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2007-0369

**INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT
(DEPARTMENT OF PLANNING & ZONING/CZM)**

ORDINANCE NO. 07-12-18

An ordinance to approve and authorize the execution of a Memorandum of Understanding between St. Charles Parish and the Department of Natural Resources for the Lake Salvador Shoreline Protection Project Phase III, DNR No. 2514-08-03.

WHEREAS, the Louisiana Department of Natural Resources has proposed to install approximately 7,300 linear feet of rock dike near the Lake Salvador shoreline to reduce the erosion rate in the project area by approximately 50% (currently approximately 13 feet per year); and,

WHEREAS, said project is a continuation of the original project completed in 2005, and it requires the Parish to transfer \$2,300,000.00 of its Coastal Impact Assistance Program Grant to the Department of Natural Resources to fund the project, and,

WHEREAS, it is the desire of the Parish Council to approve said project.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Memorandum of Understanding between St. Charles Parish and the Department of Natural Resources for the Lake Salvador Shoreline Protection Project (Phase III) DNR No. 2514-08-03 is hereby approved.

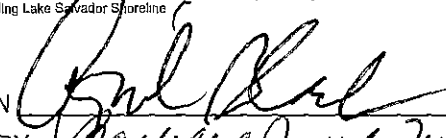

SECTION II. That the Parish President is hereby authorized to execute said Memorandum of Understanding on behalf of St. Charles Parish.

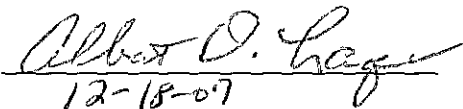
The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: MARINO, FAUCHEUX, HILAIRE, RAMCHANDRAN, BLACK, DUHE,
MINNICH
NAYS: NONE
ABSENT: FABRE, WALLS

And the ordinance was declared adopted this 17th day of December, 2007,
to become effective five (5) days after publication in the Official Journal.

Mem of Understanding Lake Salvador Shoreline

CHAIRMAN 
SECRETARY 
DLVD/PARISH PRESIDENT December 18, 2007
APPROVED DISAPPROVED

PARISH PRESIDENT 
RETD/SECRETARY 12-18-07
AT 3:45 pm RECD BY BGT

MEMORANDUM OF UNDERSTANDING BETWEEN
ST. CHARLES PARISH
AND
THE DEPARTMENT OF NATURAL RESOURCES

I. PURPOSE

The purpose of this Memorandum of Understanding (MOU) between St. Charles Parish and the Department of Natural Resources (DNR) is to provide a framework for cooperative efforts between the two organizations. The agreement will provide the means for the partners to work together to construct the referenced project.

II. BACKGROUND

The Lake Salvador project was included and approved in the fiscal year 1994-95 Coastal Wetlands Conservation and Restoration Plan. This project was funded under the Coastal Wetlands Planning, Protection Restoration Act (CWPPRA) formula of 85 percent federal funding and 15 percent state funds from the Wetlands Trust Fund. Under the approved plan, a number of demonstration structures were constructed. After the initial project was constructed, it was decided to demonstrate building rock structure protection in poor soil conditions. In 2005, St. Charles Parish and DNR completed construction of Phase II of the Lake Salvador Shoreline Protection project, funded through a combination of NOAA CIAP, mitigation fees and state wetlands trust fund money. Phase II consisted of a rock structure approximately 8600 feet in length. This project, Lake Salvador Shoreline Protection Phase III, will complete the shoreline protection along the northwestern portion of Lake Salvador by installing approximately 7,300 linear feet of rock structure.

III. INTENDED COOPERATIVE EFFORTS AND PROJECT

In August of 2005, the State was notified that the United States Congress had appropriated funding for what is known as the Coastal Impact Assistance Program (CIAP). The program's goal was to assist in mitigating for impacts from the Outer Continental Shelf oil and gas production. An approved use of the funding is for environmental protection projects. Funding for this project is pending approval of the final Louisiana CIAP plan by the U.S. Minerals Management Service (MMS) and execution of grants for the project between DNR and MMS and St. Charles Parish and MMS.

IV. RESPONSIBILITIES

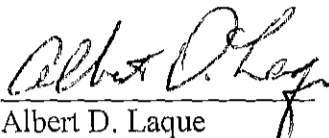

In order to carry out the project, the following is hereby agreed to:

DNR will use \$2,300,000 in funding awarded from the state designated CIAP funding. DNR will supervise, inspect and construct the project.

St. Charles Parish will transfer \$2,300,000 of its Coastal Impact Assistance Program Grant to DNR to assist in construction of the project.

Total cost of the joint funded project is currently projected to be \$4,600,000.

This MOU will become effective upon signature of the following:

	
Albert D. Laque Parish President	Scott A. Angelle LDNR Secretary
<u>11/14/07</u> date	<u>11/6/07</u> date

- 1. Designated Agency:** St. Charles Parish Government
- 2. Project Title:** Lake Salvador Shoreline Protection Phase III
- 3. Contact Information:** Earl Matherne
Coastal Zone Administrator
Post Office Box 302
Hahnville, Louisiana 70057
Phone: (985) 783-5060
Fax: (985) 783-6447
ematherne@stcharlesgov.net

4. Project Summary:

Location of Project: This project is located in St. Charles Parish along the northwestern portion of Lake Salvador.

Duration: Two years

Total CIAP Funds Proposed: \$4,600,000

Parish CIAP Funds Proposed: \$2,300,000 (CIAP FY 2007 \$ 1,557,519 and CIAP FY 2008 \$ 742,481) This interagency agreement is contingent on the grant and subsequent grant amendment (FY 2007 and FY 2008) between St. Charles Parish and MMS being executed. Funding will be for project construction only.

State CIAP Funds Proposed: \$2,300,000

Project Cost Share: The CIAP funds are not being used as part of a required cost share on this project.

Project Summary and Measureable Goals: The project will consist of installing approximately 7,300 linear feet of rock dike at or near the minus 1.0 NAVD 88 contour. Openings will be installed in the rock dike at 1,000 foot intervals, to provide boat access and "fish dips" (access for aquatic organisms). Construction access will be via flotation channels excavated to minus 6.0 NAVD 88 or by direct placement (no Flotation) in areas with sensitive cultural resources.

The goal of this project is to install approximately 7,300 linear feet of rock dike near the Lake Salvador shoreline. The objective of this project is to reduce the shoreline erosion rate in the project area by approximately 50% (currently approximately 13 feet/year).

5. Project Type: Authorized Use 1: Projects and activities for the conservation, protection, or restoration of coastal area, including wetlands

Project Justification: The Lake Salvador shoreline is susceptible to erosion because of the long fetch across the lake, the vulnerable shoreline configuration, and the highly unconsolidated sediment base. These factors are responsible for the high shoreline erosion rate of approximately 13 feet/year, primarily at the expense of the adjacent fresh marsh. As with the other phases of shoreline protection along Lake Salvador, implementation of the project features is anticipated to reduce the shoreline erosion rate in the project area by approximately 50%. This chronic erosion has breached the lake shoreline in several locations, exposing fragile, highly organic marsh substrates to increased wave and tidal energy, resulting in large, shallow pond formation in the interior marsh. The existing shoreline protection project (CWPPRA, BA-15) completed construction in 2005. Numerous delays in project scheduling and financial limitations caused approximately 7,300 linear feet of rock dike to be eliminated from the previous phase of this project. This proposed CIAP-funded project would extend the current project to the limits of the original design.

6. Project Description: This project is a continuation of an existing shoreline protection project along the northwestern portion of Lake Salvador in St. Charles Parish. The project will consist of installing approximately 7,300 linear feet of rock dike at or near the minus 1.0 NAVD 88 contour. Openings will be installed in the rock dike at 1,000 foot intervals, to provide boat access and "fish dips" (access for aquatic organisms). Construction access will be via flotation channels excavated to minus 6.0 NAVD88 or by direct placement (no flotation) in areas with sensitive cultural resources.

Project tasks are separated into two phases. Phase I is a non-construction phase and includes: engineering and design, landrights, and Project administration. Phase II tasks would include Project construction, supervision and inspection, long term landrights, and Project administration. In 2004 and 2005, Phase I of the project was completed, including design, securing the environmental permits, and obtaining landrights.

The estimated total amount for the Lake Salvador Shoreline Protection Phase III project, is \$4,600,000, including \$2,300,000 from the State of Louisiana. The total amount is requested to complete the construction of the project.

PROJECT TASKS

The following tasks, deliverables, and time lines apply to the Lake Salvador Shoreline Protection Phase III Project.

Task 1. Project Construction

- A Administration of the construction contract for this Project will be the responsibility of DNR. Any contract changes, both before and after the award of construction contracts, shall be approved by DNR. DNR shall approve any substantial modifications to the plans and/or specifications (such as changes requiring permit modifications, budget increases, etc.) during construction.

Task 2. Supervision and Inspection

- A. Supervision and inspection of the Project construction will be the responsibility of DNR. Supervision and inspection by DNR, or its agent, shall include, but will not be limited to, Project layout, inspection services and quality assurances during construction. DNR will arrange for and conduct final inspection for the completed works of improvement. If all work has been performed in accordance with the contractual requirements, DNR will accept work from the Contractor. DNR will prepare a Construction Completion Report within three months of final inspection.

DELIVERABLES

- A. DNR will oversee the Project construction according to plans and specifications. DNR will supervise the public bid process to select the contractor, and will supervise and inspect during construction to ensure compliance with the plans, specifications, permits and regulatory approvals.
- B. During the construction period, DNR will document project construction with weekly reports which summarize the daily progress of construction, identify any potential or actual problems associated with compliance with the construction contract, and describe any field changes or change orders.
- C. DNR will arrange for and conduct final inspection for the completed works of improvement in conjunction with MMS, if requested. DNR will provide MMS with a certified engineer approval of the final project inspection upon project completion, as well as a Construction Completion Report, including as-built drawings, within three months of final inspection, if requested.
- D. DNR will submit annual Project status reports to MMS through completion of Phase II.

7. Description of Environmental Impacts: Environmental permits have been secured from the Department of the Army, (Section 10, Rivers and Harbors Act and Section 404, Clean Water Act); Department of Natural Resources Coastal Management Division (Coastal Use Permit/Consistency Determination); and the State of Louisiana Department of Environmental Quality (Water Quality Certification).

One environmental concern is known to be present at the project site. The project area is part of the aboriginal homelands of the Chitimacha Tribe of Louisiana. It was agreed that if, during the course of work at the site, cultural resources are discovered, the Chitimacha tribe must be contacted in addition to contacting the Department of the Army. Also, one archaeological site is located in the vicinity of the project. If at any time during construction of this project, any archaeological material or human remains are discovered, Duke Rivet of the Louisiana Department of Culture, recreation & Tourism will be contacted immediately. Construction techniques have been specified to avoid disturbance of these cultural resources.

8. Relationship to Other Federal Program: The Lake Salvador Shoreline Protection Phase III Project has no relationship to other federal programs. The initial design of the project was funded by the State of Louisiana.

9. Federal, State, and Local Agencies: The federal, state and local agencies involved in the **Lake Salvador Shoreline Protection Phase III Project**, their contact, and contact information include the following:

Louisiana Department of Natural Resources
Greg Grandy
P. O. Box 44027
Baton Rouge, Louisiana 70804-4027
Phone: (225) 342-6412 Fax (225) 342-9417
Email: gregory.grandy@la.gov

St. Charles Parish
Earl Matherne
Post Office Box 302
Hahnville, Louisiana 70057
Phone: (985) 783-5060 Fax: (985) 783-6447
Email: ematherne@stcharlesgov.net

10. Environmental Review:

1) Does the project require any Federal environmental review (e.g., environmental assessment, environmental Impact statement, biological opinion)?

XXX Yes _____ No

2) Does the project require any State environmental review (e.g., Consistency Determination, State Historic Preservation Office)?

XXX Yes _____ No

3) Does the project require any local environmental review (e.g., zoning)?

_____ Yes XXX No

Copies of the environmental reviews were submitted in conjunction with this grant application.

11. Permits:

1) Does the project require any Federal permits?

XXX Yes _____ No

2) Does the project require any State permits?

XXX Yes _____ No

3) Does the project require any local permits?

Yes No

Copies of all applicable permits were provided in conjunction with this grant application.

13. Legal Proceedings:

1) Are there any pending legal proceedings that have been taken against any of the permits or related environmental analyses required for the project)?

Yes No

14. Budget Narrative:

LAKE SALVADOR SHORELINE PROTECTION PHASE III

Agreement Budget Summary

Construction

1	Project Construction *	\$ 2,300,000
Total		\$ 2,300,000

Budget Notes

- The total estimate for construction for the Lake Salvador Shoreline Protection Phase III) project is \$ 4,417,045. The \$2,300,000 that St. Charles Parish is allocating for this project will be applied to project construction in conjunction with the state construction allotment of \$ 2,117,045 to fund the entire construction estimate of \$ 4,417,045.