



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS LA 70118-3651

March 28, 2025

Programs and Project Management Division
Projects and Restoration Branch

Mr. Gordon E. Dove
Chairman
Coastal Protection and Restoration Authority
150 Terrace Avenue
Baton Rouge, LA 70802

Dear Mr. Dove,

Thank you for your interest in the Louisiana Coastal Area (LCA) Program, as referenced in the March 6, 2025 document (Enclosure 1). In conjunction with the information provided in my email on March 14, 2025 (Enclosure 2), responses to the questions posed are set forth below.

As an initial matter, the letter does not specify the particular project(s) of interest to the State. Please note that the LCA Program as authorized in the Water Resources and Development Act of 2007 identified 15 potential projects, including projects that would require the initiation of feasibility studies and other projects that were conditionally authorized, pending completion of a feasibility analysis. The U.S. Army Corps of Engineers, New Orleans District (USACE) can provide more detail if the State could identify the particular LCA project(s) of interest.

a. What would the State need to do to move forward with the project?

Should the State wish to resume any study or project previously suspended under the LCA Program, the State will need to submit a letter of intent (LOI) stating its intent to serve as a non-federal sponsor, execute a cost share agreement and provide the required non-federal cost share matching funds.

Note that authorized projects and permitted projects (such as the Mid-Barataria Sediment Diversion (MBSD)) are considered to be constructed projects in USACE's evaluation of the Future Without Project condition (FWOP) of the study. If a proposed project is duplicative of an authorized or permitted project, that would likely impact the benefits analysis for the proposed project. Should the State wish to request that its MBSD permitted project not be considered as part of the FWOP condition, the LOI would need to reflect this request and USACE would need to seek a policy waiver (which is not guaranteed).

b. What is the program cost share (percentages) Federal, State?

Under the LCA Program, any activities under a feasibility study are cost shared at 50% federal/50% non-federal, while any project construction activities developed under LCA Program are cost shared at 65% federal/35% non-federal. The LCA Beneficial Use of Dredged Material (BUDMAT) program is cost shared at 75% federal/25% non-federal.

c. Does USACE have the money to move forward with engineering?

Under the LCA Program, USACE currently has carryover federal funds on hand that were not used from previously approved feasibility studies and/or preconstruction engineering and design under the Investigation account. Funding is only available for construction for the BUDMAT portion of the LCA program.

d. What dollar amount of the anticipated State's share?

Feasibility studies are typically budgeted at \$3M and three years, with the feasibility study subject to a 50% federal/50% non-federal cost share. The cost of the study would be further refined upon signing of the federal cost-share agreement and scope developed upon initiation of the study. The amount of the State's share of construction funding for projects under the LCA Program is contingent upon completion of the studies and development of project cost.

e. What would need to be done to proceed with this project?

In order to proceed, the following major actions would need to occur: 1) The State must provide a LOI, 2) USACE and the Coastal Protection and Restoration Authority (CPRA) must execute a new cost share agreement, 3) Federal and non-federal funds must be made available, 4) USACE and CPRA must complete feasibility studies for projects that do not have a Chief's Report and complete Preconstruction Engineering and Design (PED) for projects that have Chief's Reports, and 6) Congress must authorize the project if not conditionally authorized.

f. What is the timeline for the project?

It typically takes 3 months to execute a new model agreement. Any deviations to the model agreement may extend that timeline.

At the time that the State requested suspension of the LCA efforts in 2012, various studies/projects were underway and at various stages in the authorization process. A study would be initially scoped on a three-year timeline; while the remaining timeline for a specific project would be dependent on the scope of the PED efforts, and the availability of construction funding.

We look forward to continued collaboration on this effort. Should you have additional questions, please reach out to Mr. Durund F. Elzey, Deputy District Engineer for Programs and Project Management Division, at Durund.Elzey@usace.army.mil, or (504) 862-2204.


CULLEN A. JONES, P.E., PMP
COL, EN
Commanding

Enclosures



State of Louisiana

JEFF LANDRY
GOVERNOR

ATTY/CLIENT PRIVILEGE

March 6, 2025

The Honorable Cullen A. Jones, P.E., PMP
Colonel
District Commander
U.S. Army Corps of Engineers
New Orleans District
7400 Leake Ave.
New Orleans, LA 70118-3651

RE: Louisiana Coastal Area (LCA) Program, as authorized in the Water Resources Development Act of 2007

Dear Colonel Jones:

It was recently brought to my attention that the Louisiana Coastal Area (LCA) Program, as authorized in the Water Resources Development Act of 2007, may be a viable option as we consider coastal protection for Louisiana.

- What would the state need to do to move forward with the project;
- What is the program cost share (percentages) Federal, State;
- Does the USACE have the money to move forward with engineering;
- What is dollar amount of the anticipated state's share;
- What would need to be done to proceed with this project; and
- What is the timeline for the project?

Looking forward to hearing from you,

Respectfully Submitted,

Gordon E. Dove, Chairman
GOCA, CPRA

Bunch, Terry J CIV USARMY CEMVN (USA)

From: Jones, Cullen A COL USARMY CEMVN (USA) <Cullen.A.Jones@usace.army.mil>
Sent: Tuesday, March 11, 2025 10:22 AM
To: Gordy Dove
Cc: Elzey, Durund F CIV USARMY CEMVN (USA)
Subject: Mid-Barataria Sediment Diversion permit and Resumption of the LCA Medium Diversion
Attachments: CPRA to Corps LOI to restart DP feasibility.pdf
Signed By: cullen.a.jones@usace.army.mil

Chairman Dove,

Thank you for your call on the Mid-Barataria Sediment Diversion (MBSD). I appreciate from our discussion the sense of urgency from CPRA on a path forward for the permit, and possible resumption of the LCA Medium Diversion at Myrtle Grove with Dedicated Dredging Project.

As I stated in our call the USACE team is continuing to review the letters and documentation provided by the State of Louisiana, and we will keep you engaged as our review progresses. In the interim, the following is intended to provide responses to several key questions asked during our call:

1. PROCESS FOR RESUMPTION UNDER LCA:

Should the State wish to resume the LCA Medium Diversion at Myrtle Grove with Dedicated Dredging Project, the state may submit a letter of intent requesting resumption of the study. With that letter of intent, the state may express that it wishes to “pause” work under the MBSD permit, until such time that the study is complete and a determination is made as to whether the project as proposed in the study is viable. A key note here, is that the letter would need to state that the State does not intend at this time to construct the MBSD, that the State is interested in studying the LCA Myrtle Grove project potentially to be implemented instead of MBSD and therefore that the MBSD project as permitted should not be considered in the Future Without Project Conditions, until such time that the State requests to resume work under the MBSD permit. If, however, the permitted MBSD work continues to proceed concurrent to the LCA study, this will impact the benefit analysis of the LCA Medium Diversion at Myrtle Grove. We will provide more detailed guidance in a formal letter response.

As discussed, the sample verbiage below is included for your consideration. A comparable letter similar to your Davis Pond LOI (**see attached**) could be drafted for Myrtle Grove incorporating the language below.

“resume efforts on the LCA project for a Medium Diversion at Myrtle Grove with dedication dredging. We recognize that the Mid-Barataria Sediment Diversion (MBSD) permitted project would alleviate any need for another diversion at the same location. As a result, at this time, the State of Louisiana proposes to suspend work on the MBSD while the study under LCA progresses. The intent is to study the LCA Myrtle Grove potentially to be implemented instead of MBSD and therefore we request that the permitted MBSD project should not be considered in the Future Without Project Conditions (FWOP). If the State gives notice that it intends to resume work under the MBSD permit, then depending on the status of the LCA Myrtle Grove study, the Corps may re-evaluate whether to continue with that study or whether to change the FWOP conditions to include the permitted MBSD as a constructed project.”

2. **PROCESS FOR REVOCATION OF A PERMIT:** Enforcement action regarding non-compliance with permit conditions is discretionary by the District Engineer as outlined in 33 CFR 326.4 “Supervision of authorized activities”. If a District Engineer determines that a permittee has violated the terms and conditions of the permit and the violation is sufficiently serious to require enforcement action, Regulatory Division will do the following:

- Contact the permittee
- Request information regarding the violation, including corrected plans reflecting actual work if necessary
- Exhaust attempts to resolve the violation (2 Paths)
 1. Bring the project into compliance with the existing permit;
 2. A permit modification
- If a mutually agreeable solution is not reached, a written order requiring compliance will be sent via certified mail. If an order is issued, it will specify a time of not more than 30 days for bringing the project into compliance.
- If the permittee fails to comply with the order within the specified period of time, the District Engineer can consider the permit suspension/revocation procedures [33 CFR 325.79(c)] and/or recommend legal action (33 CFR 326.5).

Permit Suspension/Revocation Procedures

Permit suspension and revocation is a process prescribed in 33 CFR 325.7. The District Engineer has the ability to modify, suspend, or revoke a permit.

1. Suspension. The District Engineer may suspend a permit after preparing a written determination and finding that immediate suspension would be in the public interest. Notice of permit suspension will be sent to the permittee with a 10 day window to request a meeting or public hearing. At the end of the 10 day period and after the meeting or public hearing, if requested, a decision whether to reinstate, modify, or revoke the permit is made. If permit revocation is in the public's interest, it may be revoked.
2. Revocation. If revocation of the permit is found to be in the public interest, the authority who made the decision on the original permit may revoke it. The permittee will be advised in writing of the final decision.

Revoking a permit is highly unusual (12 permit revocations since 1990 nationwide). We are not aware of any request by a permittee to revoke its permit. A permittee no longer interested in constructing an authorized project would typically relinquish its permit or request that it be withdrawn.

Legal Action

For cases the District Engineer determines to be appropriate, criminal or civil actions may be recommended to the Department of Justice to obtain penalties for violations. Appropriate cases for criminal or civil action include, but are not limited to, violations which are determined to be willful, repeated, flagrant, or of substantial impact.

3. PROCESS FOR WITHDRAWAL OF THE PERMIT:

At any point in time the State may request to withdraw the MBSD permit. This would require a letter from the State that articulates its intent to withdraw the permit and will not proceed with the MBSD work.

We will continue to stay engaged with you and your team, as our review progresses.

v/r
Cullen

Very Respectfully,
Cullen A. Jones, P.E., PMP
Colonel, Engineer
65th Commander & District Engineer
New Orleans District
U.S. Army Corps of Engineers
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BE ALL YOU CAN BE. BUILDING STRONG – Together!