

Congress of the United States
Washington, DC 20515

September 22, 2014

VIA ELECTRONIC MAIL
IMMEDIATE ATTENTION REQUESTED

Colonel Richard Hansen
District Commander and District Engineer
U.S. Army Corps of Engineers – CEMVN
7400 Leake Avenue
New Orleans, LA 70118

RE: The Modified Charleston Method

Dear Colonel Hansen:

As representatives from a state that relies heavily on agricultural production, we are concerned about the recent, unsustainable increase in agricultural land usage for mitigation credits occurring throughout south Louisiana. This increase is due to the high “average credit per acre” score given for agricultural production lands under the Modified Charleston Method (MCM). The unsustainable and unnecessary trend has resulted in significant, negative impacts to Louisiana’s agricultural production and is posing a serious threat to farmers, consumers, and our economy.

Louisiana’s agricultural industry is a substantial contributor to the economy with invaluable potential for increased economic benefits and job creation in both rural and urban communities throughout Louisiana. Our state is ranked third in the nation for rice production and is in the top ten for other crops such as cotton, sweet potato, and sugar cane. Plant enterprises alone in Louisiana value over \$4.1 billion and when combined with animal enterprises total over \$6.2 billion in gross farm value. There is a finite amount of land suitable for agricultural production so it is imperative that this land be utilized for these purposes.

Under the MCM, complete conversion of agricultural acreage that had no current wetland value provides a good credit score for wetland mitigation because the MCM does not currently take into consideration the negative impacts to agriculture. This incentivizes mitigation banks to seek agricultural land over existing or former wetlands that are in immediate need of mitigation. Consequently, Calcasieu Parish has lost over 13,000 acres of agricultural land to mitigation banks in the past year, with other parishes currently seeing equivalent or greater losses. Because wetland conversion for mitigation is in perpetuity, this rate of converting agricultural land is not

sustainable and will result in significant agricultural production losses if the MCM is not adjusted to reflect all of the “negative influences” on the mitigation acreage under consideration.

Our concerted goal is to find the best path forward to protect agricultural production while putting mitigation credits where they are needed most. The U.S. Army Corps of Engineers recently released a report titled, “Determining the Amount of Compensatory Mitigation Required for Department of the Army Permits”, dated June 20, 2014, that includes recommendations for alternative mitigation strategies and increasing supply-side mitigation opportunities. These recommendations include:

- Promote the use of advance permittee-responsible mitigation;
- Advance mitigation planning;
- Use of preservation as compensatory mitigation;
- Encourage the development of mitigation banks and in-lieu fee programs; and
- Establishment of single-client mitigation banks

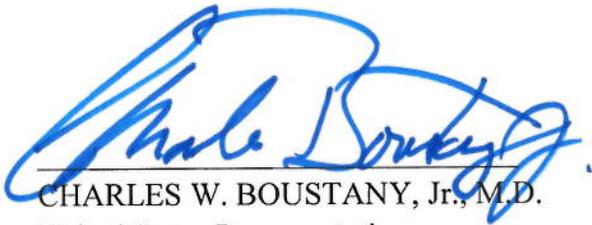
In addition to the aforementioned report recommendations, we request a modification to the MCM to include a line or column under the “Negative Influences” category that considers the productive value of agricultural land lost if the land was converted into a wetland. This would be a line item reduction in wetland credit that should substantially reduce the “Average Credit Per Acre” score so that it would not be economically feasible to use agricultural production land for wetland mitigation.

As you may know, there have been several issues related to the creation and implementation of the MCM that have negatively affected public works projects and business in Louisiana. We are aware that discretion to make modifications to the MCM lies with the District Commander, as demonstrated by your predecessor, and encourage you to give serious attention to this matter. Therefore, in an effort to slow down the usage of agricultural land for mitigation purposes, we request that modifications be made to the MCM using the recommendations suggested in this letter. As always, we hope to continue an open dialogue with you and affect positive, mutually-beneficial changes to the MCM. Please do not hesitate to contact us on this very important issue.

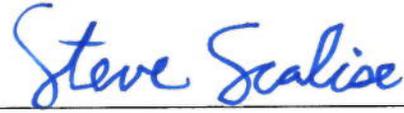
Sincerely,


MARY L. LANDRIEU
United States Senator

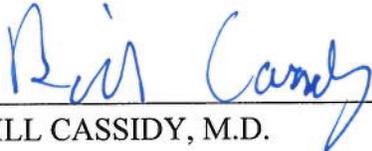

DAVID VITTER
United States Senator



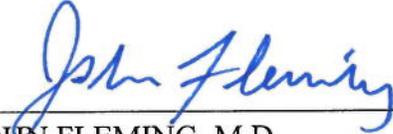
CHARLES W. BOUSTANY, Jr., M.D.
United States Representative



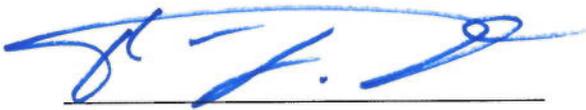
STEVE SCALISE
United States Representative



BILL CASSIDY, M.D.
United States Representative



JOHN FLEMING, M.D.
United States Representative



CEDRIC RICHMOND
United States Representative



VANCE MCALLISTER
United States Representative