members fully support the comments of the Louisiana Department of Natural Resources, Office of Coastal Management, calling for the New Orleans District of the USACE to implement changes to the MCM to address the punitive nature of the calculations utilized in the MCM to quantify compensatory mitigation credits, to provide for fair and adequate credit for marsh creation projects, cease the use of the cumulative impact factor on the adverse impacts table of the MCM, and otherwise revise the MCM to insure the fair valuation of habitat creation and wetland impact which does not unreasonably burden the regulated public.

BE IT FURTHER RESOLVED that the Village of Folsom urges the USACE, New Orleans District, to heed the criticisms of the Louisiana Department of Natural Resources and the numerous government officials, regulatory bodies and private concerns with respect to the MCM, its stymieing impact on public works and economic development projects and its failure to follow the mandates of the Clean Water Act, Section 404, which requires that compensatory mitigation be practicable and, thereof, to take all actions necessary to revise the MCM to provide adequate and defensible compensation calculations for required mitigation for unavoidable impacts to wetlands.

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS:

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

YEAS: Donald Burris, Lance Willie, and Jill Mathies.

Yeas:

Nays:

Absent:

Mayor

Clerk

This Resolution was approved and adopted the 12th day of March, 2012, at a Regular General Meeting.