

Frequently Asked Questions about Coastal Zone Boundary Changes Required by Act 588

1. Why was Louisiana's Coastal Zone boundary modified?

The original Coastal Zone boundary was established by state law in 1978, and modified by the Louisiana Legislature in 1979 and 1980. However, Coastal Louisiana has changed significantly since that boundary was established. The boundary was also inconsistent with those of other coastal programs in Louisiana (e.g., CWPPRA and the CPRA's Coastal Master Plan).

In 2009, Louisiana Senate Concurrent Resolution 60 directed the Coastal Protection and Restoration Authority (CPRA) to conduct a science-based evaluation of the Coastal Zone boundary. At the CPRA's direction, the Department of Natural Resources (DNR)-Office of Coastal Management (OCM) in cooperation with private contractors and the Louisiana Sea Grant Law and Policy Program, performed that study from July 2009-May 2011 with input from numerous stakeholders.

DNR presented the completed science-based report to the CPRA on May 17, 2011. The CPRA accepted the report, provided it the Legislature on June 17, 2011, and asked the Legislature to consider legal changes needed to implement the report's recommendations. (Per Act 956 of 2010 and the CPRA's May 2011 resolution approving the report's boundary recommendations, a portion of Ascension Parish was included in the Coastal Zone.) The recently approved Act 588 of 2012 modified the Coastal Zone's inland boundary in accordance with the science-based study report's recommendations.

2. How did the science-based study determine which areas should be added to or removed from the Louisiana Coastal Zone?

The study utilized information on storm surge, geology, elevation, soils, vegetation, predicted subsidence/sea level rise and boundaries of existing coastal programs to identify areas of high coastal influence. A computer-based geographic information system was used to rank the extent of coastal influence at 39,764 sites, each encompassing 247 acres (1 sq. km).

3. How much area did Act 588 add to Louisiana's coastal zone boundary?

The approved boundary change added a net 1,887 square miles to the current Coastal Zone, an increase of about 12.6%. No new parishes were added by Act 588. A portion of Ascension Parish was effectively added to the Coastal Zone pursuant to Act 956 of the 2010 legislative session and submittal by the CPRA of the science-based study to the legislature in June 2011. Of the 20 parishes in the Coastal Zone, 8 parishes (Calcasieu, Cameron, Iberia, St. Martin, St. Mary, Terrebonne, Lafourche, and Assumption) had acreage added to the Coastal Zone. Two parishes (Tangipahoa and Livingston) had their Coastal Zone area reduced by the recent legislation. No boundary changes occurred in the remaining 10 coastal parishes (Vermilion, St. John, St. James, St. Charles, Jefferson, Plaquemines, Orleans, St. Bernard, St. Tammany and Ascension).

4. What benefits are expected to result from the boundary change?

The boundary change will:

- provide State management of coastal resources in newly added areas (coastal management is one of the cornerstones of our State's coastal protection and restoration efforts);
- ensure consistency with the State's Coastal Master Plan;
- reduce coastal hazards and wetland impacts;
- require Federal activities within the newly added areas to obtain state consistency determination;
- reduce processing time for many wetland permits in new areas due to the Corps of Engineers' use of programmatic general permits; and
- demonstrate, to the rest of the Nation, Louisiana's strong commitment to coastal sustainability and thereby improve chances for federal funding.

5. Where can I view a map showing the new Coastal Zone boundaries?

Maps showing the new coastal zone boundary (entire boundary and parish-specific) will be posted to the OCM website <http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=928>. OCM will make paper copies of the new coast-wide boundary map available once they are printed; requests for a paper copy of that map can be sent via email to: ocminfo@la.gov.

6. What activities will require permits in the areas added to the Louisiana Coastal Zone?

The same activities regulated with the previous coastal zone boundary will be regulated within the new boundary; no new regulated activities were added with those boundary changes. Those regulated activities continue to include:

- dredging or filling and discharges of dredged or fill material;
- levee siting, construction, operation and maintenance;
- hurricane and flood protection facilities, including siting, construction, operation and maintenance;
- urban developments, including siting, construction, or operation of residential, commercial, industrial, and governmental structures and transportation facilities;
- energy development activities, including siting, construction, or operation of generating, processing and transmission facilities, and exploration for and production of oil, natural gas, and geothermal energy;
- mining activities, including surface, subsurface, and underground mining, sand or gravel mining, and shell dredging;
- wastewater discharge, including point and non-point sources;
- surface water control or consumption; including marsh management projects;
- shoreline modification projects and harbor structures;
- waste disposal activities;
- recreational developments, including siting, construction and operation of public and private recreational facilities and marinas;
- industrial development; including siting, construction, or operation;
- any other projects that would require a permit or other form of consent or authorization from the Corps of Engineers, the EPA, or the LA Department of Natural Resources;
- activities which impact barrier islands, salt domes, cheniers and beaches; and
- drainage projects.

7. What activities in the areas recently added to the Coastal Zone Boundary are exempt from permitting?

The new law did not change the exemptions in the existing coastal use permit regulations. Those regulations list activities that normally do not have direct and significant impacts and thus do not require coastal use permits, unless otherwise noted. Those existing activities include:

- agricultural, forestry, and aquaculture activities on lands consistently used in the past for such activities;
- hunting, fishing, and trapping and the preservation of scenic historic and scientific areas and wildlife preserves;
- normal maintenance or repair of existing structures including emergency repairs of damage caused by accident, fires, or the elements;
- construction of a residence or camp (non-commercial, not for profit, single family dwelling); bulkheads for waterfront lots are not exempt;
- construction and modification of navigational aids (e.g., channel markers and anchor buoys);
- activities permitted by the Louisiana Offshore Terminal Authority.

The existing permit regulations also exempt activities that occur wholly on lands 5 feet or more above sea level or within fastlands (lands served by levees and pumps or flap gates operated for drainage and exclusion

of tidewater flooding), unless those activities would have direct and significant impacts on coastal waters (such as significantly changing water flow or sediment discharge into coastal waters). In addition, coastal use permits are not required in advance to correct emergency situations that result in hazard to life, property loss, or environmental damage if immediate corrective action were not taken.

8. Will maps be prepared to show the locations of areas 5 feet or higher in elevation as well as areas classified as fastlands that are thus exempt from coastal use permitting requirements?

Yes. DNR-OCM is working to complete those maps, and they will be made available to the public on the DNR-OCM website. Those maps can be used for self-service comparison to proposed project footprints to help applicants make their own determinations on whether their project is exempt, thus avoiding the need to apply for a coastal use permit from DNR for such activities at those locations.

9. What additional actions will OCM take to facilitate implementation of the boundary changes?

Additional OCM actions will include:

- hosting meetings to better inform parish governments and stakeholders regarding boundary changes in their areas;
- working closely with the Corps of Engineers to ensure that the areas added to the Louisiana coastal zone are covered by the Corps' Programmatic General Permit (PGP) and Joint Permit Application process for coastal areas;
- assisting Local Coastal Programs in updating their program documents per boundary changes;
- OCM permitting and mitigation staff (Senior Coastal Resources Specialist Jay Pecot, and Supervisors Chris Melton, Regina Staten, and Dana Pennington) will continue to work closely to assist applicants who may not be familiar with the coastal use permit application process.

10. When will applicants need to begin applying for Coastal Use Permits for new activities in the areas added to the Louisiana Coastal Zone?

Act 588 of 2012 states that: "This Act shall become effective upon signature by the governor" The Act was signed by the Governor on June 8, 2012, and became effective on that date. Thus, those planning to conduct specific regulated activities within the new boundaries of the Louisiana Coastal Zone should proceed with application for a Coastal Use Permit for those regulated activities. OCM and Local Coastal Programs are available to assist applicants and respond to their questions.

11. How much would the permit workload increase with the proposed boundary expansion?

The science-based report noted that the increase in permit workload would be within the annual variability (20%) over the history of Louisiana's coastal management program. In addition, tools that are being made available will enhance the ability for self-determinations and will thereby decrease the number of permit applications that are submitted to state and local government for activities that are exempt or outside the coastal zone boundary.

12. What are the consequences of intentional non-compliance with coastal permitting requirements?

Depending on the circumstances, violators may be required to remove structures and/or fill material installed and restore impacted habitat. Violators may be subject to civil penalties, criminal fines, and a possibility of imprisonment. Penalties assessed by the Army Corps of Engineers may be significantly more severe. Furthermore, unauthorized work may delay completion of projects, as pending permit applications for those projects will be suspended until the violation is resolved.