

Compliance and Enforcement

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If I start/complete a project without a permit, what will happen to me?

Processing of any permit that may be pending for the project will be suspended until the violation is resolved. You may be required to remove any structures installed and restore any impacted habitat. You may be subject to fines of up to \$12,000 and may be put in jail for up to 6 months.

The resolution of any Section 404/10 violations with the U.S. Army Corps of Engineers is handled through a separate process and can be significantly more expensive and more complicated.

How do I report a possible violation?

Contact the Office of Coastal Management staff to report a potential violation at (225)342-7591.

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Do I need a permit to....?

In general, if the proposed activity is in the coastal zone the safest course of action is to submit an application to the Office of Coastal Management. We and representatives from other state and federal agencies involved in the permit process are available for pre-application meetings. These meetings are available upon request and can provide substantive guidance on what will be required and ways to ease the permitting process.

My activity is not in the Coastal Zone - do I still need to send the application to OCM?

A proposed activity that is outside the Coastal Zone may still affect coastal resources. If coastal effects are reasonably foreseeable, a Consistency determination may be required even in cases where a coastal use permit is not required.

On occasion some other regulatory entity will require a written determination from our office even though our office does not normally regulate the activity.

I don't need a USACE permit - do I need to send an application to OCM?

Perhaps. Although you do not require a USACE permit, your activity may affect coastal resources and a coastal use permit or consistency determination may be required. Additionally, if you are a federal agency and your activity may affect coastal land use, water use, or natural resources of the Louisiana coastal zone, a consistency determination may be required.

If my project is in a fastlands area, why do I need a USACE permit, but I do not need a permit from OCM?

The Louisiana legislature exempts activities occurring in fastlands areas from permitting by the Office of Coastal Management unless the Secretary determines that the specific activity will have a "direct and significant impact on coastal waters."

The USACE regulatory program is based on a different federal law which does not contain the exemption.

How much does a violation cost?

Fines can range from \$50 up to \$12,000. Coastal use permit processing and mitigation fees may also be applied. In addition, there may be fees applied by the U.S. Army Corps of Engineers due to Section 404/10 violations.

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What happens if I violate permit conditions?

You may be required to remove any structures installed and restore any impacted habitat that exceeds the permitted scope of the project. You may be subject to fines of up to \$12,000 and may be put in jail for up to 6 months. In addition, there may be fees applied by the U.S. Army Corps of Engineers due to Section 404/10 violations.

I've already done some clearing, did I break the law?

A representative from OCM will perform a field investigation and project evaluation in order to determine the extent of any impacts and if you have violated any laws.

How does OCM define a wetland?

Open water areas or areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions.

If I have a wetland determination from the USACE that says my property is not a wetland, do I need anything else?

Yes. Activities within the Coastal Zone that are not exempt do require a permit. If your project is in the Coastal Zone, you need to submit an application to the OCM and receive approval for your project before you commence work. While the OCM program is heavily weighted towards minimization of impacts to vegetated wetlands, other aspects of your project might also be regulated.

When I receive my permit from OCM may I begin work?

Following the determination from OCM, work may begin only after obtaining any necessary permit(s) from the USACE, including any required mitigation, and any approval(s) or permit(s) required by any local authority or agency or by any state or federal agency, as may be required by law for said activity or the construction of the referenced project.

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