

LOCAL GOVERNMENT PARTICIPATION IN THE COASTAL ZONE MANAGEMENT PROGRAM

Opportunities

Coastal parishes have the authority of Federal Consistency exercised through the state to back their policies when issues involving federal actions are involved. This means that federal law (The Coastal Zone Management Act) requires federal agencies to conduct their activities in accordance with the state's coastal management plan. This would apply only to those parishes within the coastal zone.

Coastal parishes are eligible for funding through the state for purposes of establishing and implementing a Local Coastal Program. Upon approval, the state would provide ongoing funding to the parish coastal program for a portion of its implementation costs.

Coastal parishes are eligible for low cost construction grants through the state coastal management program when funds are made available through the federal coastal management grant. In the past, parishes have used these grants to construct such things as beach access trails, nature boardwalk trails, boat launch expansions and improvements, fishing piers, etc.

Coastal parishes are eligible for wetlands conservation and restoration projects funded by Louisiana's share of federal funding under CWPPRA, the federal Coastal Wetlands Planning, Protection and Restoration Act. With approximately \$50 million per year provided to the state for this purpose, parish wetlands could be enhanced under this program, if the parish were within the coastal zone.

Coastal parishes participate in Outer Continental Shelf revenue sharing through the CIAP and GOMESA federal statutes. The Coastal Impact Assistance Program (CIAP) and Gulf of Mexico Energy Security Act each bring millions of dollars each year into the state, and these amounts will increase greatly starting in 2017. While an amendment to federal law might be needed, inclusion of a parish within the state's coastal zone, would allow that parish to be a candidate for participation in funding opportunities for both wetlands and infrastructure projects authorized under these programs.

Coastal parishes are eligible for participation in Master Plan implementation strategies and projects conducted by the Coastal Protection and Restoration Authority. The Master Plan promotes sustainable coastal management for development and natural resource and habitat conservation with improved hurricane and flood protection, any coastal parish would be fully eligible under this planning document. The CPRA covers the coastal area which is only loosely defined by law, but clearly includes all of the coastal zone.

Coastal parishes with approved Local Coastal Programs have regulatory authority over a wide variety of wetlands and waterway permitting authority now operated by the U.S. Army Corps of Engineers. Under the State Programmatic General Permit (SPGP) of the New Orleans District, most small and moderate sized projects in the coastal zone receive their permits from either the state or the parish where the activity is to occur. Upon approval of a parish's Local Coastal Program, the parish CZM office could approve these permits much more quickly and efficiently than the federal agency. Even if the permit did not qualify for local processing, most other permits would be processed by the state. While the regulatory aspects of coastal management are still frequently frustrating, processing at the state and local level is almost always MUCH quicker than at the federal level. And those seeking permits at a more local level usually find that they have a more sympathetic ear for their needs than they find at the federal level.

Coastal parishes have access to technical assistance and participation in meetings and networking opportunities with other coastal parishes through DNR/OCRM's Local Coastal Program staff. Centralized data sources on coastal management activities, funding opportunities and contacts with coastal managers in other parishes can be valuable resources for information on growth management and natural resources conservation issues. OCRM also frequently takes technical assistance requests from parishes which utilize our extensive GIS databases and capabilities. These requests provide valuable information for parish decision makers.

Coastal parishes are eligible to participate in CELCP, the Coastal and Estuarine Land Conservation Program of the federal government. Legislation recently passed by Congress provides millions of dollars each year for coastal states to purchase conservation servitudes, or outright buy lands which are valuable as floodwater reservoirs, storm surge reduction or habitat value from willing sellers. These lands can and it is highly encouraged by NOAA, still be used for public access and recreation. Louisiana's CELCP program is awaiting final approval by the federal government and the state will be seeking projects to fund next spring.

Challenges

Coastal parishes must make a commitment of both staff time and matching funds in order to participate in the state coastal management program if they wish to receive pass-through or grant funding through DNR's state coastal management program. The state usually requires a 50:50 match in either cash spent or in-kind services in order to receive funding for financial assistance, be it for core program administration or for low cost construction projects. Because there is almost always a staff person within the parish who is performing qualifying tasks, most parishes have been able to implement a local coastal program with little or no additional staff. A number of parishes, however, have added staff because they found that their coastal program was important to the parish.

The perceived, and sometimes real, onus of a new regulatory program is a definite hurdle that a parish must overcome when implementing a local coastal program. The fact is that the regulatory burden is already there for most parishes through federal wetland permits, extant building permit requirements at the local and/or state level and in the majority of cases the new regulations for Coastal Use Permits that would apply upon the parish's inclusion into the coastal zone could actually improve the wetlands permitting situation by having many or most permit applications processed by either the state or the parish, and in a faster timeframe.

A coastal parish implementing a local coastal program must also assume the responsibility of making and standing behind sometimes difficult regulatory decisions. In the past some parishes have found that it was more difficult to make a decision affecting constituents of their own parish than when the decision was made by the state or federal agency. But, on balance, most parish officials have found that they were able to facilitate permitting by handling it at the local level and that the efforts were worth it. Most parishes already have permitting processes in place with respect to housing, businesses etc that are very similar to coastal use permitting and which cover the same kinds of issues thereby allowing a parish to use already existing processes to accomplish any "new" permitting process.