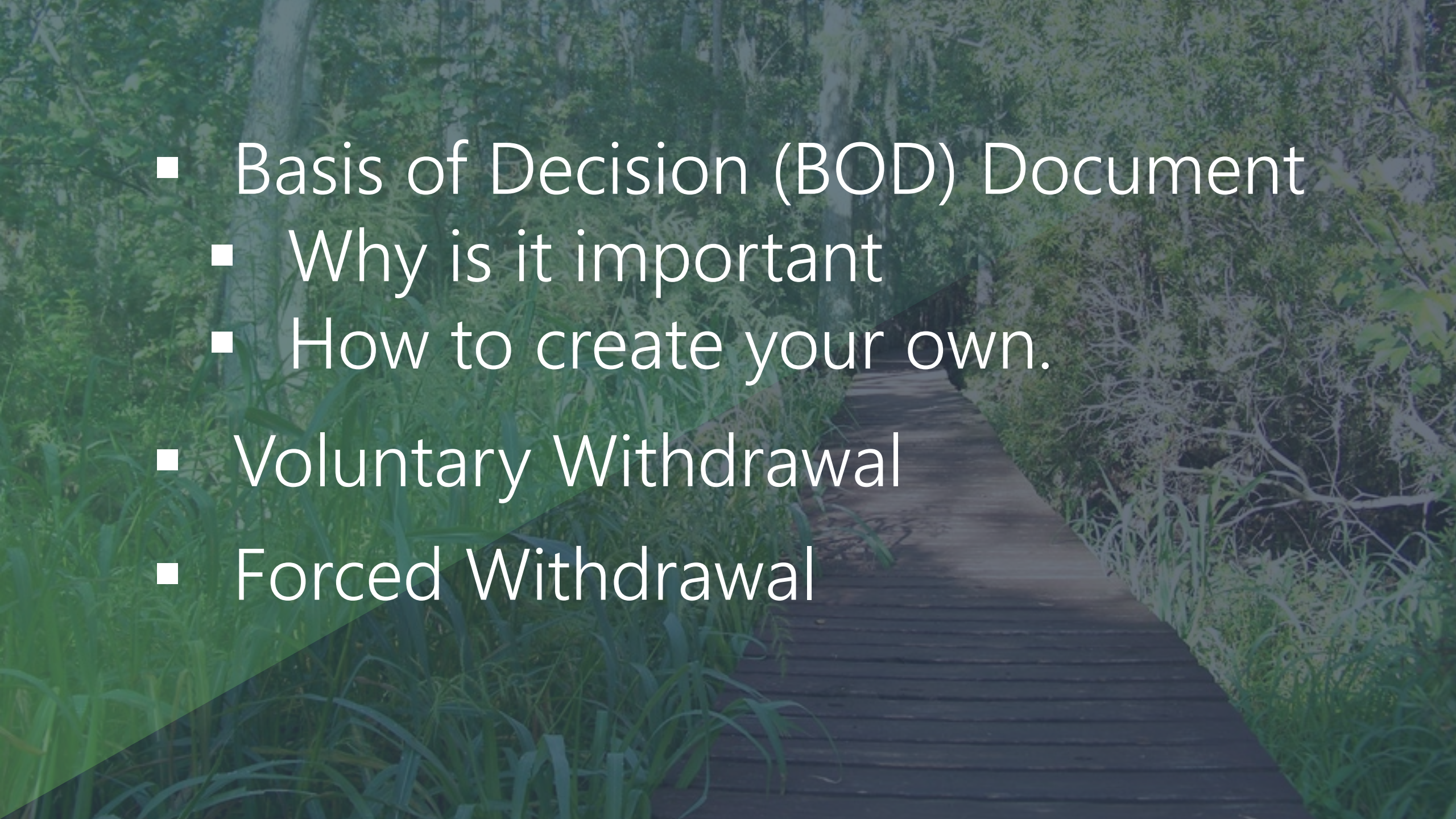




Basis of Decision

Voluntary & Forced Withdrawal

2024 LCP Managers Meeting

- 
- Basis of Decision (BOD) Document
 - Why is it important
 - How to create your own.
 - Voluntary Withdrawal
 - Forced Withdrawal

Basis of Decision document (BOD)





A Basis of Decision document details an overview of:

- Your permitting review process
- Comments or objections received.
- Impacts
- Guidelines and Conformity

STATEMENT AND RECOMMENDATION AND BASIS OF DECISION TO THE SECRETARY OF THE LOUISIANA DEPARTMENT OF NATURAL RESOURCES ON COASTAL USE PERMIT DECISION

(Parish) STATEMENT AND RECOMMENDATION AND BASIS OF DECISION that a Coastal Use Permit (is or isn't) Required

CUP # PX

Master Plan Compliance (check the one that applies):

N/A _____ In compliance _____ May be in compliance* _____ Not in Compliance* _____

Parish
processing fees?

1.) Are there any associated permit processing fees? No _____ Yes _____ \$ _____

...mitigation processing fees? No _____ Yes _____ \$ _____

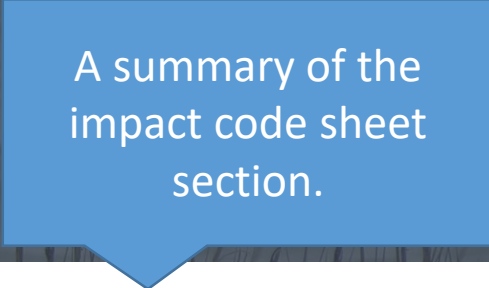
Did this
application
require
mitigation?

2.) Were any objections received? _____ If yes, comment on them:

Any comments from publishing the notice in the news paper?
Any comments from coordinating agencies?

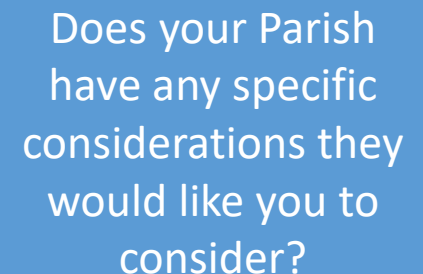
3.) Does the applicant have any objections or concern about conditions in the permit? If yes, please explain.

Growing Season follow-up? As-builts condition? Parish specific conditions?



A summary of the
impact code sheet
section.

- 4.) Has the size of the area to be impacted by this project been reduced during the permit application review process?
- a.) Yes _____ b.) No _____ Impacted area the same _____ Impacted area greater _____
- 5.) After a full and fair consideration of all applicable information and a balancing of social, environmental and economic factors, the activity has been determined to be:
- _____ in conformity with the coastal use guidelines and is recommended for issuance.
- _____ in conformity with the coastal use guidelines if the conditions listed on the permit are adhered to. Therefore, the permit is recommended for issuance with conditions.
- _____ not in conformity with coastal use guidelines and is recommended for denial.



Does your Parish
have any specific
considerations they
would like you to
consider?

Determination

A review of the permit application referenced above has shown that no Coastal Use Permit is required for the following reason(s):

- ☐ 1. Activity is located outside of the coastal Zone. La. R.S. 49:214.25.E
- ☐ 2. Activity is exempt from Coastal Use Permitting
 - Activity is subject only to an In-Lieu Permit to drill an oil and gas well
 - Activity is located at an elevation of 5' MSL or higher
 - Activity is located in a fastland
 - Activity is an emergency (threat to life, property, and/or the environment)
 - Activity is for normal maintenance and repair of an existing facility
 - Activity is for the construction of a residence or a camp
 - Activity is for construction of navigational aids
 - Activity is for Agricultural, Forestry, and Aquacultural Activities
 - Activity was lawfully commenced prior to implementation of CUP process
- ☐ 3. SOV – Application Required
- ☐ 4. RFD – Exempt (see #2 above for reason)
- ☐ 5. Activity is determined to be of No Direct and Significant Impact (NDSI) to coastal waters.
- ☐ 6. Other (explain in detail) _____.

BASIS OF DECISION

Pursuant to LAC 43:I.723(C)(8)(a), after a careful review of the facts supplied in the application for the proposed use, and the information in the administrative record provided by the applicant or otherwise; comparing each of the Coastal Use Guidelines to the final complete application for applicability and for compliance, ultimately reviewed and provided as findings in the **Basic Findings and Guideline Conformance Checklist and the Needs / Alternatives review** prepared for this permit application and filed in the record of this application review, made a part of this document by reference in extenso, the application is determined to be **compliant with the guidelines** as supported by the evidence contained in the record, and the following ultimate findings are made and from which the decision of granting a coastal use permit flows from the facts in the record. After careful review of the proposed use, and after due consideration of the resource agencies' comments and those from the public, and any subsequent modifications to the original and amending applications, the current posture of the application is that **the potential and real adverse environmental effects of the proposed use been avoided to the maximum extent possible.**

1. After careful review of the proposed use, and after due consideration of the resource agencies' comments and those from the public, and any subsequent modifications to the original and amending applications, the current posture of the application is that a cost benefit analysis of the environmental impact costs balanced against the social and economic benefits of the proposed use demonstrates that **the social and economic benefits outweigh the environmental costs.**
2. After careful review of the proposed use, and after due consideration of the resource agencies' comments and those from the public, and any subsequent modifications to the original and amending applications, the current posture of the application is that there are **no alternative projects which would offer more protection to the environment** than the proposed use without unduly curtailing non-environmental benefits.

3. After careful review of the proposed use, and after due consideration of the resource agencies' comments and those from the public, and any subsequent modifications to the original and amending applications, the current posture of the application is that there are **no alternative sites** which would offer more protection to the environment than the proposed use site without unduly curtailing non-environmental benefits.
4. After careful review of the proposed use, and after due consideration of the resource agencies' comments and those from the public, and any subsequent modifications to the original and amending applications, the current posture of the application is that there are **no further mitigating measures** which would offer more protection to the environment than the use as proposed without unduly curtailing non-environmental benefits.
5. After careful review of the proposed use, and after due consideration of the resource agencies' comments and those from the public, and any subsequent modifications to the original and amending applications, the current posture of the application is that the decision to grant this coastal use permit application is **consistent with the state program**, including all applicable conditions to ensure the mitigation of coastal resource ecological values which would be lost due to the use.

6. After careful review of the proposed use, and after due consideration of the resource agencies' comments and those from the public, and based upon substantial consideration of any local government comments, and the comments or absence thereof from the approved local programs for affected parishes, and any subsequent modifications to the original and amending applications, the current posture of the application is that the decision to grant this coastal use permit application is consistent with the approved local programs for affected parishes.

All of the above consideration is conditioned upon the applicant abiding by the conditions set forth in the permit. For the reasons cited above, the (LOCAL COASTAL PROGRAM) has decided to grant authorization for this coastal use.

Name
Title
Parish

DATE



Voluntary Withdrawal

Voluntary Withdrawal

A voluntary withdrawal is when the Applicant no longer wishes to pursue the permitting process and ask the LCP to withdraw their application. This request should be documented via email. The Agent or the Applicant can request a voluntary withdrawal.

Once the request is received the LCP should:

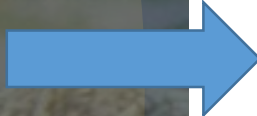
- Submit Code sheets with the new status (Status 16)
- Submit Habitat Impact form (disturbed acres issued = 0)
- Notify the Applicant/Agent that their application has been withdrawn.
- Submit correspondence/letter to OCM to be uploaded.



Forced Withdrawal

A forced withdrawal can occur due to Applicant inactivity. It is recommended to make all attempts to resolve the issues before forced withdrawal.

- Request for Information
- 15 day letter
- Code sheet status 16
- Notify OCM and COE



date

Agent/applicant address

RE: P#, Coastal Use Permit Application

Applicant name

Description: project description

Location: project location

name of Parish Parish, LA

Dear agent/applicant contact:

On date, this office sent you a letter/an application checklist requesting additional information. As of the date of this letter, we have not received the requested information from you. According to LAC, Title 43, Part I, Chapter 7, §723.C.7, and the State and Local Coastal Resources Management Act of 1978, as amended (La. R.S. 49:214.21, et seq.) your application will be considered withdrawn unless you submit the requested information within fifteen (15) days of the date of this letter.

A wide-angle photograph of a marshy landscape. In the foreground, there are clumps of tall, green grass. A small, calm body of water reflects the sky and the surrounding vegetation. The middle ground shows a vast expanse of similar grassland leading to a distant, flat horizon. The sky is a clear, pale blue. A semi-transparent dark blue vertical bar is positioned on the right side of the image.

Questions?