

PUBLIC NOTICE

ANNOUNCEMENT OF A ROUTINE PROGRAM CHANGE TO INCORPORATE A PORTION OF ASCENSION PARISH INTO THE LOUISIANA COASTAL RESOURCES PROGRAM

In accordance with the regulations of the federal Coastal Zone Management Act (15 CFR 9.23.o. 80-84), the Louisiana Coastal Resources Program (LCRP) which is administered by the Office of Coastal Management (OCM) in the Department of Natural Resources (DNR), is submitting documentation for the inclusion of a portion of Ascension Parish into the Louisiana coastal zone boundary to the Office of Ocean and Coastal Resource Management (NOAA/OCRM) for its review and approval for inclusion as a Routine Program Change of the LCRP.

Background: Addition of a Portion Of Ascension Parish to the Coastal Zone of the LCRP.

The proposed routine program change would incorporate approximately 52 square miles of Ascension Parish into the Louisiana coastal zone as set forth in the document, *Routine Program Change Analysis Of Incorporating A Portion Of Ascension Parish Into The Louisiana Coastal Zone*, which will result in the application of all existing enforceable policies and mechanisms of the State and Local Coastal Resources Management Act (SLCRMA) through which the Office of Coastal Management (OCM) implements the LCRP.

Background: The Routine Program Change process

The federal Coastal Zone Management Act (CZMA) was passed by the United States Congress in 1972, The CZMA provided that states could develop coastal management programs subject to federal approval and oversight. In response, Louisiana enacted the State and Local Coastal Resources Management Act (SLCRMA) of 1978, and the state developed the LCRP pursuant to the SLCRMA.

The LCRP received federal approval in 1980, and the state has accepted federal assistance through grants issued through NOAA since that time. In order for a state to continue to be eligible to receive such grants, its program must abide by the CZMA and its regulations.

A requirement (15 CFR 923.80-84) of the CZMA regulations is that any changes to a state program must be reviewed by NOAA/OCRM to determine if the changed program still meets approval criteria. Amendments are defined under 15 CFR 923, Subpart H, Section 923.80)d) as substantial changes in one or more of the five program areas

identified in subpart B through F of part 923. These five program areas are as follows: (1) uses subject to management; (2) special management areas; (3) boundaries; (4) authorities and organization; and, (5) coordination, public involvement, and national interest. A Routine Program Change (RPC) is a further detailing of a state's program that does not result in a substantial change to one or more of the five program areas.

Reason for Proposed RPC Status

The State of Louisiana asserts that the addition of the indicated portion of Ascension Parish into the coastal zone of the LCRP constitutes a Routine Program Change rather than an amendment to the LCRP because it does not substantially change any of the five Program Approval Areas listed in 15 CFR Part 923, Subpart H, and Section 923.80(d), as detailed below.

First, the inclusion of a portion of Ascension Parish in the LCRP coastal zone does not change uses subject to management. It does not change existing regulatory authority, but rather apply existing authorities of the State and Local Coastal Resources Management Act to a locality of Louisiana which has been added into the coastal zone.

Second, the LCRP Ascension Parish coastal zone change does not change the regulatory procedures for special area management. There are no Special Management Areas within tens of miles of the area that has been added; this issue is not relevant.

Third, adoption of the Ascension Parish coastal zone RPC change to the LCRP does not result in a substantial change in the geographic coastal zone of Louisiana since it adds only 52 sq. miles to the existing 14,000 sq. mi. coastal zone, an increase of less than 0.4 % -- not statistically significant. While this portion of Ascension Parish is now being formally added to the coastal zone, it should be noted that Louisiana has already recognized that this area has a significant relationship to the coast and has included it within its Coastal Nonpoint Pollution Control (CNPCP) area, its Coastal Estuarine Land Conservation Program (CELCP) area, and its Coastal Wetlands Conservation Plan (CWCP) area. Thus, OCM already is familiar with this 52 sq. mile area and factors some consideration of this area into the current decision making process. For these reasons, the addition of the subject area to the coastal zone *would not represent a substantial program change, as the OCM staff has already been engaged in monitoring and reviewing activities in the area.*

Fourth, the LCRP Ascension Parish addition to the coastal zone does not add any enforceable policies to the LCRP. Implementation of this change requires no change of existing authorities and will be accomplished using existing authority conveyed by the SCLRMA, current regulations (especially the Coastal Use Guidelines) which constitute the primary enforceable policies and mechanisms of the LCRP, by developing internal

standard operating procedures for staff, and by education of constituents and stakeholders.

Louisiana recognizes that this newly included area has an ecological affinity relationship to the rest of the coast; the state has previously included this area in the Coastal Wetlands Conservation Plan (CWCP). The 2010 boundary report to CPRA states regarding the area recommended to be added to the coastal zone coast-wide:

“...Clearly, the area of coastal Louisiana subject to a high level of coastal processes where activities would result in impacts to wetlands and have direct and significant impacts on coastal waters should be included within the ...[coastal zone] and should be managed by the strongest tool available, the coastal use permit (CUP) process.”

Fifth, incorporation of the Ascension Parish into the LCRP coastal zone does not make substantial changes to coordination, the national interest or federal consistency procedures. For example, the area is already subject to Sec. 402 and 404 of the Clean Water Act regulation and the Act's Sec. 401 Water Quality Certification and state water quality standards, among other regulatory requirements. Through the Coastal Wetlands Conservation Plan, the LCRP has already been involved in review of “Federal License or Permit” activities associated with 404 and Section 10 permits, reviewing approximately a dozen of these per year in this portion of Ascension Parish. This coastal zone change is not expected to affect federal agency activities because federal agencies would already be required to seek consistency determination if undertaking projects in the area that would have direct and significant impact upon coastal uses and resources. This coastal zone change updates the existing management program to better conform to the principles of integrated coastal management concepts of ecosystem based management by including coastal wetland habitat and eliminating an arbitrary bulge in the boundary that excluded this parish from the CZ in the past. This RPC adds a 20th parish to the coastal zone, and that could presumably mean some increase in the amount of coastal use permitting, intergovernmental activity, and federal consistency determinations within the overall state program. However a study of projected increased permit activity, based on the observed level of USACE permit activity, anticipates that the additional state permit workload will be relatively, small, well within the range of annual fluctuation of state permit numbers. Conversely, it also includes the potential to add an additional regulatory partner, an approved Local Coastal Program to the LCRP. This development of such a formal intergovernmental relationship between the State and Ascension Parish in the endeavor of coastal management would be beneficial to the local area, the state, and to the nation.

INFORMATION ABOUT THE PROPOSED ADDITION OF A PORTION OF ASCENSION PARISH INTO THE COASTAL ZONE OF THE LCRP and associated approval and guidance documents may be obtained from Mr. O. C. Smith, Office of Coastal Management, P.O. Box 44487, Baton Rouge, LA 70804, or by calling 225.342.7591 or 1.800.267.4019. All documents may also be viewed online at:

<http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=777>

COMMENTS ON THE ROUTINE PROGRAM CHANGE

The Routine Program Change Request to incorporate a portion of Ascension Parish into the coastal zone will be submitted to NOAA/OCRM on August 22, 2011, and they will have four weeks to review it. Any comments on whether this action should be considered as a Routine Program Change should be sent to NOAA/OCRM within three weeks of the date of issuance of this notice at the following address.

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NOAA/OCRM SSMC4
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