

**From the La. Department of
Natural Resources (DNR)**

Louisiana Local Coastal Programs' Outlook

**From Assistant Secretary Keith Lovell
Office of Coastal Management**



*Local Coastal Management Program Managers,
Parish Officials and Coastal Management
Stakeholders:*

*The Office of Coastal Management (OCM) continues
in its efforts to assist stakeholders, in navigating
today's complex coastal regulatory challenges. We
sincerely appreciate the assistance and support we
receive from our Louisiana parish government
partners in these efforts.*

*OCM continues to improve upon our permitting and mitigation programs in
order to maximize their effectiveness, ease of accessibility and
appropriateness. This issue of the Local Program's Newsletter will address:
implementation of OCM's mitigation regulations, the new hydrologic
modification guides, recent local coastal programs efforts, a synopsis of the
federal consistency process and more.*

*I hope that you find the information in this newsletter useful to your
program. Please send any questions, comments or other topics that you
would like to see highlighted in future editions to our local coastal program
staff. As always, know that the staff of OCM is ready to assist you with all of
your coastal management needs.*

Sincerely,

Keith Lovell, Assistant Secretary
Louisiana Department of Natural Resources



Contents

Greetings from DNR Assistant Secretary Keith Lovell	1
Mitigation Section Updated Regulations and Activities	2
Permits Program Develops Hydrologic Modification Impact Analysis Guidance	3
Why Develop a Local Coastal Program, Local Community Resiliency Efforts, and OCM's Assessment and Strategy 2016-2020	4
The Federal Consistency Process	5
Recent updates to the Fishermen's Gear Compensation Fund Regulations	6



Mitigation Section Updated Regulations and Activities

Submitted by OCM Mitigation Section

The preliminary rules and procedures for mitigation were first promulgated by the Louisiana Department of Natural Resources in August of 1995 in accordance with L.R.S. 49:214.41. Since that first promulgation, in an effort to ensure that the Office of Coastal Management's regulatory practices regarding its mitigation program remain consistent with the state's Comprehensive Master Plan for a Sustainable Coast, and to streamline the present mitigation rules to reduce the burden on limited state resources, OCM made amendments to those rules and procedures. On January 20, 2014, the last Subsection of LAC43:I.724 Rules and Procedures for Mitigation became Final Rule and was published in the State Register.

The State's revised In-Lieu Fee (ILF) Program; received final approval on January 24, 2014. The ILF program documents have been reviewed and approved by the Interagency Review Team (IRT) whose members include US Army Corps of Engineers (Corps), US Fish and Wildlife Service, National Marine Fisheries Service, Louisiana Department of Wildlife and Fisheries, Louisiana Department of Natural Resources (LDNR) and the US Environmental Protection Agency. The ILF was revised in order to fulfill the requirements of the April 10, 2008 Federal Regulations "Compensatory Mitigation for Losses of Aquatic Resources" (33 CFR Parts 325 and 332).

The LDNR OCM recently provided nearly \$1.9 million in additional funding from its Coastal Mitigation Account and In-Lieu Fee Contributions for Beneficial Use of Dredged Material to create a total of 40 acres of coastal marsh habitat in Plaquemines Parish. Approximately \$1,060,000 from the state's Coastal Mitigation Account and \$800,000 in In-Lieu Fee Contributions for Beneficial Use of Dredged Material were provided to the Coastal Protection and Restoration Authority by LDNR to aid in the funding of the Lake Hermitage Marsh Creation Project. The goal of the Lake Hermitage Marsh Creation Project is to create approximately 593 acres of emergent wetlands by hydraulically dredging sediment from the Mississippi River and depositing that material in shallow open-water areas. For questions or additional information about our mitigation program's activities please contact Kelley Templet at 225.342.3124 or by email at kelley.templet@la.gov.



Permits Program Develops Hydrologic Modification Impact Analysis Guidance

(Submitted by OCM Permits Section)

OCM recently finalized a “Hydrologic Modification Impact Analysis (HMIA)” document for use as a guide and directive in Coastal Use Permitting. OCM strives to develop guidance for our staff and user groups that is scientifically based, pertinent, and effective while causing the least cost and inconvenience for the applicants. The intent of this guide is to provide applicants for Coastal Use Permits (CUPs) with a tool that will ultimately streamline their CUP review processing period by providing the applicant with a consistent and concise set of components that are necessary for OCM staff to adequately review potential project impacts with respect to hydrology, drainage and water discharge.

These hydrologic reports typically investigate the pre- and post-development surface water conditions at a site proposed for development and are used by OCM to determine if adverse impacts to adjacent lands and waterways will occur as a result of the proposed use. Projects proposed in the coastal zone of Louisiana cannot, to the maximum extent practicable, increase the potential for flooding or draining, adversely impact water quality, or unnecessarily conflict with other uses in the vicinity. If a proposed use would, in OCM’s opinion, modify existing hydrologic conditions, the modification must be reviewed to determine if adverse impacts will occur. Adverse impacts resulting from modified hydrology include, but are not limited to, an increase in drainage from or flooding to other properties or waterways and alteration of water quality that increases total suspended solids (TSS), point and non-point source discharge and biological oxygen demand (BOD), or changes in the salinity or temperature of surface waters in the project area. The guide will soon be released for immediate implementation. For questions or additional information please contact Christine Charrier at 225.342.7953 or by email at christine.charrier@la.gov.



Why Develop a Local Coastal Program, Local Community Resiliency Efforts and OCM Program Enhancements

Submitted by OCM Local Coastal Programs Section

Among the reasons for developing a local coastal management program:

State and federal law says that there will be management and regulation of coastal resource use by some governmental body, be it at the federal, state or local level. Establishing a local coastal program reasserts an increased level of local control over activities and uses that would typically be regarded as uses of local concern, but would fall to state oversight in the absence of a local coastal management program.

A local coastal management program can serve as a centralized information hub, helping coordinate local implementation of the resource management programs of the many state and federal agencies that may not always put local concerns first. Establishing a local program office provides a logical point of contact to be included on mailing lists for agency announcements of public meetings and proposed project comment periods.

Through regular meetings of a parish coastal management advisory board, local coastal programs provide a forum for local folks who know the area best to speak out on what should be priority issues for local natural resource conservation, and to speak out on what local economic considerations should be appreciated and weighed in the balance as well.

Establishing a local coastal management program demonstrates that the parish is serious about taking an active role in participating in the decision-making that shapes coastal management policy in not only that parish, but for all of coastal Louisiana. With the recent State Coastal Master Plan Initiative, Local Coastal Program Administrators were among the first local officials looked to for expertise and guidance regarding local coastal resource management priorities. For additional information or if you have any questions regarding local coastal management programs please contact Jon Truxillo at 225.342.3394 or by email at jon.truxillo@la.gov.

Louisiana Southwest Informational Floodplain Team (SWIFT)

The Louisiana Southwest Informational Floodplain Team (SWIFT) is one of the newest Community Rating System (CRS) users groups and was established as a strategy out of the Gulf Coast Resilient Communities Program as previously reported on in the prior issue of this newsletter. The group is comprised of representatives from Calcasieu, Cameron and Vermilion parishes. The group continues to develop regional talking points and resiliency plans for each parish. SWIFT also continues further CRS training and has added new Certified Floodplain Managers (CFM)s.

OCM staff continues to assist these and other Louisiana coastal communities with these types of disaster preparedness/community resiliency activities. If you would like to receive assistance or for further information please contact: Jon A. Truxillo, Coastal Resources Scientist, at 225.342.3394 or by email at jon.truxillo@la.gov. OCM's Coastal Resiliency Web Page is also available at: <http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=101>

OCM's Assessment and Strategy 2016-2020

The LDNR OCM is seeking public comment on its five (5) year assessment and strategic plan for 2016-2020. The Coastal Zone Enhancement Program encourages state and territorial coastal management programs to strengthen and improve their federally approved coastal management programs in one or more of nine areas. These "enhancement areas" include wetlands, coastal hazards, public access, marine debris, cumulative and secondary impacts, special area management plans, ocean and Great Lakes resources, energy and government facility siting, and aquaculture. The enhancement program was established under Section 309 of the Coastal Zone Management Act (CZMA), as amended. The federal guidance documents are available online at: <http://coastalmanagement.noaa.gov/backmatter/guidance.html>

The public is invited to submit comments by mail or email for consideration in the assessment and strategic planning process. Comments will be accepted until December 31, 2014. Correspondence should be emailed to OCMInfo@la.gov or mailed to: Attention Sara Krupa, Interagency Affairs/Field Services Division, Louisiana Department of Natural Resources, Office of Coastal Management, P.O. Box 44487, Baton Rouge, LA 70804-4487. Please see our public notice:

http://dnr.louisiana.gov/assets/OCM/Interagency/309/PUBLIC_NOTICE_09022014_final.pdf

The Federal Consistency Process

Submitted by OCM Consistency Section

States cannot regulate the Federal government, so federal agencies are exempt from Louisiana's Coastal Use Permit requirements. The Coastal Zone Management Act, however, is a federal law that requires federal agencies to conduct their operations in a manner consistent with a state's approved Coastal Management Program. OCM's Consistency Section is charged with ensuring that Federal agency operations are done in a manner which is consistent with the Louisiana Coastal Resources Program, in much the same way as Permits Section requires CUP applicants to be in compliance with the LCRP.

The OCM's Consistency Section also reviews activities for which a Federal license or permit is required, but which is exempt from the Coastal Use Permit requirement. Most often, this is because the proposed activity is outside of the Louisiana coastal zone but may have some impacts to coastal uses or natural resources. The authority for this review is based on the federal law, which allows the state to influence federal permitting when there is a potential for coastal effects. Oil and gas operations in the federal waters of the Outer Continental Shelf make up the majority of this type of application, and OCM is primarily interested in ensuring that the offshore operator demonstrates the capability of responding to an oil spill before coastal resources are affected.

Most of the direct federal activities that are reviewed by the Consistency Section are those conducted by the U.S. Army Corps of Engineers (Corps), which is responsible for two major areas affecting Louisiana's coastal zone. One of these is the construction of hurricane and flood control levees, an enormous effort since Hurricanes Katrina and Rita. Consistency staff participated in interagency teams during the planning and design, working to minimize impacts to valuable coastal wetlands and ensuring appropriate compensatory mitigation for unavoidable habitat impacts. The other area is the maintenance of navigation channels; the Corps is responsible for keeping ten channels open for navigation across the state, including the combined ports on the Mississippi River, among the largest ports in the world. Maintenance of these channels means dredging, and the sediments that are removed must be placed somewhere. Louisiana is suffering severe coastal wetland losses, in part because of the lack of sediment in the coastal system. The connection between sediment disposal and sediment need seems clear, but there are many complications. The biggest is money; moving sediment is very expensive, and the Corps is challenged to balance keeping navigation channels open with limited resources, while beneficially using as much dredge material as possible. Nevertheless, Consistency Section works with the Corps of Engineers to attempt to maximize the beneficial use of dredged material for wetland restoration. For further information or questions on the federal consistency process please contact Jeff Harris at 225.342.79496 or by email at jeff.harris@la.gov.



Recent updates to the Fishermen's Gear Compensation Fund Regulations

Submitted by OCM Fisherman's Gear Compensation Fund Section

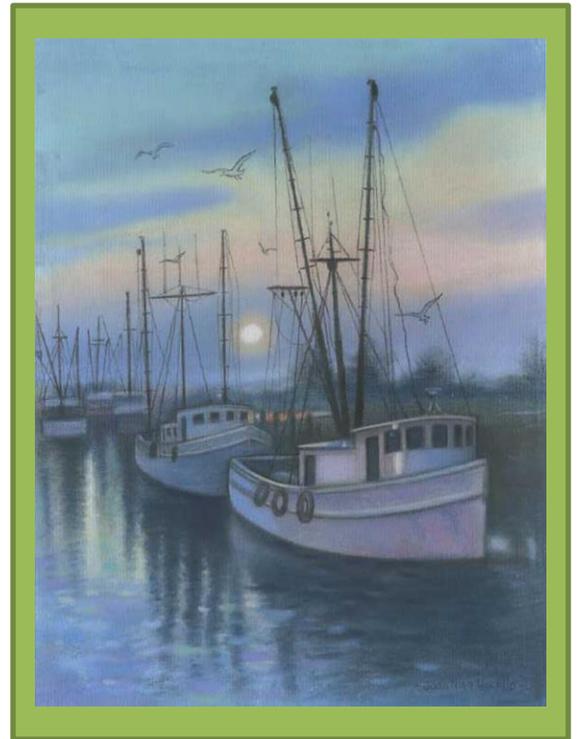
The Fisherman's Gear Compensation Program utilizes the Fisherman's Gear Fund to compensate qualified commercial fisherman claims for losses to equipment and vessels resulting from hitting or snagging underwater obstructions in the waters of the Louisiana Coastal Zone.

The Fisherman's Gear Compensation Fund has recently published amendments to LAC 43:I.Chapter 15. Administration of the Fisherman's Gear Compensation Fund, in the July 20, 2014 edition of the State Register (*can be accessed online on pages 1419-1422*). <http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=100>
The proposed rule amendment is part of an update of agency rules in order to better define the needs of the program, to remove obsolete reporting methods, to improve the public's access to program related information, and to remove extraneous information which does not cause substantive change.

Specifically, one proposed rule amendment will change the publishing method to achieve cost savings and improve the public's access to program related information. Incident locations or obstruction areas will be published directly on the Program website rather than publishing monthly in the Louisiana Register. Another amendment will update both the incident site reporting methods and will ensure that obstruction areas are reported using currently available, commonly used, industry standard navigation methods such as Global Positioning Systems (GPS).

Yet another amendment will better define required claim documentation needed from claimants to aid in the claim review process. Lastly, extraneous information will be removed from the regulations that do not cause a substantive change to the Program rules.

The final rules will be published in the October 20, 2014 Louisiana Register and will be available for viewing online. For further information or questions please contact Jessica Diez at 225.342.7268 or by email at jessica.diez@la.gov.



Louisiana Department of Natural Resources

For additional information about this newsletter's content or for future content submission please contact: Jon A. Truxillo, Coastal Resources Scientist, 225.342.3394, jon.truxillo@la.gov

Find us on the Web:

<http://dnr.louisiana.gov/>

