

Office of Coastal Management Procedures for Enforcement

2024 LCP Manager's Meeting
Baton Rouge, LA

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Objective

- To provide an overview of the regulatory framework and best practices for processing possible violations of the Louisiana Coastal Resources Program.



Presentation Outline

- Definitions
- Statutory Authority
- Enforcement Procedures



After-the-Fact Permit Definition

LAC 43:I §7.00

A coastal use permit which is issued after the commencement of a use. Such a permit may only be issued after all legal issues resulting from the commencement of a use without a coastal use permit have been resolved.



Use Definition

LAC 43:I §7.00

Any use or activity within the coastal zone which has a direct and significant impact on coastal waters.



Statutory Authority LRS 49:214.36

- The secretary (LDENR) and each local government with an approved program shall initiate a field surveillance program to ensure the proper enforcement of the management program.
- §214.26 – Program Administration
- §214.28 – Local Coastal Mgmt Programs
- §214.30 – Coastal Use Permits



Statutory Authority LRS 49:214.36

- Cease & Desist
- Suspend, Revoke or otherwise Modify CUPs
- Civil liabilities, assess for damages, restoration
- Establishes the administrative penalty system



Administrative Penalty System

- $\$B (V+P+C+I) = \text{Penalty}$
- $\$B$ is the base assessment
 - Permit app fee + processing fee, (or \$50 where no fee would have been charged)
- Processing Fee – LAC 43:I §723
 - Residential = $\$20 + \$0.04(\text{\#cy dredge/fill vol between } 125 - 50,000)$
 - $<125 = \$0$ additional
 - $>50K = \$2,000$ maximum



Administrative Penalty System (cont'd)

- Processing Fee – LAC 43:I §723
 - Non-Residential = $\$100 + \$0.05(\text{\#cy dredge/fill vol between 500 – 100,000})$
 - $<500 = \$25$ additional
 - $>100K = \$5,000$ maximum



Administrative Penalty System (cont'd)

- $\$B (V+P+C+I) = \text{Penalty}$
- V is the habitat value
- P is the prior knowledge value
- C is the cooperation value
- I is the impact damage value
 - Values are variable from 0.5 to 1.5
- Minimum APS = \$50
- Maximum APS = \$12,000



Enforcement Procedures

Louisiana Office of Coastal Management

OCM Enforcement Procedures

- Possible Violation Referral
 - Citizen Complaint
 - Field Biologist (Possible Violation Investigation)
 - Permits (App indicates UA work)
 - Referral from outside agencies, other sources



OCM Enforcement Procedures

- OCM opens and tracks all referrals.
 - SONRIS – Enforcement
 - Preliminary Determination (pre-review)
 - Exempt, Local determinations
 - Document Access (post-review)
 - Letters, APS, Mitigation, Final Authorizations



OCM Enforcement Procedures

- If no app and determination can't be made,
 - Contact Responsible Party
 - Request Application Submittal
 - Request Field Investigation



State/Local Determination

- State Concerns
 - Dredge/Fill intersecting >1 water body
 - Uses on State owned lands/waters
 - State publically funded projects
 - Projects of National Interest
 - Projects occurring in Multiple parishes
 - All mineral activities/pipelines involving minerals
 - Energy facilities
 - Any use significantly affecting state interests



State/Local Determination

- Local Concerns
 - Private funded, not state concern
 - Public funded (local), not state concern
 - Maintenance, not a state concern
 - Jetties/Breakwaters
 - Dredge/Fill not intersecting >1 water body
 - Bulkheads/Piers/Camps/Cattlewalks
 - Maintenance Dredging
 - Private WCS (under \$15,000 cost)
 - Uses of Cheniers, saltdomes, similar, etc.



OCM Enforcement Procedures

- Sources of Information for Enforcement
 - Citizen/Complainant Info
 - Application Info
 - Field Investigation Info
 - Parish Tax Assessor's DB
 - Secretary of State Corporate/Business DB
 - Google
 - Facebook/LinkedIn/Social Media



OCM Enforcement Procedures

- Communication Correspondence
 - Enforcement letters
 - Application or Info Request
 - Warning Letters
 - Incomplete Application Letters
 - APS/Processing Fee Letters
 - Cease & Desist
 - Compliance Order
 - Mitigation/Restoration
 - ATF Permitting



OCM Late Enforcement Procedures

- Lack of Communication
 - Email Read-Receipt
 - Certified/Registered Mail Receipts
 - Increased penalties / civil liabilities
 - Increased mitigation – temporal loss
 - Compliance Orders
 - DOJ – AG Office
 - Time

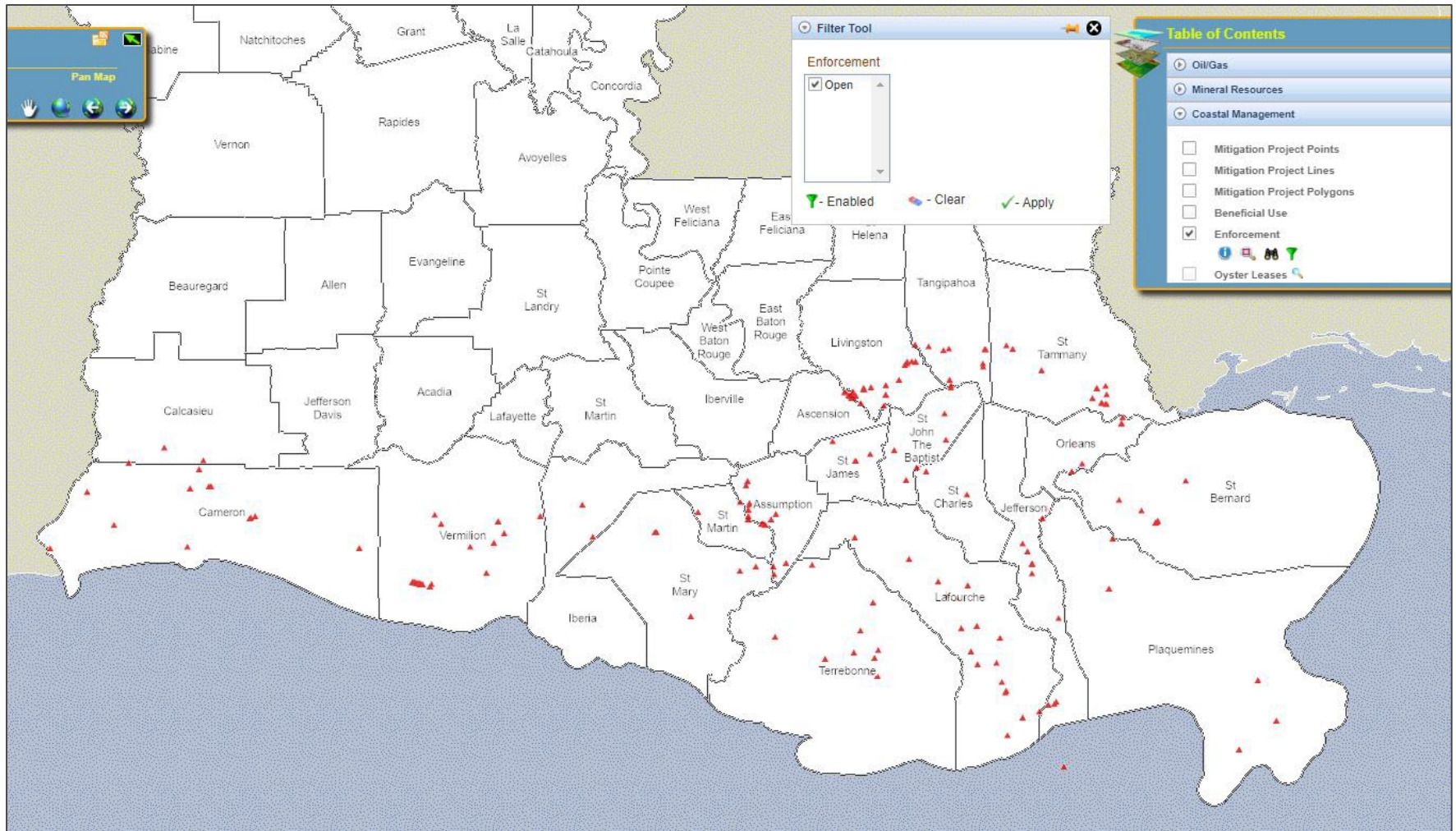


OCM Enforcement Coordination

- Interagency Coordination
 - US Army Corps of Engineers
 - Environmental Protection Agency
 - Dept of Environmental Quality (LDEQ)
 - Dept of Wildlife & Fisheries (LDWF)
 - Office of State Lands (DOA)
 - LDENR Office of Conservation
 - Local Coastal Programs
 - Local Entities (Ports & Commissions)



OCM Open Enforcement



LCP-Enforcement Questions

Or to obtain a copy of the Enforcement Presentation or Letter Templates

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