

1 Introduced March 13, 2012, by  
2 Councilwoman Harbison, seconded by  
3 Councilman Borchert, (by request of  
4 Administration)

5 **RESOLUTION R12-02**

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7 A resolution urging the U. S. Army Corps of Engineers, New Orleans District,  
8 to follow the recommendations of the Louisiana Department of Natural Resources, Office  
9 of Coastal Management, as to the implementation of Fair and Reasonable regulations on  
10 wetland habitat assessment and compensation for wetland impacts.

11 WHEREAS, pursuant to federal law the U.S. Army Corps of Engineers  
12 (USACE) enforces regulations regarding Louisiana's wetlands and when development is  
13 proposed in a wetlands area, the developer (local and state government or business) is  
14 required to pay a mitigation fee that is used to preserve other wetland areas; and  
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16  
17 WHEREAS, much of coastal Louisiana is under the purview of the New  
18 Orleans District of the USACE and subject to that District's application of regulations  
19 pertaining to the assessment of wetland habitat and the designation of applicable  
20 compensatory credits for impacts to said wetlands; and  
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23  
24 WHEREAS, the City of Slidell recognizes the importance of wetlands to public  
25 safety and to the economy; and  
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27 WHEREAS, the cost mitigation fees assessed by the USACE greatly increase  
28 the cost for capital projects in this City; and  
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31 WHEREAS, the USACE, New Orleans District, has promulgated rules, also  
32 known as the Modified Charleston Method (MCM), pertaining to the assessment of wetland  
33 habitat and the computation of compensatory credits for wetland impacts from public  
34 safety and economic development projects; and  
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37 WHEREAS, the MCM significantly changes mitigation requirements for  
38 unavoidable wetland impacts greatly increasing the cost and hindering the ability to build  
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4 public works projects which protect the public and facilitate the growth of our local  
5  
6 economy; and

7           WHEREAS, the MCM has been criticized as an unreasonable and  
8  
9 unwarranted change to the USACE'S mitigation policies by numerous public officials,  
10  
11 many of Louisiana's congressional delegation included, government and regulatory bodies,  
12  
13 including the Louisiana Department of Natural Resources, Office of Coastal Management  
14 (OCM); and

15           WHEREAS, in public comments in response to the proposed MCM rules,  
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17 OCM criticized the MCM for not being based on actual scientific data and for failing to  
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19 certify the MCM as a model which is adequate to assess habitat impacts on the USACE's  
20  
21 own civil works projects; and

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

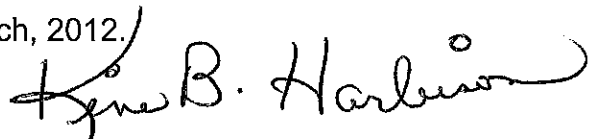
31           NOW THEREFORE BE IT RESOLVED by the Slidell City Council that its  
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33 members fully support the comments of the Louisiana Department of Natural Resources,  
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35 Office of Coastal Management, calling for the New Orleans District of the USACE to  
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37 implement changes to the MCM to address the punitive nature of the calculations utilized  
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39 in the MCM to quantify compensatory mitigation credits, to provide for fair and adequate


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4 credit for marsh creation projects, cease the use of the cumulative impact factor on the  
5 adverse impacts table of the MCM, and otherwise revise the MCM to insure the fair  
6 valuation of habitat creation and wetland impact which does not unreasonably burden the  
7 regulated public.  
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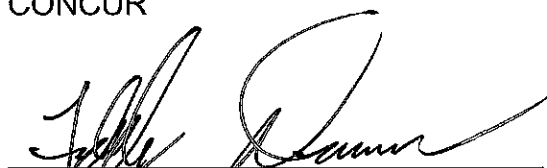
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11 **BE IT FURTHER RESOLVED** that the Slidell City Council urges the USACE,  
12 New Orleans District, to heed the criticisms of the Louisiana Department of Natural  
13 Resources and the numerous government officials, regulatory bodies and private concerns  
14 with respect to the MCM, its stymieing impact on public works and economic development  
15 projects and its failure to follow the mandates of the Clean Water Act, Section 404, which  
16 requires that compensatory mitigation be practicable and, thereof, to take all actions  
17 necessary to revise the MCM to provide adequate and defensible compensation  
18 calculations for required mitigation for unavoidable impacts to wetlands.  
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23 **ADOPTED** this 13th day of March, 2012.

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27 Kim Harbison  
28 President of the Council  
29 Councilwoman-at-Large

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31 Thomas P. Reeves  
32 Council Administrator

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34 **CONCUR**

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38 Freddy Drennan  
39 Mayor