Approved Under DNR Delegated Authority

CFMS# 482814

Julia Rainford

DNR COOPERATIVE AGREEMENT NO. 2515-10-02
AMENDMENT NO. 2

AMENDMENT TO THE
COOPERATIVE AGREEMENT
BETWEEN
STATE OF LOUISIANA
DEPARTMENT OF NATURAL RESOURCES
(Hereinafter referred to as "Department")

AND

ORLEANS PARISH
(Hereinafter referred to as "Contracting Party")

By mutual consent of both parties to this agreement, Article 2 entitled Contract Term is amended to read in its entirety as follows:

> The term for the fulfillment of services to be performed pursuant to this agreement shall be from July 1, 2009 through June 30, 2011.

FURTHER, by mutual consent of both parties to this agreement, Article 3 entitled Project Scope and Funding is amended to read in its entirety as follows:

> The Contracting Party shall utilize the funds provided under this Cooperative Agreement to complete the Project as described in Appendix A, Addendum to Appendix A, and Addendum II to Appendix A. The total cost of this Project shall be a sum not to exceed Seventy-Two Thousand, Six Hundred Thirty Two And 00/100 Dollars ($72,632.00). Of the total project cost, the Department shall contribute a maximum of Forty Five Thousand Three Hundred Sixteen And 00/100 Dollars ($45,316.00) and the Contracting Party shall contribute a minimum of Twenty Seven Thousand, Three Hundred Sixteen And 00/100 Dollars ($27,316.00). Under no circumstances shall the Department or the State of Louisiana have any obligation to the Contracting Party or to any third person, association, partnership or corporation for any additional sum or contribution. Expenditures incurred by the Contracting Party in excess of the amount specified above will be borne by the Contracting Party.

FURTHER, by mutual consent of both parties to this agreement, Article 13 entitled Deliverables is amended to read in its entirety as follows:

> The Contracting Party shall provide to the Department the items specified in the Scope of Services (Appendix A, Addendum to Appendix A, and Addendum II to Appendix A) as products of the services rendered under the terms of this agreement.

FURTHER, by mutual consent of both parties to this agreement, Article 22 entitled Subcontractors is amended to read in its entirety as follows:

> The Contracting Party agrees to obtain written Department approval prior to subcontracting any part of the services specified in Appendix A, Addendum to Appendix A, and Addendum II to Appendix A. The Contracting Party shall include, in any subcontract, the provision contained in this contract. The Contracting Party shall submit requests for approval, accompanied by copies of proposed subcontracts, to the Department Project Manager. The Contracting Party further agrees to guarantee and be liable to the State (Department) for all services performed under any such subcontract.

All other terms and conditions of the agreement shall remain the same.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their respective officers thereunto duly authorized as of this 21 day of June, 2010.

WITNESSES:

Renita Horton

Michael G Sherman

ROBERT D. HARPER, SECRETARY
DEPARTMENT OF NATURAL RESOURCES

Orleans Parish

SCOPE OF SERVICES
LOCAL COASTAL RESOURCES PROGRAM
*2010-2011*

I. The Coastal Zone Public Policy of the Parish is:

A. To protect, develop, and where feasible, restore and enhance the resources within the Parish's coastal zone.

B. To support and encourage multiple use of coastal resources consistent with maintenance and enhancement of renewable resource management and productivity, the need to provide for adequate economic growth and development, and the minimization of adverse effects.

C. To employ procedures and practices that resolve conflicts among competing uses within the coastal zone.

D. To develop and implement a coastal resources management program which is based on consideration of our resources, the environment, the needs of the people of the Nation, the State, and the Parish.

E. To enhance opportunities for the use and enjoyment of the recreational values of coastal zone areas.

F. To express certain regulatory and non-regulatory policies for the Coastal Zone Management (CZM) Program.

G. To develop and implement a reasonable and equitable coastal resources management program with sufficient expertise, technical proficiency, and legal authority to enable the Parish to determine the future course of development and conservation of the coastal zone.

H. To provide for regular inspection of coastal zone areas to report violations and monitor permit compliance of public and private contractors.

II. The local CZM administrators shall conduct their programs and complete the following tasks in accordance with their approved local program documents and ordinances.

A. PERMITTING PROCEDURES

1. When applications are filed with the local CZM, the local CZM will review the permit application and make a determination as to whether the activity is of state or local concern. Within two (2) days, the local administrator or his designee will forward his determination to the State Office of Coastal Management (OCM), along with a copy of the application, for concurrence. If an application is deemed to be a state concern

by the state OCM, the administrator may subsequently comment to the state regarding parish's concerns.

2. When deemed necessary by the local administrator, an onsite investigation by the administrator or his designee shall be carried out to obtain additional information concerning the project area and its impact on the environment.

3. Any documents used in making decisions or recommendations for local concern activities, must be included in a file which becomes the Administrative Record of Decision. Each file shall contain:

   a. a copy of the application and any additional information submitted by the applicant.

   b. a copy of the state's local use determination,

   c. a copy of the final determination or permit, including any special conditions and/or modifications required of the permittee, with a short statement documenting the basis for the decision in accordance with the rules and procedures.

   d. a copy of any field investigations performed for the project,

   e. a copy of the technical review on the environmental, social, economic, and cultural impacts of the project, as well as, a copy of any mitigation calculations and project determination information,

   f. a copy of the needs, alternatives and justification statement,

   g. a copy of any public notice required for the project and any comments received,

   h. a copy of any public hearing transcripts, if required,

4. A copy of the final decision for uses of local concern permits shall be sent to the OCM.

5. During the review of local concern applications, the local administrator (or his designee) shall coordinate with other appropriate agencies.

B. FEE SYSTEM

The local administrator shall administer fees as approved by the Parish Council Ordinance.

C. PUBLIC NOTICE

A public notice for a coastal use permit application deemed to be of local concern and requiring a CUP shall be prepared by the local administrator or his staff and will be published in the official journal of the Parish. A copy of the public notice will be placed in the parish permit file and a copy shall be sent to the OCM for the OCM files.

Public notice of local coastal use permit decisions shall also be made in the parish journal. A copy of the public notice will be placed in the parish permit file and a copy shall be sent to the OCM for the OCM files.

D. APPEALS PROCESS

A copy of all documentation in a case of an appeal for a use of local concern shall be placed in the parish permit file and a copy shall be forwarded to the OCM. The state shall be kept informed in writing of all findings in such cases.

E. VARIANCES

A copy of all variances, with findings, once approved by the Secretary of the Louisiana Department of Natural Resources (LDNR), shall be kept in the application file and in the parish permit file, and a copy shall be sent to the OCM.

F. ENFORCEMENT PROCEDURES

The Parish CZM shall investigate any unpermitted activities as well as activities that might result in non-compliance with state or local rules and regulations or with permit terms and conditions. This pertains to activities discovered by, or reported to, the parish. The parish CZM shall investigate the activity and, if appropriate, request that the party conducting the unauthorized activity submit a coastal use permit application. The parish CZM investigation shall follow enforcement procedures provided in La. R.S. 49:214.36 and the parish LCP ordinance. If appropriate, the parish may seek to impose a fine or other appropriate civil or criminal penalties.

G. OTHER PERMIT REVISIONS

A copy of any additional local use permit proceeding, including modifications, suspensions, and revocations, shall be placed in the parish permit file and a copy forwarded to the OCM.

## III. MITIGATION

The parish CZM shall assess compensatory mitigation to replace or substitute for the ecological value of wetlands lost due to permitted activities of local jurisdiction. The mitigation assessment shall be conducted according to La. R.S. 49:214.41 and the parish LCP

ordinance. The progress of this task shall be reported to the OCM. The parish CZM shall report on mitigation to the State OCM as described in section VI.A. below.

## IV. QUARTERLY MEETINGS

OCM will sponsor four quarterly meetings during this contract period. Attendance at these meetings is mandatory for LCP administrators. If a parish administrator is unable to attend a scheduled meeting he/she is asked to make arrangements to have an assistant or an advisory committee member attend as a representative.

## V. DELIVERABLES

### A. REPORTING TO THE STATE OCM

Quarterly

The OCM is responsible for including local program permitting information in the semi annual Louisiana Coastal Wetlands Conservation Plan Report and the Quarterly Legislative Report on OCM performance indicators.

Code sheets used for permitting, enforcement and mitigation reporting shall be completed (including all information on habitat impacts and AHUs/CHU derivations) and forwarded to OCM immediately upon the issuance of a permit and/or the final agreement of a mitigation plan. Because the Quarterly Legislative Report on OCM performance indicators is due immediately following the end of each quarter, this reporting information must be complete in the OCM database by September 30th and December 31st, March 31st, June 30th.

These forms are as follows:

1. Local Coastal Programs Coding Form shall be submitted for all applications determined to be of local concern; When applicable, be sure that state assigned enforcement numbers are co-referenced on the LCP coding form.

2. Impacted Habitat Form shall be submitted for all local concern applications, except solicitation of views and those which are exempt from permitting because they occur outside the coastal zone and do not impact coastal waters;

3. Habitat Benefit Forms shall be submitted for every local concern activity for which mitigation is required.

Invoices

The local CZM Administrator shall forward the following information regarding state and local permit uses to OCM at least by the 15th of the month following the end of the quarter.

1. Requisitions for payments, in-kind contribution reports with monitoring report.

2. Completed "Standardized Local Coastal Program Reporting Form" (see attached).

Annual Reporting

Pursuant to L.A.C. 43:I.725(F) an annual report shall be submitted for every year of local program implementation to the OCM. This report is incorporated into the quarterly and the database reporting requirements and includes the following:

1. the number, type, and characteristics of applications for coastal use permits,

2. the number, type, and characteristics of coastal use permits granted, conditioned, denied, and withdrawn,

3. the number, type, and characteristics of permits appealed,

4. the results of any appeals,

5. a record of all variances granted,

6. a record of any enforcement activities and actions taken (enforcement activities reported by the State Program to the parish CZM or activities discovered by the parish)

7. a description of any problem areas within the state or local program and proposed solutions to any such problems, and

8. proposed changes in the state or local program.

OCM will conduct an end of the year performance evaluation of the parish program at the end of the fourth quarter.

## Standardized Local Coastal Permitting Reporting Form

**List and Detailed Description of any Appeals:**

**List and Detailed Description of any Mitigation Assessed:**

**List and Detailed Description of any Variances:**

**List and Detailed Description of any Enforcement Actions:**

**Mitigation Assessment**
List any problems or proposed changes to local program

**Local Program Assessment**
List any problems or proposed changes to local program

**State Program Assessment**
List any problems or proposed changes to state program

Orleans Parish CZM
Expenditure Budget
4/22/2010

Coastal Zone Management

| Object | Description | Budget |
|---|---|---|
| | Salaries | 22,658 |
| | in-kind | 13,658 |
| | Total Department | 36.316 |