

LOUISIANA  
COASTAL WETLANDS  
CONSERVATION PLAN

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State of Louisiana

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## Table of Contents

TABLE OF CONTENTS .....	i
BACKGROUND .....	1
INTRODUCTION .....	2
WETLANDS BENEFITS .....	2
<i>Commercial and Recreational Values</i> .....	2
<i>Wildlife Habitats</i> .....	3
<i>Improved Water Quality</i> .....	3
<i>Erosion and Flood Control</i> .....	4
<i>Storm Buffers</i> .....	4
WHY DEVELOP A CONSERVATION PLAN? .....	4
CONSERVATION PLAN AREA .....	6
AREA DESCRIPTION .....	6
<i>Louisiana Coastal Zone Boundaries</i> .....	6
Inland Boundary .....	6
Interstate Boundaries .....	7
Seaward Boundary .....	7
Excluded Federal Lands .....	7
<i>CWPPRA Designated Coastal Wetlands Conservation Plan Boundary</i> .....	7
CONSERVATION PLAN MAP .....	8
TABLE 1. COMPARISON OF HABITAT TYPES IN THE COASTAL WETLANDS CONSERVATION PLAN AREA AND IN THE LOUISIANA COASTAL ZONE. ....	9
STATE AGENCY DESIGNATION .....	10
STATE INITIATED MEASURES TO ACHIEVE A GOAL OF NO NET LOSS .....	11
DEVELOPMENTAL LOSSES .....	17
FIGURE 1. DISTURBED ACRES FOR COASTAL USE PERMITS ISSUED FOR VEGETATED WETLANDS .....	17
FIGURE 2. ANNUAL DIRECT IMPACT (ACRES) FOR ACTIVITIES OCCURRING IN FASTLANDS AND >5' MSL .....	18
FEDERAL MEASURES WHICH CONTRIBUTE TO A GOAL OF NO NET LOSS .....	22
LOCAL MEASURES WHICH CONTRIBUTE TO A GOAL OF NO NET LOSS .....	25
ACCOUNTING SYSTEM DESCRIPTION .....	26
THE PERMIT REVIEW PROCESS, MONITORING & ENFORCEMENT .....	27

**STATE ASSURANCES ..... 29**

    PERSONNEL ..... 29

*Permits/Mitigation Programs Branch* ..... 29

*Interagency Affairs Branch* ..... 29

*Support Services Branch* ..... 29

*Administrative* ..... 29

    FUNDING ..... 30

    AUTHORITY ..... 31

**EDUCATIONAL PROGRAM ..... 32**

**TECHNOLOGY SHARING ..... 35**

**REGULATORY AND NONREGULATORY WETLANDS CONSERVATION STRATEGIES ..... 36**

    REGULATORY STRATEGIES ..... 37

    NONREGULATORY STRATEGIES - INCENTIVE PROGRAMS ..... 38

**SUMMARY OF PLAN ACTIONS ..... 41**

**DURATION OF AGREEMENT ..... 45**

**APPROVAL OF THE LOUISIANA COASTAL WETLANDS CONSERVATION PLAN ..... 46**

**APPENDICES:**

- Appendix A - Public Law 101-646, Title III - CWPPRA
- Appendix B - Public Hearings Comments
- Appendix C - Louisiana Coastal Resources Program Legislation -  
R.S. 49:214.21 Subpart C
- Appendix D - Coastal Management Regulations - Chapter 7, Title 43
- Appendix E - Flow Chart of Permitting, Monitoring, Enforcement Processes
- Appendix F - State Wetlands Conservation and Management Strategy  
(Draft Report)
- Appendix G - NRCS commitment letters
- Appendix H - CMD organizational chart

# Louisiana Coastal Wetlands Conservation Plan

## Background

The Coastal Wetlands Planning, Protection, and Restoration Act (Public Law 101-646, Title III--CWPPRA) was enacted and signed into law by President George Bush on November 29, 1990 (see Appendix A). The Act directed that a Task Force consisting of representatives of five federal agencies (U.S. Army Corps of Engineers [Corps], U.S. Fish and Wildlife Service [USFWS], Environmental Protection Agency [EPA], U.S. Department of Interior, and the U.S. Department of Commerce) and the State of Louisiana develop a "... comprehensive approach to restore and prevent the loss of coastal wetlands in Louisiana." In order to ensure a comprehensive approach, coastal restoration and management activities must address not only past human development and natural degradation processes but also ongoing human development in the coastal zone.

CWPPRA meets this challenge by establishing general procedures for selection and implementation of Louisiana coastal restoration projects (Section 303) and conservation planning (Section 304). The CWPPRA Restoration Plan, completed in 1993, presents an overall restoration strategy from which subsequent priority list projects are selected.

The Louisiana Department of Natural Resources (LDNR) has been designated as the state agency to develop a Louisiana Coastal Wetlands Conservation Plan (Plan) under the authority CWPPRA. LDNR has been awarded an EPA Assistance Grant and is the lead agency for the development of the Plan and its subsequent submittal to the federal agencies authorized to approve it. These agencies are the Corps, USFWS and EPA.

As presented in CWPPRA, PL 101-646, Section 304, the goal of the Plan shall be to achieve "no net loss of wetlands in the coastal areas of Louisiana as a result of developmental activities initiated subsequent to approval of the Conservation Plan," exclusive of any wetlands gains achieved through implementation of restoration projects funded through Section 303 of that Act.

Participation and input by the public and by federal and state agencies is integral to the success of the Plan, both in the development process and in communicating its benefits through outreach materials. Activities supporting this responsibility have been carried out by the Louisiana State University Agricultural Center, Louisiana Cooperative Extension Service and include two series of workshops/public meetings for the purpose of receiving input and informing the public of the plan development. The comments received at the meetings are incorporated as appropriate and included as received in this Plan (Appendix B).

## Introduction

Increasingly, resources are being developed to better inform the public regarding Louisiana's coastal wetlands restoration and preservation programs. The information contained in this introduction is extracted from two of these resources: *A Coastal User's Guide to the Louisiana Coastal Resources Program* published by LDNR and the *CWPPRA Home Page* located on the Internet at [www.nwrc.gov/cwppra.html](http://www.nwrc.gov/cwppra.html). This "home page" is published by the Public Outreach Committee of CWPPRA.

Louisiana has 15,000 miles of winding shoreline that extends from the Pearl River westward to the Sabine River. The delicate coastal zone habitats, located in nineteen southern parishes, are an intricate inter-weaving of ecological systems. Renewable coastal resources include numerous species of wildlife, waterfowl, and wetlands that support highly productive fisheries and fur industries. Non-renewable resources are abundant, with crude oil, natural gas, sulphur, and salt being most common.

Covering nearly 9.5 million acres, the Louisiana Coastal Zone includes large open bays and lakes, barrier islands, cheniers, and natural levee forests. The marshes, swamps, and bottomland hardwoods that sprawl inland from the Gulf of Mexico comprise 40 percent of the continental United States coastal wetlands. Nine National Wildlife Refuges are located in the Louisiana coastal area covering 277,000 acres. Jean Lafitte National Historical Park, located in the Barataria area has 11,000 acres of coastal wetlands.

### Wetlands Benefits

Wetlands provide many benefits that are unique and vital ecological resources. The different types and locations of wetlands, however make measuring their benefits difficult. Regardless of where or what kind of wetland it is, there are some basic reasons wetlands are important. These reasons include commercial values, recreational values, wildlife habitats, water quality management, storm buffers, erosion control, and flood control.

### Commercial and Recreational Values

Wetlands provide opportunities for many popular recreational activities such as boating, hiking, hunting, fishing, and bird-watching. More than half of all U.S. adults (98 million) hunt, fish, bird watch, or photograph wildlife. These activities, which rely on wetlands, add an estimated \$60 billion to the national economy. In Louisiana almost 900,000 sport fishing licenses are sold annually, with total recreational fishermen-related expenditures estimated (1991) at \$686 million. Nationwide, sport fishermen's expenditures total \$22 billion annually. More than 330,000 sport hunting licenses are issued to Louisiana hunters each year for more than \$430 million in total expenditures. Over 1.4 million people in Louisiana participated in non-consumptive fish and wildlife activities with total expenditures that exceeded \$220 million in 1991.

Wetlands economic values lie in the variety of commercial products they provide; such as food, fiber, lumber, and energy resources. Bottomland forests, one type of wetland, are sources of lumber, adding more than \$10 billion to the economy annually. Large bottomland hardwood and cypress-tupelo swamps are located in coastal Louisiana.

Louisiana's oil and natural gas industries are important to the state's economy, providing taxes and jobs. Proven reserves of both resources are ranked among the nation's largest. Most oil and gas production activity occurs in south Louisiana and offshore in state and federal waters of the Gulf of Mexico. Louisiana's coastal zone holds abundant reserves of crude oil and natural gas and is a region of major exploration, production and refining activity. In 1994 there were 523 oil fields and 23,477 wells in coastal Louisiana. Oil and gas

related severance taxes exceeded \$500 million. Oil and gas infrastructure handling over 60% of U. S. imports is located in south Louisiana.

Coastal wetlands serve as spawning areas and nursery grounds for shellfish and sport and commercial fish, insuring the continued success of the \$26 billion commercial fishing industry. In Louisiana, coastal fisheries landings had a dockside value of \$300 million in 1990. The total value of Louisiana commercial fisheries was \$680 million in 1991. Coastal wetlands are also habitats for many fur-bearing mammals that provide for a strong fur market. More than 40% of the nation's wild fur harvest comes from Louisiana wetlands.

Additionally, in many coastal and river delta wetlands, grazing and haying of wetland vegetation is extremely important to livestock producers. Cattle production in coastal areas exceeds \$25 million per year. Alligator farming and harvesting is becoming a valued product of Louisiana coastal areas. More than 25,000 wild alligators are harvested each year. There are more than 100 commercial alligator farms in coastal Louisiana. The value of hides/meat from both the wild and farm harvests exceeds \$16 million annually.

#### Wildlife Habitats

One reason wetlands are so important is the unique wildlife and vegetation they support. They are among the most productive natural ecosystems on the earth. They produce great quantities of plants, some of which could not live anywhere else. Some of the plants specific to wetlands are cattails, swamp rose, spider lilies, and cypress trees. Many of the wetland plants provide food, shelter, and nesting areas for the animals that also make wetlands their home.

Wetlands are major breeding grounds for various resident and migratory birds. They are migratory stopovers for many species of waterfowl, wading birds, shorebirds, and songbirds. 15 million waterbirds use Louisiana's coastal wetlands and shorelines each year. Four to six million ducks winter in Louisiana annually. This is 20% of the continental population. Over 400,000 geese overwinter in Louisiana. Radar tracking shows 80,000 birds per mile of migration front arrive daily in Louisiana. In peak spring migration, 24 million birds per day arrive on the Louisiana coast.

Many species of invertebrates, amphibians, reptiles, and mammals depend on wetlands for survival. In fact, at least one third of the nation's threatened or endangered species live in wetland areas. Eleven threatened and endangered species occur in coastal Louisiana. Most of the 100 active bald eagle nests in Louisiana are in the coastal area. Wetlands are extremely important refuges for this plentiful variety of wildlife.

#### Improved Water Quality

Wetlands are important in the way they interact with the environment around them. They are natural reservoirs and erosion controllers, and they function as natural sewage treatment systems. When rain sinks into the ground, it is stored in naturally occurring underground depressions. This prevents the water from immediately flowing into streams, rivers, lakes, or the gulf. The specially adapted plants that live in the wetlands act as flood controllers and as water purifiers. The vegetation slows the water enough so that sediment and chemicals in the water can settle to the bottom. As the water is cleaned the plants absorb the chemicals that are released. The plants then convert the chemicals to usable substances and eventually pass on these nutrients to the animals in the ecosystem. The ability of wetlands to recycle nutrients and to take suspended materials and chemicals out of the water is a critical and unique function. In Louisiana wetlands play an important role in the recharge of local and regional aquifers.

### Erosion and Flood Control

*Vegetated wetlands help to hold together banks of lakes, rivers and the beach rim that are often prone to serious erosion problems. When wetlands are converted and the vegetation is removed or damaged, soil erosion increases. Instead of serving as a sediment trap, wetlands become a sediment source. Shoreline erosion rates in some coastal areas of Louisiana exceed 100 feet per year.*

Wetlands also help to control flooding. When water levels are high due to storms and flooding, the heavy, spongy vegetation absorbs the water and slows its flow. The combined action of storage and slowing can lower flood heights and reduce the water's erosive power. The presence of only 15% of a watershed in wetlands can reduce flooding peaks by as much as 60%. Additionally, the slowed water drops soil that builds up, forming higher, more insulated ground where terrestrial grasses and hardwoods can take root reducing the force of erosion even more. In May 1995 southeastern and south-central Louisiana experienced flood related damages of more than \$138 million.

### Storm Buffers

Coastal wetlands adjacent to the Gulf of Mexico serve an extremely important storm surge protection function when tropical storms or hurricanes come ashore. Research has shown that for every linear mile of vegetative wetlands, storm surge height can be reduced by one foot. Coastal wetlands such as brackish marshes, bottomland forest, and barrier islands absorb enormous amounts of wave energy and hold large quantities of water that would otherwise allow storms to do much more damage inland.

An estimated 60 - 75% of Louisiana's residents live within 50 miles of the coast (1993). Between 1899 and 1995 over a dozen major hurricanes (class 3 - 5) hit Louisiana. Many coastal communities have been abandoned following hurricanes because of deteriorating coastlines and marshes. These include: Cheniere au Tigre, Manilla Village, Balize, Cheniere au Caminada and St. Malo. Today millions of people and billions of dollars in infrastructure are at risk from hurricane and storm damages.

### Why Develop a Conservation Plan?

*Because the coastal area is ecologically and economically among the world's richest estuarine regions, it is of vital public interest to protect this valuable resource. Losses of wetlands in the Louisiana coastal area total approximately 35 square miles per year (calculated from 1978 to 1990). There are many reasons attributed to these losses. This plan has been developed to address the possible losses attributable to human activities (development) and construction within the Plan boundary. The mitigation of these losses combined with the state's and CWPPRA's restoration efforts are a comprehensive endeavor to protect Louisiana's coastal wetlands.*

*Through the implementation of the Plan, Louisiana expects to achieve the goal of "no net loss" of coastal wetlands as a result of developmental activities. Benefits to Louisiana through the development and implementation of this plan include:*

- *increased availability of federal coastal restoration funding from the CWPPRA with decreased state cost share from 25% to 15%;*
- *honors the Congressional intent outlined in the CWPPRA legislation;*
- *demonstrates the state's willingness to address wetland loss allowed through permitted developmental activities, thus assisting in CWPPRA reauthorization set for Congressional vote in 1998;*



- assists in the implementation of Louisiana's new coastal mitigation program; and
- helps to assure continued provision of important coastal wetland functions and values.

## **Conservation Plan Area**

### **Area Description**

The Coastal Wetlands Conservation Plan Area includes much of the Louisiana Coastal Zone (see Appendix C for legal description) and an area delineated and bound by the Plan boundary. As defined in Public Law 101-646, the Plan shall identify “the entire coastal area in the State that contains coastal wetlands”.

### **Louisiana Coastal Zone Boundaries**

The boundaries of the coastal zone are divided into four elements: the inland boundary, the seaward boundary, areas excluded from the coastal zone and interstate boundaries.

The Federal Coastal Zone Management regulations require that the inland boundary include seven geographical or management elements:

- those areas the management of which is necessary to control uses which have a direct and significant impact on coastal waters;
- designated special management areas identified pursuant to the federal coastal zone management program approval regulations;
- all transitional and intertidal areas which are subject to coastal storm surge;
- beaches affected by wave action directly from the sea;
- islands;
- salt marshes and wetlands; and
- waters under saline influence.

The regulations also require that the inland boundary must be presented in a manner that is clear and exact enough to permit determination of whether a property or an activity is located within the management area and that seaward boundaries are established as the three mile outer limit of the United States territorial sea.

### **Inland Boundary**

The inland boundary for the State of Louisiana contains all or part of nineteen parishes: In general, this boundary begins at the state line of Texas and Louisiana in the west and proceeds easterly through the parishes of Calcasieu and Cameron then south through Vermilion, Iberia, St. Mary, St. Martin, Assumption, Terrebonne and Lafourche. The boundary then turns to the north to include the parishes of St. Charles, St. John the Baptist, St. James and then east again through Livingston, Tangipahoa and St. Tammany parishes to the Mississippi state line. The only parishes whose boundaries are completely within the coastal zone are the parishes of Orleans, Jefferson, St. Bernard, Plaquemines, St. John the Baptist, St. James and St. Charles.

A complete legal description of the Coastal Zone boundaries can be found in Appendix C.

#### **Interstate Boundaries**

The eastern lateral boundary of the coastal zone for purposes of this program is the Louisiana-Mississippi State Line. The boundary is as defined by the U. S. Supreme Court decision rendered in the case of the State of Louisiana vs. the State of Mississippi, 201 US 1 (1906).

The western lateral boundary of the coastal area for purposes of this program is the Louisiana-Texas State Line as defined by the U. S. Supreme Court decision rendered in the case of the State of Texas vs. the State of Louisiana, 431, US 161 (1977).

#### **Seaward Boundary**

The seaward boundary of the coastal area for purposes of this program is the outer limit of the United States territorial sea. The seaward limits, as defined in this section, are for purposes of this program only and represent the area within which the state's management program may be authorized and financed. These limits are irrespective of any other claims Louisiana may have by virtue of the Submerged Lands Act or any changes that may occur as a result of the operation of Fisheries Conservation and Management Act of 1976.

#### **Excluded Federal Lands**

In accordance with Section 304(a) of the Coastal Zone Management Act of 1972 (CZMA), all federal lands owned, leased, held in trust or whose use is otherwise subject solely to the discretion of the federal government are excluded from the Louisiana coastal zone. However, any activities or projects which are conducted within these excluded lands that have direct effects on the lands or water of Louisiana's coastal zone are subject to the consistency provisions of the CZMA.

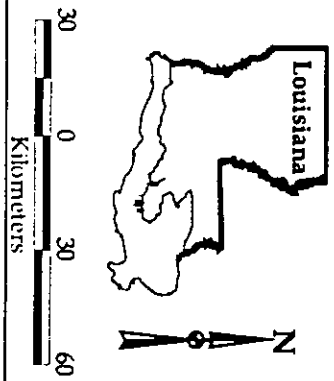
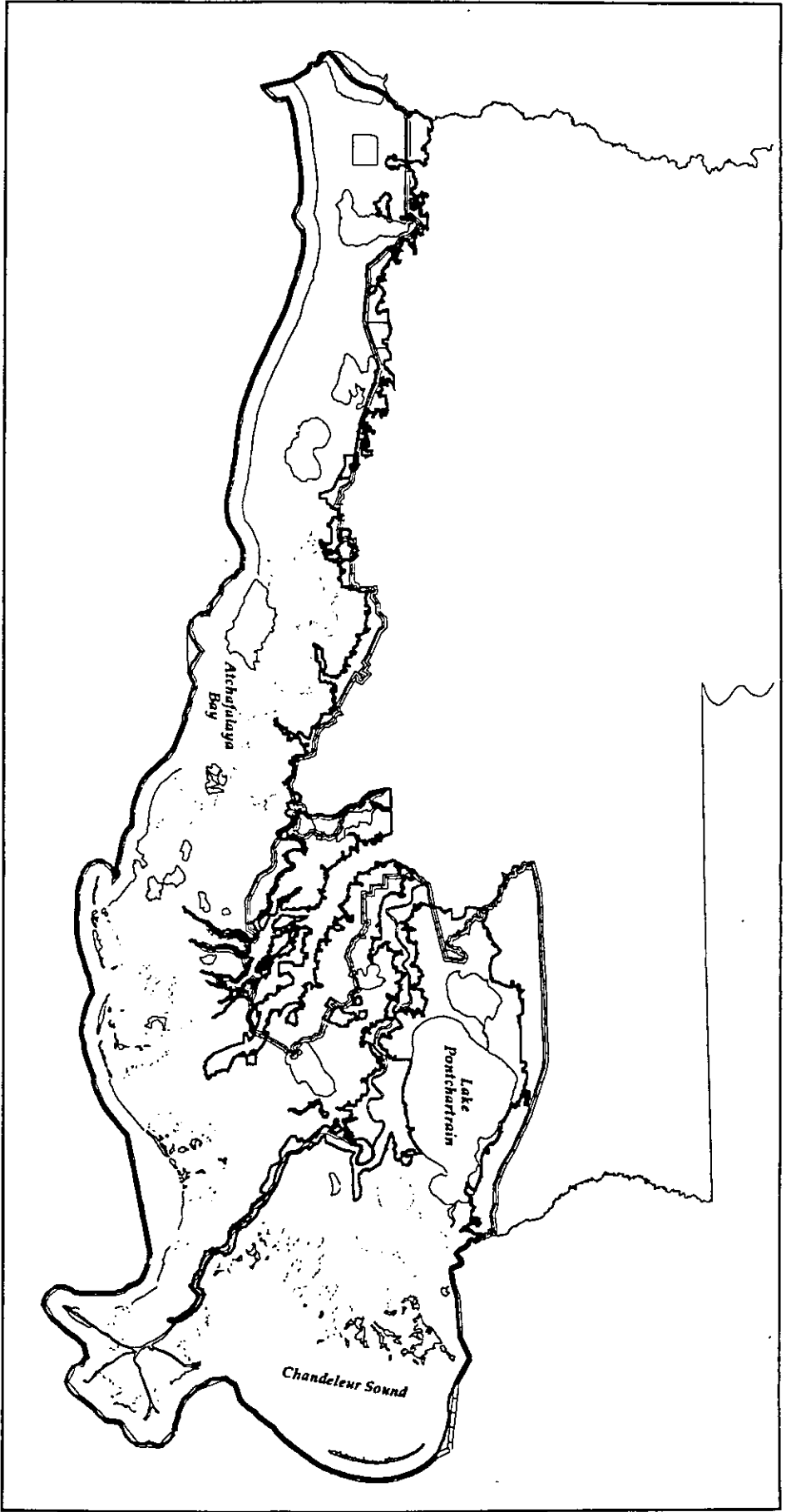
#### **CWPPRA Designated Coastal Wetlands Conservation Plan Boundary**

The seaward boundary of the Plan area is the outer limit of the United States territorial sea and is contiguous with the Coastal Zone Boundary as previously defined.



The eastern lateral boundary of the Plan area is the Louisiana-Mississippi State Line. The boundary is contiguous with the Coastal Zone Boundary as defined by the U. S. Supreme Court decision rendered in the case of the State of Louisiana vs. the State of Mississippi, 201 US 1 (1906).

The western lateral boundary of the Plan area is contiguous with the Coastal Zone Boundary and is the Louisiana-Texas State Line as defined by the U. S. Supreme Court decision rendered in the case of the State of Texas vs. the State of Louisiana, 431, US 161 (1977).

The northernmost Plan designated boundary overlaps the Coastal Zone Boundary, falling in and outside of that boundary as determined by the inland limit of tidally-influenced fresh marsh and bald cypress/tupelo gum swamps. (see map following this section) This boundary was designated by LDNR with assistance from CWPPRA agency representatives. A comparison of the habitat types found in the Coastal Zone and in the Plan area is presented in Table 1 below. As would be expected, the Plan excludes much of the upland forests, agriculture/pasture acreage, and developed property found in the Coastal Zone while encompassing significantly more fresh marsh, cypress forests and bottomland forested areas.



**COASTAL WETLANDS  
CONSERVATION PLAN BOUNDARY**

	<b>Louisiana Coastal Zone Boundary (To 3 mile limit)</b>
	<b>Conservation Plan Boundary</b>

**Date Source:**  
 Department of Natural Resources  
 Coastal Restoration Division and GIS Lab  
 MAP ID: 97-4-032

U.S. Geological Survey  
 National Wetlands Research Center  
 Baton Rouge Project Office

Wetland Class	Common Acres	Coastal Plan Acres (total)	% of Coastal Plan Area	Coastal Zone Acres (total)	% of Coastal Zone Area
Water	5,410,171.03	5,473,179.51	59.0	5,476,492.27	58.0
Aquatic Bed (floating)	30,618.06	34,542.56	0.4	31,197.52	0.3
Aquatic Bed (submerged)	24,370.31	35,496.85	0.4	24,589.92	0.2
Fresh Marsh	746,625.72	920,805.37	10.0	756,281.36	8.0
Intermediate Marsh	359,046.93	368,669.21	4.0	359,275.50	4.0
Brackish Marsh	752,773.09	754,447.54	8.0	753,214.79	8.0
Saline Marsh	409,566.08	409,566.08	4.0	409,723.46	4.0
Estuarine Marsh	211.12	449.89	0.0	230.12	0.0
Cypress Forest	319,850.60	550,563.18	6.0	329,281.53	3.0
Bottomland Forest	224,450.78	352,505.43	4.0	315,406.73	3.0
Upland Forest	30,614.81	32,565.24	0.4	215,847.03	2.0
Dead Forest	424.87	455.60	0.0	521.40	0.0
Bottomland Shrub/Scrub	100,005.87	122,907.60	1.0	110,602.37	1.0
Upland Shrub/Scrub	36,605.11	37,273.07	0.4	67,464.71	0.7
Shore/Flat	18,687.81	18,891.05	0.2	19,520.56	0.2
Agriculture /Pasture	66,312.90	79,586.63	0.9	352,312.54	4.0
Upland Barren	5,359.25	5,655.33	0.1	8,205.13	0.1
Developed	23,904.36	29,220.37	0.3	238,566.06	3.0
Other Land	482.32	533.75	0.0	503.32	0.0
<b>Total</b>	<b>8,560,081.02</b>	<b>9,227,314.86</b>	<b>99.1</b>	<b>9,469,236.32</b>	<b>99.5</b>

Table 1. Comparison of habitat types in the Coastal Wetlands Conservation Plan area and in the Louisiana Coastal Zone. Percent totals do not equal 100 due to rounding errors.

## State Agency Designation

The Coastal Management Division (CMD) of the Louisiana Department of Natural Resources, Office of Coastal Restoration and Management is charged with implementing the Louisiana Coastal Resources Program (LCRP) under authority of the State and Local Coastal Resources Management Act (SLCRMA) of 1978 (see Appendix C), as amended (LA. R. S. 49:214.21 - 214.41). This Act states:

- A.(1) A coastal management program is hereby established within the Department of Natural Resources. The secretary or his designee shall administer the coastal management program.*
- (2) The secretary is authorized to employ such additional staffing as may be necessary to carry out the coastal management program.*
- B. The secretary may authorize his designee to administer the program and/or:*
  - (1) Receive, evaluate, and make recommendations to the secretary concerning applications for coastal uses permits.*
  - (2) Conduct or cause to be conducted investigations, studies, planning, and research.*
  - (3) Systematically monitor and conduct surveillance of permitted uses to ensure that conditions of coastal use permits are satisfied.*
  - (4) Coordinate closely with the secretary and local, state, regional, and federal agencies with respect to coastal management.*
  - (5) Make recommendations to the secretary relative to appropriate enforcement measures for violations of this Subpart and measures to obtain civil relief, as provided by R.S. 49:214.36(D).*
  - (6) Provide advice and technical assistance to the secretary and local governments.*
  - (7) Conduct such activities or make such decisions as may be delegated or authorized by the secretary.*
- C. The secretary shall make decisions on applications for coastal use permits and may establish conditions on the granting of coastal use permits.*
- D. The secretary is further authorized to carry out those duties delegated to his designee by Subsection B of this Section.*

Furthermore, the Governor of the State of Louisiana has entered into an agreement with the Secretary of the Army, the Director of the United States Fish and Wildlife Service and the Administrator of the Environmental Protection Agency under authority of Public Law 101-646 to develop the Coastal Wetlands Conservation Plan. The Governor's designee for Plan development is LDNR, consistent with responsibilities already stipulated.

## State Initiated Measures to Achieve a Goal of No Net Loss

Various programs have been initiated by the State of Louisiana which support and contribute to the goal of “no net loss”. LDNR has initiated the following:

- Louisiana Coastal Resources Program - The Coastal Management Division (CMD) of the Louisiana Department of Natural Resources is charged with implementing the Louisiana Coastal Resources Program (LCRP) under authority of the State and Local Coastal Resources Management Act (SLCRMA) of 1978, as amended (LA. R. S. 49:214.21 - 214.41). This law seeks to protect, develop, and where feasible, restore or enhance the resources of the state's Coastal Zone. Its broad intent is to encourage multiple uses of resources and adequate economic growth while minimizing adverse effects of one resource use upon another without imposing undue restrictions on any user.

Besides striving to balance conservation and resource use, the policies of the LCRP also help to resolve user conflicts, encourage Coastal Zone recreational values, and determine the future course of coastal development and conservation.

- Coastal Management Division Coastal Use Permitting Program - This program is administered by CMD. The Coastal Use Permit (CUP) is the basic regulatory tool of CMD and is required for certain projects in the Coastal Zone, including but not limited to dredge and fill work, bulkhead construction, shoreline maintenance, and other development projects. A prime concern of the CUP program is to regulate activities that may increase the loss of wetlands and aquatic resources, as well as to reduce conflicts between coastal resource users.

The CUP program requires persons planning public, private, or commercial projects within the Coastal Zone to apply for permission to proceed with the projects. Activities undertaken in the Coastal Zone by state, parish, and local governmental agencies, as well as private citizens, that may require permits include dredge and fill projects; piers, bulkheads, or other shoreline modifications; boat slips, sewage treatment plant siting; waste-water discharge; drainage projects; pumping facilities and marsh management activities.

Commercial development occurring in the Coastal Zone under the authority of the LCRP includes a broad range of activities: residential communities, seafood processing plants, harbors and marinas, shipbuilding facilities and related marine industries, motels and restaurants, marsh management programs, and other interests.

- Coastal Management Division Consistency Program - This program is also administered by CMD, Consistency Section. The Consistency Section determines whether the activities of governmental agencies are consistent with the LCRP. The section reviews activities for compliance with the policies, goals and objectives of LCRP, giving particular attention to environmental, economic and cultural concerns. Authority is exercised over most state and all federal agency and federally funded projects, including offshore drilling outside state waters. Federal projects include, for example, navigation, flood control, hurricane protection and freshwater diversion. The Consistency Section also evaluates projects which fall outside of the Coastal Zone for possible impacts to coastal waters.

- Coastal Management Division Mitigation Program - During the CUP review process the permit staff works with applicants to insure that impacts to coastal habitats are avoided and/or minimized. However, activities performed in the Coastal Zone often cause unavoidable impacts, such as wetland alteration. In such cases the LCRP's goal of no net loss of wetlands due to permitted activities cannot be accomplished without offsite habitat compensation. The Mitigation Section staff is responsible for analyzing impacts and recommending appropriate compensation. For every acre of wetlands unavoidably lost, an acre of wetlands must be created (or existing wetlands must be enhanced) to the extent that an additional acre of habitat value is created somewhere else. Wetlands may be created by diverting river sediment into shallow water areas to form deltas and by taking sediment from open water or elevated borrow sites and placing it into shallow water areas to levels which will support wetland plants. The habitat value of wetlands may be enhanced by managing water flow, planting desirable vegetation, and or protecting them from erosion. Applicants may accomplish offsite mitigation by performing the work themselves, combining their resources with other applicants, or contributing funding to an approved compensation project or mitigation bank.

Mitigation regulations have been formally adopted for the Louisiana Coastal Zone by the Louisiana Legislature. These regulations became effective in August, 1995. The mitigation regulations "establish specific procedures for avoiding and minimizing adverse impacts identified in the permit review process, restoring impacted sites when appropriate, quantifying anticipated unavoidable wetland ecological value losses, requiring appropriate and sufficient compensatory mitigation, establishing mitigation banks, establishing advanced mitigation projects, and evaluating and processing requests for variances from the compensatory mitigation requirement." A copy of these mitigation regulations is included in Appendix D.

- Coastal Management Division Enforcement Program - The CMD, Enforcement and Monitoring Section ensures that any unauthorized projects in the Coastal Zone are investigated and action is taken according to the provisions of the SLCRMA. The program also monitors activities permitted by the Coastal Use Permit program for compliance with permit conditions. Field offices are located in New Orleans, Houma, Lafayette, and Lake Charles. The program gives the secretary of LDNR the authority to enforce legal and administrative procedures, including fines, cease and desist orders, and restorative or mitigation work. The field investigative staff regularly monitors the entire coastal area for compliance with permit conditions and for unauthorized activities. In order to better assess wetland impacts associated with unpermitted activities, the field investigative staff will expand its routine aerial surveys to include the identified coastal wetlands outside the defined Louisiana Coastal Zone. Should any possible violations be located, they will be reported to the Corps for further investigation.
- Coastal Management Division Local Coastal Programs - This program interfaces with local parish governments and provides for the development and implementation of local coastal management plans consistent with the state program for management of activities of local concern. Parishes with an approved local program can permit coastal activities of local concern. State permitting authority is still retained over uses of state concern in the Coastal Zone. To date, eight Louisiana parishes have approved Local Coastal Programs (LCP's). These parishes are Jefferson, Orleans, St. Bernard, Cameron, St. James, Lafourche, St. Tammany, and Calcasieu.
- Special Areas Management Program - An area in the Coastal Zone may be nominated for designation as a special area by any person, local government, or state agency. CMD assumes the role of advisor to the Governor in appointing a task force to recommend guidelines for the management of the area



of concern. Special areas must have unique and valuable characteristics, require special management procedures, and be managed for the purpose of regional, state or national importance. The Louisiana Offshore Oil Port and Marsh Island are currently the only two recognized Special Management Areas.

- Coastal Nonpoint Pollution Control Program - The federal government has charged each coastal state with the responsibility of developing a program to reduce pollutants from "nonpoint" or widely diffuse sources that may impact the coastal waters as carried there through stormwater. The Coastal Nonpoint Pollution Control Program is being developed by the staff of LDNR and DEQ with input from other agencies and the public.

In the development of this program fifty (50) management measures or problem issues are being addressed. From these problem issues the staff will develop enforceable policies to help insure that the problems are tackled, and Best Management Practices (BMP's) as suggested specific steps that can be taken by individual land users to help reduce the delivery of these pollutants from land to water. As part of the "Technology Sharing" component of the Plan, these BMP's will be made available to the public to encourage the use of technologies and practices that have minimal effects on coastal wetlands.

- Public Information and Education Program - CMD's information program is designed to inform and educate the general public, business and industry about the Division's programs, policies and functions. A series of brochures, a regular newsletter, and other printed materials are also available free to the public. Among the literature available are brochures on the CUP process and other CMD programs, including information on how coastal residents can help management programs succeed. Staff members are available to give slide shows as well as make presentations to classes and other groups. Program managers are available to meet on request with persons wanting more information on CMD efforts.
- Coastal Management Geographic Information System and Image Processing System - These systems are two aspects of a computer-based data storage retrieval and analysis program to determine the condition of the Louisiana coastal wetlands. Using these highly technical systems, the CMD staff can conduct routine environmental impact studies before issuing permits and can provide research for most other programs. Creation and analysis of digital maps and use of satellite imagery provide information on rapidly changing coastal habitats, allowing for effective management of the Coastal Zone.
- Coastal Restoration Program - The Coastal Restoration Division of LDNR is responsible for implementing Louisiana's Coastal Wetlands Conservation and Restoration Plan and Program. The Coastal Restoration Division develops, implements, and monitors coastal vegetated wetland restoration, creation and conservation measures. It performs engineering, planning, and monitoring functions essential to successful development and implementation of wetland conservation and restoration plans and projects as directed by the Coastal Wetlands Conservation and Restoration Plan.
- Louisiana Wetland Conservation and Restoration Fund - A constitutionally approved program that dedicates up to \$25 million from state oil and gas revenues each year for coastal preservation and restoration projects. Wetland restoration projects are proposed by a state Wetlands Task Force and approved by the Louisiana Legislature.

Other State initiated measures which impact the coastal wetlands area but are outside of the administration of LDNR are coordinated through LDNR's Consistency Section. These measures are:

- Land Acquisition Program - This program is administered by the Louisiana Department of Wildlife and Fisheries (LDWF) and is funded primarily by duck stamp and hunting license revenues. Wetlands are given high priority. LDWF acquired its first tract of land in 1911, the State Wildlife Refuge comprising 13,000 acres of marsh in Vermilion Parish. It is believed to be the second wildlife refuge established in North America.

Approximately 300,000 acres have been acquired by donation or acts of the legislature. Most of this acreage is in the coastal zone (marsh/habitat). Since the fee title acquisition program began in 1960, approximately 377,000 acres have been acquired at a cost of approximately \$96 million (\$254/acre average cost). There are a total of 671,000 fee title acres owned LDWF. Most of these acres are dedicated for wildlife by deed restrictions.

- Fur and Refuge Division, LDWF - The Fur and Refuge Division is responsible for the administration of Louisiana's Wildlife Refuge System and Coastal Wildlife Management Areas. Through these two programs alone over 448,360 acres are protected; 120,180 acres have been enhanced; and 4,137 acres acquired. Through these programs thousands of wetlands acres are protected, enhanced or acquired annually. State wildlife refuges provide high value habitat for the full spectrum of coastal fish and wildlife populations.

The objectives of the Wildlife Refuge System and the Coastal Wildlife Management Areas (WMAs) are to: 1) conduct management, research, and monitoring projects and practices to protect, enhance and manage habitats for resident and migratory fish and wildlife species; 2) actively patrol the refuges and adjacent waters to maintain contact with the public to monitor recreational fishing, crabbing and shrimping activity and to maintain familiarity with the area for conducting rescue operations in hazardous conditions; 3) conduct all necessary maintenance and development on facilities, grounds, equipment and habitat structures; 4) actively coordinate and manage all mineral and right of way development on these refuges/WMAs; 5) provide extension/educational assistance to individuals and groups interested in habitat, wildlife and fisheries management and associated educational activities; and 6) conduct necessary administrative, supervisory and associated office functions to manage these refuges/WMAs.

Other programs administered by the Division which beneficially impact wetlands are the Alligator Management Program and the Furbearer Management Program. Through these programs wetlands are regularly monitored to determine the impacts of coastal furbearers on them and to assure the health of the alligator and furbearer populations who live in them.

- Wildlife Division, LDWF - The overall responsibility of the Wildlife Division is the development and administration of wildlife conservation programs in Louisiana. The three components are: development, enhancement, and maintenance of game and non-game wildlife populations; protection, development, and enhancement of habitats including soil, water, and vegetation that these animals depend upon; and providing wildlife use opportunities including hunting, fishing, trapping, camping, boating, viewing, hiking and others. There are 39 Wildlife Management Areas managed by the Wildlife Division with a total acreage of 800,000 acres. Within the Waterfowl Management

Program, the Wildlife Division has developed 25,000 acres of managed wetlands for waterfowl in the last 5 years using levees, water control structures, wells and pumps.

Management of the areas is considered "passive" although other entities such as the U.S. Army Corps of Engineers are actively pursuing the development of projects within the Wildlife Management Areas with the approval of the LDWF.

- Habitat Conservation Program (Natural Heritage Program, Louisiana Natural and Scenic Rivers Program, Statewide Environmental Investigation Program), LDWF - The Habitat Conservation Program is housed within the Fur and Refuge Division of the Office of Wildlife. The program is comprised of three activities: Natural Heritage, Ecological Studies, and Scenic Rivers. The beginnings of this program date back to the Federal Fish and Wildlife Coordination Act of 1946. The program has expanded over the years due to increased awareness of environmental issues and because of conflicts between development interests, natural resource user groups, and other environmental concerns. State and Federal laws including the Environmental Protection Act of 1969, the Louisiana Natural and Scenic Rivers Act of 1970 as amended 1988, the Federal and State Coastal Zone Management Acts, the National Environmental Policy Act, the Clean Water Act, the Endangered Species Conservation Act of 1974 as amended, the Louisiana Threatened and Endangered Species Conservation Act of 1974 as amended and the Louisiana Natural Heritage Preservation Act of 1987 were passed to provide protection to the extremely valuable wetlands, nursery grounds, and other natural habitats which generate a multitude of natural, renewable, living resources. The program's mission is: to the maximum extent possible, conserve and enhance fish and wildlife habitat throughout the State of Louisiana and its coastal waters.

The Natural Heritage Program is responsible for protection of and research on rare, threatened, and endangered species. It is also responsible for identifying, characterizing, and mapping the varied natural habitats in the State of Louisiana with special emphasis on rare and unique habitat types. The program also administers the non-game wildlife project which includes working closely with the Urban Wildlife Project, publishing documents dealing with wildlife species other than game animals, permitting wildlife rehabilitators and individuals involved in nuisance animal control, and the issuance of scientific collecting permits. The Habitat Conservation Geographic Information System (GIS) is maintained by the Natural Heritage group.

The Ecological Studies Program is a federal aid program responsible for statewide environmental investigations. That activity involves conducting wildlife habitat evaluations and environmental assessments. The program also involves assisting private individuals, industry, and state and federal agencies by providing biological/ecological information to those groups. In addition, the Ecological Studies Section reviews project proposals and permit applications and provides technical comments to several Federal and State agencies through their permitting process for the purposes of mitigating or compensating for environmental damage which could result from the permitted activity. This Section is also responsible for administering the Urban Wildlife Management technical assistance project through a system similar to an extension service. This project works with parish and municipal planners and individual homeowners to plan and develop wildlife management and attraction projects for urban and suburban property.

The Scenic River Program administers the Louisiana Natural and Scenic River System. The program is charged with the responsibility of regulating activities on the 51 designated scenic rivers in the state through a permitting system. It is also charged with developing and implementing management

plans for each of the rivers. The management plans are detailed, written plans discussing strategies designed to protect and conserve the streams as a natural resource. The activity also entails conducting field research and data collection in and along the streams in order to characterize the streams from an ecological perspective. These data are used as an evaluation and regulatory tool.

- Water Quality Certification - Sections 401, 402, and 404 of the Clean Water Act require that the Louisiana Department of Environmental Quality (DEQ) certify all NPDS and 404 permits. DEQ must certify that these permits meet state water quality standards. The Louisiana Department of Environmental Quality, Office of Water Resources is responsible for reviewing proposed wetland projects for Section 401 Water Quality Certification. Under this authority, DEQ reviews each application for a Corps Section 404 permit to determine if it complies with the State's Water Quality Standards. If it is determined that the project will violate water quality standards, certification will be denied and the project can not proceed. If it is determined that the project will not violate standards or it can meet standards after some specified conditions are met a Water Quality Certification under Section 401 will be issued and the project can proceed through the rest of the Section 404 process. The certification process consists of the receipt of a complete application, public notice, review of application and public comments, and a decision on certification.

DEQ has agreements with CMD and the various Corps Districts under which LDNR or the Corps provides DEQ with a copy of each application they receive. The agreements between DEQ, the Corps and LDNR also provide for a joint public notice, which notifies the public that an application has been made for a Corps Section 404 permit, a Water Quality Certification, and a CUP if the work is in the coastal zone. In some cases only DEQ will require a public notice. In this case the notice must be published by the applicant in a specified newspaper.

During 1995, DEQ received 1,737 applications for Water Quality Certification under Sections 401 and 404. Of these, 1,164 (67%) were for work in the coastal zone. The 1995 total for certification applications is up slightly from previous years, but the proportion of coastal zone applications has remained about the same. Virtually all certification requests are for work in wetland areas and the certification process has been used to provide protection for wetland resources, while allowing legitimate projects to be implemented in an environmentally sound manner.

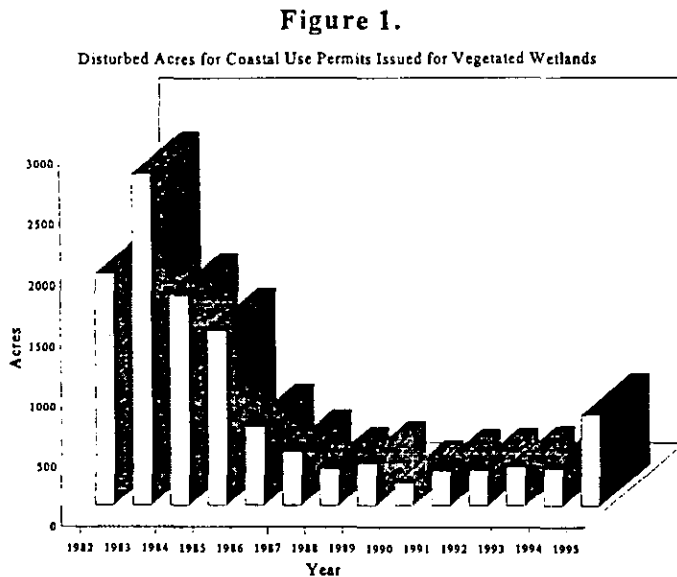
- Non-Point Source Pollution Management Program - A statewide non-point source program has been developed by DEQ. Pathogens, nutrients and organic enrichment are three of the primary problems identified as contributing to non-point source water quality problems in the coastal areas of Louisiana. DEQ is also a co-implementor of the Coastal Nonpoint Source program discussed above.
- Forestry Stewardship Program - This program is administered by the Louisiana Department of Forestry and Agriculture, Office of Forestry. It provides financial incentives and/or technical support for landowners to improve habitat, including forested wetlands. Any private forest landowner who has 10 acres or more of forestland and wants to manage it for multiple-use resources is eligible for the program. There are eight steps to becoming a forest steward:
  1. A landowner applies by filling out a Stewardship Program application or by contacting a cooperating agency.
  2. A landowner is enrolled in the program by signing the "Forest Stewardship Landowner's Creed," a pledge to be a faithful land steward.

3. A forest management plan is developed with help from a team of natural resource professionals.
4. The landowner then receives technical assistance and implements the management plan.
5. A natural resource professional nominates the woodland as a Stewardship Forest.
6. The woodland is inspected and evaluated by a Forest Stewardship Team.
7. The Team's evaluation is considered by the State Planning Committee.
8. The landowner is certified as a Forest Steward, then receives a certificate and sign to place on the forestland.

The benefits a landowner can expect from the program include: improved income opportunities, recognition of efforts, information about natural resource management and assistance, enhanced wildlife populations through habitat protection and improvements, help in guarding against soil erosion and protection of water quality, a future supply of healthy timber for forest products, protection of wetlands, maintenance and enhancement of the beauty and the natural diversity of Louisiana's forests, maintenance of Louisiana's unique historical and geological features, and increased recreational opportunities.

### Developmental Losses

The programs discussed above clearly demonstrate the extent of the State's commitment to preserving,



enhancing and restoring its valuable coastal wetlands. In order to assess the State's ability to meet the no-net loss requirements imposed by the Plan, however, a review of developmental losses in the Plan area is necessary. Two broad categories of developmental wetland losses were identified by LDNR, LDWF and the CWPPRA agencies - losses associated with activities permitted by LDNR and/or the Corps and losses associated with unpermitted activities.

The database maintained by CMD (see discussion of gain and loss accounting, below) contains information for the area impacted by each CUP application submitted for review. Figure 1 shows the acreage permitted for alteration from 1982 to 1995. For this fourteen year time period, permitted wetland

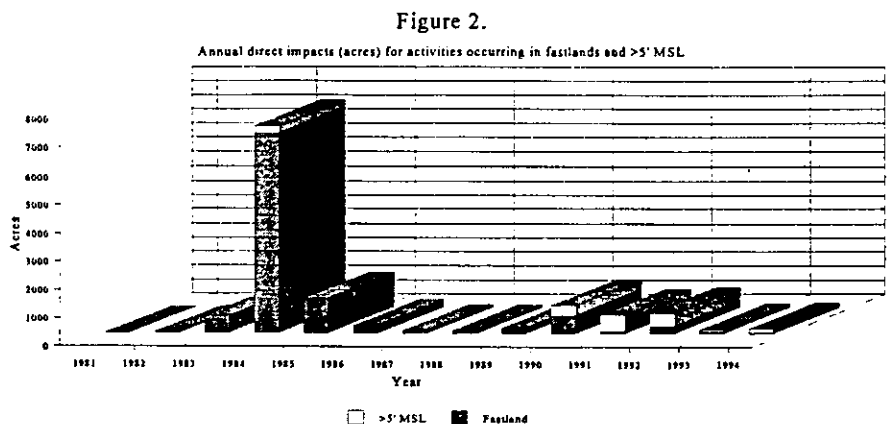
losses have ranged from a high of 2,734.8 acres (1983) to a low of 195.6 acres (1990). The annual average permitted loss of wetlands for the period was 843 acres. With evolution of the regulatory programs,

significant progress has been made in minimizing permitted impacts. Although somewhat effected by economic factors, for the ten year period extending from 1986 to 1995 average annual loss of wetlands to permitted activities was reduced to 394.5 acres.

While mitigation for unavoidable wetland impacts has been required by both CMD and the Corps for many years, the mitigation process has recently become much more structured. As described above, in 1995 CMD promulgated formal rules and regulations for mitigation. Development of these regulations was mandated with the passage of Acts 1990, No. 1040 which required CMD to obtain ". . . compensatory mitigation, at a level sufficient to replace or to substitute for the ecological value of the wetlands lost as a result of each permitted activity". The regulations subsequently adopted clearly established that compensatory mitigation would only be appropriate "to offset the net loss of wetland ecological value that is anticipated to occur despite efforts to avoid, minimize, and restore permitted/authorized impacts (i.e., unavoidable net loss of wetland ecological value)". CMD's mitigation program, which has been in operation since August of 1995, is believed to be working well. An in-house review was conducted as well as consultation with representatives of federal agencies (Corps, USFWS, and EPA) involved in review and approval of the Plan to determine current mitigation adequacy. Based on the best information currently in hand, LDNR has concluded that mitigation obligations associated with permitted actions are adequate to offset development-related losses. In its evaluation of the effectiveness of mitigation for developmental activities, the above mentioned interagency group found that, generally, mitigation requirements were sufficient and that mitigation projects appear to be achieving the expected results. The team did, however, recognize the need for compliance monitoring and continual evaluation of the effectiveness of mitigation techniques. LDNR considers monitoring of both the implementation and ultimate success of mitigative activities to be critical to its ability to meet the goals of the Plan. A commitment to continue and, where appropriate, expand such monitoring has been specifically incorporated into the Plan.

Similar data is not available for Corps-authorized activities or for projects in that portion of the Plan area outside the Coastal Zone Boundary.

An estimate of wetland impacts in that portion of the Plan area outside the Coastal Zone Boundary can be obtained by reviewing projects in fastlands and projects occurring above the 5' MSL elevation contour within the Coastal Zone. Such areas, excluded from the delineated Plan area, encompass approximately 909,155 acres as opposed to the 667,233 acres within that portion of the Plan area outside the Coastal Zone Boundary. They are also especially prone to development because of their location (proximity to urban areas) and degree of flood protection. A study completed for CMD in 1995



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*(Cumulative/Secondary Impact Identification and Evaluation of Authorized and Exempted Activities in the Louisiana Coastal Zone, Phase I)* found that projects in these categories had an average annual impact of 893

acres (Figure 2). Fresh marsh was the most heavily impacted habitat type (52%), followed by wetland forests (23%), developed areas (16%) and upland forest (4%). Thus, wetland loss in these exempted areas has historically been approximately 670 acres per year. It must be noted, however, that the Corps maintains regulatory authority over projects in these areas and requires compensatory mitigation for any unavoidable wetland impacts. The referenced study also concluded that, at least in the case of fastlands, "acreage affected appears to be cyclical in nature and dependent on major construction projects."

To ensure confidence in the numbers generated for this Plan, an interagency team composed of representatives from the Corps, USFWS, LDWF and NMFS were asked to review the information available in the CMD database for reliability and to provide a consensus opinion on the extent of unpermitted activities. This team utilized their direct knowledge of the regulatory programs, experience gained from their frequent field investigations throughout the area in question and a study of aerial photographs to determine that the CMD figures represented a reasonable assessment of wetland impacts and that unpermitted activities would account for no more than 10% of the annual permitted losses. Their review of unpermitted/unreported losses considered activities exempt from regulation, violations, unreported losses associated with nationwide permits and "undocumented habitat destruction in general". In an effort to further verify the reliability of the assessment of unpermitted/unreported losses, representatives of the Wisconsin and Oregon coastal programs were contacted and asked to estimate the level of such losses in their states. The Wisconsin contact reported that unpermitted losses might be as much as 10% of permitted losses, but felt the actual percentage would probably be somewhat less. Oregon's representative estimated a 4 - 5% unpermitted/unreported loss of wetlands.

Comments provided by EPA on the preliminary draft of the Plan expressed strong concerns about the ability of the various resource and regulatory agencies to accurately determine "losses that result from unrecognized to unassessed secondary and cumulative effects" of wetlands altering projects and especially those projects involving hydrologic modification. A study completed by CRD in 1995 (*Louisiana's Major Coastal Navigation Channels*) identified a number of secondary and cumulative impacts associated with Louisiana's major federal navigation channels including: "subsequent bank erosion, increased tidal energy, damage because of saltwater intrusion, blowouts, disruption of sheetflow, and other hydrologic alterations." Primary wetland losses associated with the major federal navigation channels have been estimated to be between 58,000 and 96,000 acres with secondary impacts destroying an additional 274,000 acres since the late 1800's. As discussed elsewhere, the state is not responsible for wetland losses associated with federal projects or projects authorized before approval of the Plan. CMD's regulations for evaluating permit applications require a consideration of secondary and cumulative impacts in the decision making process and mitigation for any associated wetland losses when they can be quantified. Many of the mitigation projects approved and many of the State's wetland restoration projects are designed to maintain wetlands in as natural a state as possible or to restore the previously existing hydrology in an area in an attempt to preserve the wetland qualities destroyed by secondary and cumulative impacts. In order to develop a mechanism for the identification and quantification of secondary and cumulative impacts that might be expected to result from coastal activities, LDNR will, upon federal approval of the Plan, develop study proposals which will be submitted to EPA for funding through its 104.b.3. wetlands grant program. This program requires a 25% state cost-share for any accepted grant proposals.

Because of shortcomings in the existing database, LDNR has developed a program to offset 174 acres of possible unpermitted/unmitigated wetland losses annually. This estimate will be utilized for the first two years of the plan. At that time LDNR will have sufficient hard data for projects occurring in the Plan area to amend the calculations of gains and losses in terms of habitat units (see discussion of gain and loss accounting, below). The figure of 174 acres is based on the following assumptions:

1. Under current policies, rules and regulations, the mitigation assessed for activities requiring a CUP or Corps Section 404 permit is sufficient to offset lost habitat values.
2. Wetland impacts in the Plan area outside the Coastal Zone, principally tidally influenced fresh marsh, cypress/tupelo gum swamps and bottomland hardwoods are no greater than the total acreage impacted in the fastland and >5' MSL areas of the Coastal Zone, areas that have high development potential because of their location and level of flood protection. Using the 10 year average discussed above, this corresponds to 893 acres per year.
3. Based on the evaluation of permits issued from 1982 to 1995, a figure of 843 acres accurately reflects the average annual permitted wetland loss in the Coastal Zone.
4. Pursuant to the evaluation of the interagency team, unpermitted losses account for no more than 10% of permitted impacts.
5. Unpermitted/unmitigated losses (UUL) can thus be approximated by:

$$UUL = 0.1 \times (\text{permitted impact acreage} + \text{exempted acreage})$$

$$UUL = 0.1 \times (843 + 893)$$

$$UUL = 173.6 \text{ acres/year}$$

While Louisiana has a plethora of programs in place to benefit wetlands, as discussed above, to simplify monitoring and enforcement the State is formally including only the following items in the Plan:

1. The existing regulatory authority vested in CMD.
2. Tracking of Corps Section 404 permits and enforcement actions for purposes of data acquisition on net gains and losses of wetland habitat values in the Plan area.
3. Wetland restoration and enhancement projects constructed by CRD.

As of February 7, 1997, 43 state-funded wetland conservation and restoration projects have been completed. These projects have cost \$43,217,269 and have benefitted in excess of 283,409 acres of coastal wetlands. The state spends, on average, \$4,321,727 per year on projects benefitting 28,341 acres. A major reason for pursuing this Plan is to allow the state to concentrate more of its resources on such state efforts. While exact figures will vary from year to year - depending on such factors as revenues (see discussion on funding below), progress in planning and contracting, right-of-way negotiations, etc. - the State will continue to develop and construct such projects.

4. Wetland restoration and enhancement projects funded by CRD and constructed by Parishes or the Soil and Water Conservation Districts.

Since 1987, CRD has provided funding for a vegetative planting program to restore vegetation in shallow open water areas. These restored areas serve as sediment traps to help build wetlands and as erosion buffers for existing vegetated wetlands. The current funding level for this program is approximately \$300,000 per year. Since 1990, 95 sites have been planted representing



approximately 1,178,808 linear feet of planting and 2,707 acres of wetlands benefitted. Average annual values are 196,468 linear feet of plantings benefitting 451 acres. An additional \$150,000 will be added to the budget for these projects. These additional funds will, however, also be available for dispersal to Parishes for special wetland restoration projects should any of them wish to develop acceptable restoration plans for areas they consider to be especially sensitive. The additional expenditures should result in approximately 226 benefitted acres.

In addition to the vegetative planting program, CRD has funded wetland restoration projects involving the use of recycled Christmas trees since 1989. While the wetland acreage benefitted under this program is small (averaging 26 acres per year), the public relations and educational benefits cannot be overstated. The State will continue to fund this program as part of the Plan.

5. A "special project" WRP agreement with the NRCS. LDNR and NRCS have agreed to work together on a special coastal wetland restoration program coordinated through the WRP process. LDNR will provide \$200,000 per year to fund restoration projects and an additional \$25,000 per year to offset NRCS administrative costs. A copy of a letter expressing NRCS's interest in participating in this program is attached as Appendix G. Estimates by NRCS personnel indicate this program, totally funded by LDNR, should be capable of restoring between 500 and 1,000 acres of prior converted croplands/pastures and seriously degraded wetlands per year.
6. Beneficial use of dredged material. The State currently budgets approximately \$1,000,000 per year to provide a 25% cost-share for projects involving the beneficial use of dredged material associated with the maintenance of federal navigation channels (Section 204 and 1135 programs, jointly managed by CRD and CMD). This program results in the creation of approximately 600 acres of vegetated wetlands per year. Based on the State's match, 125 acres per year will be credited to the State to offset unpermitted wetland losses.

Should any of these programs fail to meet expectations, committed monies will be redistributed into the other efforts.

## Federal Measures Which Contribute to a Goal of No Net Loss

Numerous federally sponsored programs in Louisiana have been initiated which also contribute to the “no-net loss” goal. These programs are:

- Coastal Wetlands Planning Protection and Restoration Act (CWPPRA) - A federal cost-share coastal wetland restoration program that requires state matching funds, wetland conservation planning, and project monitoring and reporting. CWPPRA is coordinated by the U.S. Army Corps of Engineers with support from United States Fish and Wildlife Service, National Marine Fisheries Service, Natural Resources Conservation Service, Environmental Protection Agency and the Governors Office. A state match of 25% is required until a state coastal wetland conservation plan is approved and implemented. Upon implementation the match drops to 15%. The lead agency for this program is the Corps of Engineers. This program currently provides up to \$35 million per year for Louisiana projects.
- Endangered Species Act - This program is jointly administered by the USFWS and NMFS and, among other things, provides for the conservation of endangered fish and wildlife species affected by Federally funded or permitted development activities.
- Coastal Barriers Resources Act - The Coastal Barriers Resources Act (COBRA), as amended, prohibits most Federal funding of development projects on undeveloped coastal barriers within the system (i.e., those areas so designated on official COBRA maps).
- Section 404 of the Clean Water Act - This wetland protection program is administered by the U.S. Army Corps Engineers and provides for the permitting of all dredge and fill activities in wetlands of the United States, including those within the Plan boundary but outside the Louisiana Coastal Zone.
- National Wetlands Research Center - The National Wetlands Research Center is a research and development center located in Lafayette, LA (USL Campus) that is administered by the Biological Resources Division of the U.S. Geological Survey. Research is primarily directed toward Gulf Coast and Mississippi Watershed associated wetlands habitats. The center conducts studies on migratory birds, wetland ecology, and technology development.
- National Estuary Program - This program is a five year multi-agency planning effort that works toward the development of a Comprehensive Coastal Management Plan for specific estuarine systems. The Barataria-Terrebonne Estuary system is currently enrolled in the program and a comprehensive management plan has been developed and approved by the Governor. Implementation of the plan was initiated in October 1996 (see Barataria-Terrebonne National Estuary Program under Local Measures Which Contribute to a Goal of No-Net Loss, below).
- Swampbuster Provisions of the 1985, 1990 and 1996 Farm Bills - These provisions prohibit farm program payments to farmers who convert wetlands into croplands or transform wetlands into a condition that will allow crops to be planted.

- Natural Resources Conservation Service Plant Materials Program - The primary objective of the NRCS Plant Material center located in Golden Meadow, Louisiana, is the development and introduction of plant species to be used to mitigate coastal erosion.
- Conservation Reserve Program (CRP) Under CRP the Farm Service Agency (FSA) of U.S. Department of Agriculture will cost-share with landowners to implement an approved soil conservation plan and pay landowners annual rental payments for 10 years to maintain these practices. Specific land eligibility requirements must be met. Environmentally sensitive lands are targeted.
- Forestry Incentives Program (FIP) - Under FIP, the FSA will provide cost-share assistance to private non-industrial landowners for tree planting, timber stand improvement, or site preparation for natural regeneration. Technical assistance is provided by the Louisiana Office of Forestry.
- Environmental Quality Incentives Program (EQIP) - EQIP is a new program which combines the functions of the old Agricultural Conservation Program (ACP) and the Water Quality Incentives Program (WQIP). EQIP allow for the establishment of conservation priority areas where significant water soil and related natural resource problems exist. Five to ten-year contracts are established under EQIP that authorize technical assistance and payment of up to 75% of the costs of conservation practices such as manure management systems, pest management, and erosion control. EQIP is jointly administered by NRCS and FSA.
- Wildlife Habitat Incentives Program (WHIP) - This new Farm Bill provision will help landowners improve wildlife habitat on private lands. The program provides cost-sharing to landowners for developing habitat for upland wildlife, wetland wildlife, endangered species, fisheries and other wildlife.
- Wetland Reserve Program (WRP) - Under WRP, landowners are paid by NRCS for long-term or permanent easements on prior converted cropland that is restored both vegetatively and hydrologically into its natural wetland state. NRCS will also cost-share up to 75% of the restoration costs. The 1996 Farm Bill also authorized 10 - 15 year cost-share-only agreements through the WRP.
- Partners for Wildlife Program - This program promotes the restoration, enhancement, and protection of fish and wildlife habitat on private lands through alliances between the USFWS, other organizations, and individuals. Both technical and financial assistance can be provided to eligible landowners.
- Marsh Management/Restoration Technical Assistance - The NRCS provides marsh management and other wetland restoration technical assistance to Louisiana landowners at no cost.
- Gulf of Mexico Program - This is a regional environmental enhancement initiative primarily coordinated by the EPA. Its primary purpose is to develop and implement a management strategy to protect, restore, and maintain the health and productivity of the Gulf of Mexico. It is a grassroots program that serves as a catalyst to promote sharing of information, pooling of resources, and coordination of efforts to restore and reclaim wetlands and wildlife habitat, clean up existing pollution, and prevent future contamination and destruction of Gulf resources.

- North American Waterfowl Management Plan - A continent-wide habitat restoration-oriented effort to restore waterfowl populations to historical levels throughout North America chiefly coordinated by the USFWS at the federal level and state fish and wildlife agencies at the state level.

## Local Measures Which Contribute to a Goal of No Net Loss

In addition to state and federal initiatives locally initiated programs are being developed and implemented:

- Tensas Cooperative River Basin Study - The objectives of the Tensas Cooperative River Basin Study are to describe the basin's existing resources, document the most significant problems and concerns of its stakeholders, develop treatment options to problems and concerns, and identify agencies, organizations, and groups as sources of technical and financial assistance.
- Lake Pontchartrain Comprehensive Management Plan - Coordinated by the Lake Pontchartrain Basin Foundation, this initiative involves a grass roots effort to develop a comprehensive management plan for the Lake Pontchartrain Basin that includes documentation of existing resources, significant problems and concerns, potential solutions, and lead state and federal agencies that can address these concerns and implement suggested solutions. A Pontchartrain Basin Comprehensive Management Plan has been developed and implementation has been initiated.
- Barataria-Terrebonne National Estuary Program - The Barataria-Terrebonne National Estuary Program (BTNEP) is a partnership in estuary management involving government agencies, industry and private citizens. It is based on a Comprehensive Conservation and Management Plan which will be implemented through a series of Action Plans. One of the nine elements contained in the Vision Statement for the program reflects the need for the basin to contain a balanced ecosystem which includes "sustained and restored wetlands that support viable fish and wildlife resources."

The BTNEP has been approved by EPA and is being coordinated by LDEQ. The fifty-one (51) Action Plans will be implemented by different entities, ranging from state agencies to environmental organizations. Of the fifty-one plans, eight are directly related to wetland issues. An example of such a plan is Ecological Management-1 (EM-1) which calls for hydrologic restoration in order to recreate a more natural water and sediment flow pattern to and across basin wetlands. Nine different governmental agencies for coordinating the necessary actions to implement EM-1.

- Soil and Water Conservation Districts - Local boards supported by NRCS that focus on the development and implementation of soil and water conservation projects on a watershed level. Coastal districts have recently focused on vegetative plantings associated with coastal restoration.

State, federal and local initiatives will contribute to the state's goal of no net loss of wetlands through the coordination of programs and a purposeful public outreach effort. LDNR has structured its programs; particularly through monitoring, consistency and public outreach to accomplish this goal.

## Accounting System Description

The Louisiana Department of Natural Resources has implemented a system to account for gains and losses of coastal wetlands within coastal areas for purposes of evaluating the degree to which the goal of no net loss of wetlands as a result of developmental activities in such wetlands or other waters has been attained. Through a comprehensive effort this system is administered through the established Coastal Management Division Programs of LDNR. Throughout the permit review process, information is collected and entered into a database maintained at LDNR with the capability to compile wetland gains and losses in the coastal area, mitigation projects, habitat information, wetland valuations, and any other relevant information to the review process. Note that some of the information fields maintained are not applicable to all projects and may not relate to the Plan.

This database system is operated through a Geographic Information System linked database. There are five separate but relational databases in this system: Permit/Project Information; Habitat Impacted Data; Habitat Benefits Data; Enforcement Activities; and Consistency Data.

1. The Permit/Project Information database includes: the coastal use permit number, the Corps of Engineers number, applicants name, project reviewer, follow-up (Y/N), transferred (Y/N), Department of Environmental Quality number, date application received by LDNR, date acknowledged by LDNR by letter, parish, township, range, section, latitude and longitude coordinates, well name, well number, status of permit, quad number (mapsheet), volume in cubic yards to be filled or removed, mitigation code (indicates type if required), dredge or fill type, rig type if present, pipeline type if present, miscellaneous code (other permit types), water development type, major construction type, field investigator and area, exemption code, and various date codes for monitoring the process. Upon final approval of the Plan, a code will be added to this database which indicates if the project is located within the Plan area but outside of the Coastal Zone. Information for these projects will be provided to LDNR by the Corps upon issuance of a final permit or other authorization for a wetlands-impacting project and will include all necessary data to assess associated wetland losses and benefits (see Habitat Impacted Data and Habitat Benefits Data, below).
2. Included in the Habitat Impacted Data are: coastal use permit number, habitat code (Cowardian system), drainage basin, disturbed acres proposed, disturbed acres submitted, disturbed acres issued, habitat units lost (cumulative), years of impact, mitigation required, acres of mitigation required, additional permit required, mitigation project permit number, dollars committed, proposed recipient of funds, and comments.
3. Included in the Habitat Benefits Data are: coastal use permit number, feature (each separate item of a mitigation project), habitat code, mitigation type, drainage basin in which mitigation occurs, parish in which mitigation occurs, funds spent on project if from a mitigation fund, recipient of mitigation funds, acreage of each habitat of each feature benefited, habitat units calculated for each habitat of each feature, implementation of mitigation confirmed (Y/N), implementation of mitigation built as designed (Y/N), habitat unit follow-up date, habitat unit follow-up units, permit numbers for which the project serves as mitigation, and any other comments.
4. Included in the Enforcement Activities Data are: violation number, coastal use permit number, violation name, latitude and longitude, information source, violation reviewer, reconnaissance

date, category of violation, status of violation (jurisdiction, compliance request, cease and desist suspension of coastal use permit, compliance order, legal action, case closed), field investigation required and received dates, legal action date, and closing date. In addition if no coastal use permit is associated with this violation number the following data is collected: parish in which violation occurs; violation section, township, range, and quad; habitat type disturbed by violation; acreage disturbed by violation, violation cubic yards impacted; violation well name; and violation well number.

5. Included in the Consistency Data are: consistency number; applicant name; parish; status of consistency determination; date received; date consistency issued; federal agency; location as it relates to coastal zone; category of federal activity; public notice date; latitude and longitude coordinates; work type; consistency reviewer; outer continental shelf information including OCS plan and type; acreage disturbed, saved, and created; cubic yards dredged; quad number; primary habitat; secondary habitat; mitigation; acres protected; and modification received and issue dates.

This relational database program will be used to calculate the annual gains and losses for those projects which are considered complete. For purposes of the Plan, net changes in cumulative habitat units (CHUs) and average annual habitat units (AAHUs) will be used in assessing the State's success in achieving "no-net loss" of wetlands caused by development activities. A discussion of the methodology for calculating CHUs and AAHUs is contained in Appendix D.

Projects which are "in process" (begun but not complete) will be accounted for separately. These will be presented as "in process" with wetland habitat units proposed to be impacted and recommended mitigation habitat units proposed to be required. Upon completion of these projects they will become a part of the calculation of total wetland gains and losses.

An annual synopsis of development-associated gains and losses within the Plan area will be provided. This explanation will document projects "in process" and mitigation which is performed outside of the coastal zone or Plan boundaries. CWPPRA agencies have agreed that the state (LDNR) will not be held accountable for "losses" associated with activities that require a Corps permit, but do need a coastal use permit, if the Corps directs mitigation outside the Plan boundary.

### **The Permit Review Process, Monitoring and Enforcement**

The Coastal Use Permit (CUP) process is part of the Louisiana Coastal Resources Program (LCRP), which is an effort among Louisiana citizens, as well as state, federal and local advisory and regulatory agencies to preserve, restore and enhance Louisiana's valuable coastal resources. The purpose of the CUP process is to make certain that any activity affecting the Coastal Zone is performed in accordance with guidelines established in the LCRP. The guidelines are designed so that development in the Coastal Zone can be accomplished with the greatest benefit and the least amount of damage.

Through the monitoring of permit activities and approved mitigation plans, and the enforcement of wetlands regulations, the Louisiana Department of Natural Resources, Coastal Management Division is working to achieve the state's goal of no net loss of wetlands. Mitigation regulations have been formally adopted for the Louisiana Coastal Zone by the Louisiana Legislature (Appendix D). These regulations became effective in August, 1995. The mitigation regulations ". . . establish specific procedures for avoiding and minimizing adverse impacts identified in the permit review process, restoring impacted sites when appropriate, quantifying anticipated unavoidable wetland ecological value losses, requiring appropriate and sufficient compensatory mitigation, establishing mitigation banks, establishing advanced

mitigation projects, and evaluating and processing requests for variances from the compensatory mitigation requirement. A flow chart of the permit review, monitoring and enforcement processes is illustrated in Appendix E.



## State Assurances

### Personnel

The Louisiana Department of Natural Resources, Coastal Management Division is administered by a staff of professionals, dedicated to the goals of the Louisiana Coastal Resources Program. Through their efforts the Louisiana Coastal Wetlands Conservation Plan will be implemented. The following is a description of the staff in the four branches of the Coastal Management Division. An organizational chart is found in Appendix H.

#### Permits/Mitigation Programs Branch

The current staffing levels for this branch include: the Program Manager, Coastal Resources Coordinator - Permits, Coastal Resources Coordinator - Mitigation, ten (10) Coastal Resources Management Specialists, and two (2) Word Processor Operators. This staff is currently reviewing approximately 2,000 permits annually.

These staff levels will increase as tracking efforts increase for permits that are administered under the U. S. Army Corps of Engineers General or Nationwide Permit Process and for permits which are located outside the Louisiana Coastal Zone but inside the Plan boundary. Additional added responsibilities will include oversight of the proposed landowner incentives programs, development of public outreach materials concerning the Coastal Wetlands Conservation Plan and coordinating public outreach efforts, gathering information concerning new technologies that allow development activities to occur with minimum impacts to wetland habitats and distribution of such information to applicants. A request for increased staff has been made in anticipation of this increased work load.

#### Interagency Affairs Branch

The current staffing levels for this branch include: the Program Manager, Coastal Resources Coordinator - Local Programs, Coastal Resources Coordinator - Consistency, three (3) Coastal Resources Management Specialists - Coastal Non-point Pollution Control Program, Coastal Resources Management Specialist - Local Programs, Coastal Resources Management Specialist - Outer Continental Shelf (OCS), Coastal Resources Management Specialist - Federal Activities, and a Secretary.

#### Support Services Branch

The current staffing levels for this branch include: the Program Manager, Coastal Resources Coordinator - Western Field Areas, Coastal Resources Coordinator - Eastern Field Areas, Coastal Resources Coordinator - Education, four (4) Coastal Resources Management Specialists - Field Investigators, two (2) Coastal Resources Management Specialists - Enforcement, Office of Computer Support Specialist, Communication Specialist, Coastal Resources Management Specialist - Education, and a Word Processor Operator.

#### Administrative

In addition to the staff within the Permits/Mitigation, Interagency Affairs, and Support Services Branch the Coastal Management Division is managed by the following professionals: the Administrator, Assistant Administrator, the Coastal Resources Coordinator - Special Projects, Coastal Resources Management Specialist - Oil Spills, and an Administrative Secretary.

## **Funding**

Fiscal year 96/97 funding levels for personnel costs of the Coastal Management Division total \$1,308,200. This is made up of \$473,408 of state funds and federal funding of \$834,792. Other funds budgeted through CMD include:

- \$10,000 for Expert Witness/Expert Study - funding for expert witness testimony at trials and hearings involving CMD when such expert testimony is needed. It will be used to provide specialized expert opinions on permit, consistency, and enforcement issues.
- \$29,000 for Geologic Review - this program provides general geologic and engineering recommendations to CMD on matters regarding oil and gas exploration and production in the area of interest. This program is performed under contract to LDNR by the Louisiana Geologic Survey.
- \$60,000 for the Marsh Buggy Impact Study - Phase 2 - will encompass a field study of the impacts of marsh buggy use in the Louisiana Coastal Zone.
- \$602,261 for Local Coastal Programs - This program will continue its administration and monitoring activities with respect to the implementation and progress of eight approved local coastal programs and will work on the review and approval process of the ninth. Special Areas Management is also assigned to this program. All approved parish programs will undergo periodic reviews as called for by CMD rules and regulations concerning local programs. Enhancement of the local programs with respect to education, technical assistance, and participation in monitoring and enforcement will be emphasized during these reviews.
- \$714,000 for the Abandoned Pits Project
- \$60,000 for the Public Outreach Program
- \$25,000 for Microfilming
- \$100,000 for Christmas Tree/Revegetation Projects through Coastal Restoration.
- Additionally \$290,000 is budgeted for construction of Public Access Projects.

Federal funding for these and other expenses of the Coastal Management/Restoration Program have been secured through Sections 306 and 309 of the Coastal Zone Management Program. Federal funds for this program total \$2,553,000; state funds total \$1,790,739; and local funds total \$467,261.

Funding of the state sponsored, non-regulatory components of the Plan will be provided from the Coastal Wetlands Conservation and Restoration Fund (Wetlands Trust Fund) managed by CRD. This fund was established in 1989 with passage of the Louisiana Wetlands Conservation and Restoration Act (La. R.S. 49:213.1 - 214.4) which created a recurring revenue source to be used for the conservation and restoration of Louisiana's coastal wetlands and established the State's Wetland Conservation and Restoration Program. With the support of 71% of Louisiana's citizens, this constitutional amendment dedicated monies from mineral revenues (severance taxes and royalty payments) to be deposited in the Wetlands Trust Fund. If annual revenues (minus local payments) exceed \$650 million, the fund receives \$25 million. If revenues fall between \$600 and \$650 million, the fund receives \$15 million and if revenues fall below \$600 million the fund receives \$5 million. Should this source of funding not be

available at some future date, an eventuality LDNR does not foresee and one that would require amending the Louisiana Constitution, the State will seek to amend the Coastal Wetlands Conservation Plan in accordance with the provisions of 16 U.S.C.A. §3953(f).

### **Authority**

The Coastal Management Division of the Louisiana Department of Natural Resources is charged with implementing the Louisiana Coastal Resources Program (LCRP) under authority of the State and Local Coastal Resources Management Act of 1978, as amended (LA. R. S. 49:214.21 - 214.41). This law seeks to protect, develop, and where feasible, restore or enhance the resources of the state's Coastal Zone. Its broad intent is to encourage multiple uses of resources and adequate economic growth while minimizing adverse effects of one resource use upon another without imposing undue restrictions on any user. Besides striving to balance conservation and resource use, the policies of the LCRP also help to resolve user conflicts, encourage Coastal Zone recreational values, and determine the future course of coastal development and conservation.

The State and Local Coastal Resources Management Act of 1978, as amended (LA. R. S. 49:214.40) also grants the Secretary of LDNR the authority to plan, implement, manage, monitor and operate coastal restoration projects.

Additionally, the Louisiana Department of Natural Resources has been designated by the Governor as the state agency to develop, implement and enforce a Coastal Wetlands Conservation Plan under the authority CWPPRA, PL 101-646, Section 304.

## Educational Program

Participation and input by the public and by federal and state agencies is integral to the success of the Louisiana Coastal Wetlands Conservation Plan, both in the plan development process and in communicating benefits of wetlands conservation through outreach materials. Activities supporting this responsibility have been carried out primarily by the Louisiana State University Agricultural Center, Louisiana Cooperative Extension Service and include:

- A series of eleven public workshops was held, with active participation of LDNR representatives, in the Louisiana coastal area to present the background of the plan and serve as a scoping tool for plan development. These workshops were held in public facilities in Baton Rouge, Lake Charles, Lafayette, Metairie, and Houma.

A summary of comments received at the workshops has been prepared (Appendix B).

- A slide-tape (self playing or oral presentation) program was developed by the Louisiana Cooperative Extension Service. The script highlights the

- 1) economic, environmental, and cultural importance of Louisiana's coastal wetlands;
  - 2) causes of wetland loss (both process alterations and development);
  - 3) ongoing and planned restoration (including CWPPRA activities) and mitigation initiatives (including innovative technologies that can reduce developmental impacts);
  - 4) incentive-based conservation and restoration programs available to landowners; and
  - 5) the fiscal benefits to the state through a reduction in the CWPPRA cost-share from 25% to 15%.
- The program leads the audience to the conclusion that Louisiana has a strong need and will greatly benefit from a Coastal Wetlands Conservation Plan.

The length of the presentation is about 20 minutes to allow for use at weekly civic organization meetings. The slide program is an excellent educational tool for ongoing outreach initiatives that will be conducted during implementation of the plan. Copies will be made for all Extension Fisheries Agents (located in all coastal parishes) and all appropriate state and federal agencies associated with conservation plan implementation for use during outreach implementation. Efforts will be made to tie in Louisiana's CWPPRA initiatives with all coastal wetland conservation plan outreach activities.

- A brochure summarizing all of the information presented in the slide-tape program (with appropriate contact agencies/individuals listed at the end) has been developed as an educational tool to be made available at slide presentations and as an introduction to why we need a coastal wetland conservation plan for Louisiana.
- A Coastal Wetlands Conservation Plan Development exhibit has been developed. This exhibit is a table top exhibit that graphically summarizes all the information included in the slide program and brochures described above. A clearly defined CWPPRA tie-in is also included in the exhibit. This exhibit will be used at future conferences, slide presentation locations, etc. during ongoing Plan/CWPPRA outreach strategy implementation. Several duplicate copies of the exhibit will be reproduced and made available to Extension Fisheries Agents and appropriate state and federal agencies for use during the implementation phase where appropriate.

- Coordinated press releases were developed for publication before the public meetings that clearly explained the importance of coastal wetland conservation in Louisiana. An explanation of the CWPPRA program was incorporated into the releases. These releases were sent out to all weekly and daily newspapers statewide several weeks prior to the meetings. Additionally, a concerted effort was also made to include all press releases in as many government and non-government newsletters/public notices as possible.
- A report identifying target audiences and their short and long-term educational needs for information was prepared and submitted to LDNR after the first set of public meetings and before the second set of public meetings.
- A second series of public workshops/hearings was conducted to present information found from investigations of regulated and unregulated activities and to present a draft Plan. This workshop series also focused on receiving public input and providing feedback on the draft plan. The La. Cooperative Extension Service assisted LDNR in assimilating the public input (along with other federal and state agencies), answering questions raised, and achieving a consensus to assist in developing a successful Plan.

In addition to the educational outreach efforts conducted in preparation for development of this Plan, LDNR will carry on the public information campaign through its in-house staff. The CMD Education Section staff will continue to work with the public and the educational community to develop public interest and awareness in the LCRP with increased emphasis on maintaining the coastal wetlands. These efforts will include:

- Continued development and implementation of primary and secondary school level lesson plans focusing on the important functions and values that coastal wetlands provide to both the private landowner and the public.
- Development of an environmental education and outreach program targeting state and local elected officials, civic leaders and educators. The focus of this program will be on the importance of healthy coastal habitats and the linkages between jobs, economic growth and sustainable coastal systems.
- Development and presentation of seminars for political and civic leaders in coastal parishes without approved Local Coastal Programs outlining the benefits of participation in the program.
- Periodic workshops and mini-conferences targeting such areas as current permitting and mitigation policies, coastal wetland BMP's, wetland restoration technology, beneficial use of dredged material, and coastal land loss predictions and modeling.

CMD will continue to work with the public information programs of the Governor's Office of Coastal Activities, the Coastal Restoration Division (CRD) of LDNR, and the Louisiana Coalition to Restore Coastal Louisiana. The CRD public information program is primarily involved in educating the public about the Coastal Restoration Program, and it shares the Office of Coastal Restoration and Management newsletter, *Louisiana Coastlines* with CMD. The public relations program of the Governor's Office of Coastal Activities is charged with educating the public concerning the Governor's coastal policies. The process of cooperation among these different public relations programs involves mutual sponsorship and participation in workshops and exhibits.

The staff will be available to members of the public who request information on the LCRP. The staff will also give scheduled presentations to interested groups and provide manned exhibits at public gatherings. The *Louisiana Coastlines* newsletter will continue to be published quarterly. Additionally the Department of Natural Resources now has an Internet "home page" (<http://www.dnr.state.la.us/>) with links to information, data, publications, press releases, etc. which will be used extensively to publish vital information for public access regarding wetlands restoration and conservation.

## Technology Sharing

As studies are completed and publications acquired by CMD regarding new and innovative technologies available for wetlands conservation these will be compiled as a resource library and made available for public use. An inventoried listing will be made available to Local Coastal Program Managers, local governmental entities, other state agencies, to the public through the Internet, and to individuals as requested. CMD staff is also available for technical assistance to develop BMP's (Best Management Practices) for mitigation projects and other coastal activities. BMP's for wetland impacting activities will be sought out and made available to the public as they are accumulated.

The NRCS has agreed to assist private landowners with the development of wetland restoration and mitigation projects that will conform with requirements specified by an interagency team composed of representatives from the various state and federal resource and regulatory agencies. This service should minimize landowner confusion and frustration associated with the wetlands regulatory process. A copy of a letter expressing their interest in working on the project is attached as Appendix G.

The Louisiana Cooperative Extension Service has completed a report which has been incorporated into LDNR's Technology Sharing Program. Included in this report is a written summary of incentive-based wetland restoration/enhancement programs for private landowners. The report was developed, published, and made available at all public workshops and public hearings. This summary will be used during future outreach activities.

## **Regulatory and Nonregulatory Wetlands Conservation Strategies**

The State of Louisiana is committed to a policy of no net loss of wetlands as a result of development activities. Both regulatory and non-regulatory laws are in effect at the state and federal levels for the purpose of encouraging the aims of this no net loss policy. The Department of Natural Resources is in the process of reviewing these regulations/strategies through a contract with the LSU Sea Grant Legal Program as a part of LDNR's Statewide Conservation Plan development. The purpose of this review of strategies is to determine their effectiveness in achieving the no-net loss goal. The information contained in this section has been extracted from a draft of this report. This review includes current state laws, federal regulations, statutes in other states which may be effective in this area, and other states' proposed comprehensive conservation plans. A copy of this draft report is included in Appendix F. Upon completion of this review LDNR will incorporate selected strategies into the Conservation Plan with particular emphasis on non-regulatory programs. Other regulatory and nonregulatory components of the plan were discussed in the "State Measures to Assure No-Net Loss" section above.



## **Regulatory Strategies**

In addition to the Coastal Management Regulations - Chapter 7, Title 43 (see Appendix D), the Louisiana Coastal Resources Program Legislation - R. S. 49:214.21 Subpart C (Appendix C), and the Mitigation Regulations (Appendix D), there are several other statutes which LDNR through its contract with LSU Sea Grant Legal has identified as contributing to the goal of no net loss. An education/outreach effort of private landowners/corporations concerning the existence of these laws will be incorporated into this conservation strategy.

One statutory approach used to foster conservation efforts is to create tax exemptions to encourage private land owners or servitude holders to participate in those efforts. Listed below are tax exemptions which currently exist in Louisiana:

R. S. 47:136 - Recognition of gain or loss; certain liquidations; sales or exchanges of qualified conservation property

R. S. 47:305.41 - Exclusions and Exemptions; Ducks Unlimited

R. S. 47:305.43 - Exclusion and exemptions; nonprofit organizations dedicated to the conservation of migratory waterfowl.

R. S. 38:2551-3085.8 - Water Conservation. This section creates and regulates various water conservation districts throughout the state.

The use of tax assessment statutes may also contribute to the state's goal of no net loss of wetlands. The current Louisiana statute is:

R. S. 47:2307(B) - Determination of use value - marsh land.

Conservation efforts in critical wetlands may be aided by actual acquisition, either of immovable property which is included, or has major impact on the wetland, or by acquisition of the right of servitude for the purpose of conservation. Louisiana has some limited legislation designed to encourage or facilitate this sort of conservation effort. These statutes include:

R. S. 56:1830 et seq. - Louisiana Natural Heritage Preservation.

R. S. 9:1271 et seq. - Louisiana Conservation Servitude Act

The federal government uses a variety of incentives and disincentives for wetland conservation and restoration. The majority of these incentives and disincentives are economic, such as tax exemptions, granting and/or denying federal subsidies, and providing federal funds for state conservation projects. There are also some noneconomic incentives as well, such as recognition for conservation efforts. Although these federal programs are not statutes of the State of Louisiana they have been included as a part of this comprehensive plan as proposed information for the education/outreach program of the Louisiana Coastal Wetlands Conservation Plan. The following statutes are representative of the vast body of federal law in this area.

26 U.S.C.A. § 1257 - Disposition of Converted Wetlands or Highly Erodible Croplands.

7 U.S.C.A. § 1985 - Agricultural Credit - Administrative Provisions.

Federal funding provides a variety of incentives and disincentives for wetland conservation. Some federal programs are set up to raise money to finance conservation efforts either in whole or in part. Other programs either cut off existing federal aid or disallow eligibility for federal aid unless certain requirements and actions are taken. Some examples of these types of programs are:

16 U.S.C.A. § 718b - Issuance and Sale of Stamps; Deposit of Funds in Migratory Bird Conservation Fund; Fees; Validity; Expiration; Redemption; "retail dealers" and "hunting year" defined.

16 U.S.C.A. § 3821 - Program Eligibility

16 U.S.C.A. § 4405 - North American Wetlands Conservation Act

42 U.S.C.A. § 4012 - National Flood Insurance Program

7 C.F.R. § 12.30 et seq. - Food Security Act (Swampbuster Act)

Forest Stewardship Program

40 C.F.R. § 35.1600 et seq. - This contains various programs that allow states to apply for and obtain EPA grants for the development and enhancement of wetland projects.

### **Nonregulatory Strategies - Incentive Programs**

The statutes discussed below are the non-regulatory means other states have set up to help their wetland conservation efforts. These regulations are listed to show some of the options available to Louisiana for setting up non-regulatory programs to conserve wetland resources. Upon completion and evaluation of these non-regulatory strategies through a contract with LSU Sea Grant Legal, LDNR will incorporate selected, appropriate strategies into this conservation program and begin public outreach to inform wetlands landowners and administrators of such strategies.

The following group of statutes deals with non-regulatory agencies set up by various states to help the state, local communities, and private business contribute to the goals of wetland conservation. Many of these non-regulatory agencies allow local governments to establish and manage freshwater wetland conservation plans for their specific areas.

10 CA Fish & G § 2825. - Fish and Game Code of California, prepares non-regulatory guidelines for the development and implementation of natural community conservation plans.

C.G.S.A. § 7 - 131a. Connecticut - allows for the establishment of conservation commissions.

F.S.A. § 380.502 et. seq. - Creates the Florida Communities Trust.

40 M.G.L.A. § 8C. - Massachusetts - allows a city or town to establish a conservation commission for the protection of natural and water resources.

NY Env'tl. Conserv. § 24-0501 - New York - allows local government/municipalities to establish and enforce ordinances for the protection of freshwater wetlands.

Or. Rev Stat. § 196.678. 196.678 - Oregon - Any city or county may develop and submit a wetland conservation plan.

3 V.S.A. § 2873. - Vermont- creates a division of pollution prevention.

Other non-regulatory programs being reviewed for possible inclusion in the plan are:

Or. Rev. Stat. § 196.674. - Oregon - provides for a statewide inventory of wetlands.

78A M.G.L.A. § 3. - Massachusetts - establishes a youth conservation and service corps.

Or. Rev. Stat. § 196.688. - Oregon - provides an extensive public information program.

Incentives and disincentives used by other states are under review. They are:

4.3 CA Fish & G § 1420 - California - In reviewing grant or loan applications, gives preference to projects on wetlands that have secure source of water...

NY Env'tl. Conserv. § 24-0901 & §24-0905. - New York - provides for cooperative agreements between governmental entities and/or private landowners for the purpose of preserving and maintaining freshwater wetlands in their natural state.

NDCC § 57-02-08.4 - North Dakota - allows for a conditional property tax exemption for owners of wetlands.

Or. Rev. Stat. § 307.115. - Oregon - Any real or personal property owned or being purchased by any *nonprofit corporation* shall be exempt from taxation if the exemption will promote conservation of wetlands.

Or. Rev. Stat. § 271.785. - Oregon - conservation easement valuation and tax exemption.

The acquisition of servitudes or the acquisition of land itself are extremely effective means to preserve wetlands. The main drawback to this approach, however, is the large expense required. Few governments have enough money to acquire servitudes or land on a large scale. The cost is justified in some instances and acquisition statutes should always be a part of a total conservation initiative.

C.G.S.A. § 26-17a. - Connecticut - The commissioner of environmental protection may, by purchase, exchange, condemnation or gift acquire tidal wetlands.

525 ILCS 35/14. - Illinois - Creates the Natural Areas Acquisition Fund within the state treasury.

I.C.A. § 465B.1 1. - Iowa - The Department of Natural Resources shall develop and implement a program for the acquisition of wetlands and conservation easements on and around wetlands that result from the closure or change in use of agricultural drainage wells.

M.G.L.A. 184 § 32. - Massachusetts - Provides that no conservation restriction held by any governmental body or by a charitable corporation or trust whose purposes include conservation of water areas shall be unenforceable on account of lack of privity of estate or contract.

ORS. §§ 271.715 - 271.785. - Oregon - The state, any county, city, or recreation district may acquire or purchase conservation easements. The conservation easement is valid even if it is not appurtenant, is assigned to another holder, imposes a negative burden, imposes an affirmative obligation, or there is no privity of estate or contract.

Funding is one of the most important components to any comprehensive wetland strategy. Most, if not all, of wetland conservation projects require funding to some extent. In addition, many federal programs that provide states with grant money for conservation projects require that states put up matching funds. Listed below are a sample of some methods used by other states to acquire funding.

NY Veh & Traf § 404-n. - New York - Provides for the issuance of a distinctive conservation license plate upon filing an application and paying an extra fee.

NY Envir Conser §§ 51-0101 - 51-0103. Provides for the sale of bonds pursuant to the environmental quality bond act. Any funds collected through the sale of these bonds shall be used for appropriations in order to preserve, enhance, restore, and manage water resources.

T.C.A. § 67-4-409. - Establishes the Tennessee Wetlands Acquisition Act of 1986. The act provides that a portion of the state real estate transfer tax is used for acquisition of wetlands.

## Summary of Plan Actions

The Louisiana Coastal Wetlands Conservation Plan is a part of the State of Louisiana's comprehensive efforts to protect and restore coastal wetlands. This Plan focuses on those losses directly attributed to developmental activities within the Plan area.

There are no new laws or regulations proposed by this Plan. The statutes which have been examined with the document are under review as possible *voluntary programs and incentives to wetland landowners* interested in supporting the State of Louisiana's goal of no net loss of coastal wetlands.

The changes which will be implemented by this plan are primarily through changes to administrative procedures (annual accounting for gains and losses) by LDNR, cooperative procedures with other governmental agencies, development of increased awareness and educational programs, development of technology sharing mechanisms, and proactive construction or enhancement of coastal wetlands by the State of Louisiana to replace those coastal wetlands lost through exempted activities, unknown illegal activities and failed mitigation projects.

Through the outlined tasks within this plan the State of Louisiana proposes to meet its goal of no net loss of coastal wetlands.

### Identification of Coastal Wetlands

A habitat-based assessment of coastal wetlands has been prepared in coordination with the CWPRA agencies (EPA, Corps and USFWS).

### Agency Designation

The Governor of the State of Louisiana has designated LDNR as the agency responsible for implementing and enforcing the Plan.

### State Measures to Assure No Net Loss of Wetlands to Development Activities

1. The State will rely on the existing authority vested in CMD and increased tracking of Corps Section 404 permits to insure permitted activities are properly evaluated and mitigated.
2. To offset losses associated with unpermitted/unreported losses the state will:
  - A. Expand its aerial monitoring to include the identified coastal wetlands outside the defined Louisiana Coastal Zone.
  - B. Develop studies to assist in the identification and quantification of secondary and cumulative impacts of coastal activities for submittal to EPA for funding through its 104.b.3. wetlands grant program.
  - C. Continue to fund state-constructed wetland restoration projects.

- D. Expand the existing vegetative planting program and include monies (\$150,000 annually) for possible Parish-sponsored wetland restoration projects.
- E. Fund a "special project" WRP agreement with NRCS for the restoration of prior converted agricultural lands and seriously degraded wetlands located in the Plan area. On an annual basis, LDNR will provide NRCS with \$200,000 for restoration efforts and \$25,000 for administrative costs.
- F. Continue to provide matching funds (approximately \$1,000,000 per year) for the beneficial use of spoil materials generated from the maintenance of federal navigation channels.

#### **Accounting System Description**

- 1. The existing CMD GIS linked database will be used to track habitat gains and losses.
- 2. Accounting will be based on cumulative habitat units or average annual habitat units, as appropriate.
- 3. Information on Section 404 permit applications will be provided to CMD by the Corps for inclusion in this database.
- 4. LDNR will provide the CWPPRA agencies with an annual synopsis of development-associated wetlands gains and losses.
- 5. The State will not be held responsible for losses associated with federal projects or losses which occur within the coastal wetlands, but for which the Corps requires mitigation outside of the Plan area.

#### **State Assurances of Personnel, Funding and Authority**

- 1. CMD will hire one additional person to coordinate tracking of Corps 404 permit activities, public outreach efforts and gathering information concerning new technologies.
- 2. Funding for the regulatory component of the program will be provided by Sections 306 and 309 of the federal Coastal Zone Management Program and CMD's self-generated fees.
- 3. Funding for the non-regulatory components of the program will be provided by the Coastal Wetlands Conservation and Restoration Fund.
- 4. Authority for implementation of the Plan is derived from the State and Local Coastal Resources Act of 1978, the Louisiana Wetlands Conservation and Restoration Act of 1989 and the Governor's designation of LDNR as the agency responsible for implementing and enforcing the Plan.

#### **Public Education**

- 1. LDNR will expand its existing outreach efforts to include:

- A. Continued development and implementation of primary and secondary school level lesson plans focusing on the important functions and values that coastal wetlands provide to both the private landowner and the public.
- B. Development of an environmental education and outreach program targeting state and local elected officials, civic leaders and educators. The focus of this program will be on the importance of healthy coastal habitats and the linkages between jobs, economic growth and sustainable coastal systems.
- C. Development and presentation of seminars for political and civic leaders in coastal parishes without approved Local Coastal Programs outlining the benefits of participation in the program.
- D. Periodic workshops and mini-conferences targeting such areas as current permitting and mitigation policies, coastal wetland BMP's, wetland restoration technology, beneficial use of dredged material, and coastal land loss predictions and modeling.
- E. Public distribution of the *Wetlands Functions & Values in Louisiana and Private Lands Technical Assistance Handbook for Louisiana* booklets prepared for the Plan by the Louisiana Cooperative Extension Service.
- F. Provide, on request, the wetlands functions and values slide-tape program and exhibit developed to support development of the Plan to Louisiana Cooperative Fisheries Agents and appropriate state and federal agencies for public presentation.
- G. Coordination of outreach efforts with the Governor's Office of Coastal Activities and the Louisiana Coalition to Restore Coastal Louisiana.
- H. Publication of the *Louisiana Coastlines* newsletter.
- I. Expanded information distribution through the Internet.

### Technology Sharing

- 1. LDNR will develop a library comprised of BMP's, studies and publications regarding new and innovative technologies available for wetlands conservation and minimum impact development practices for public use. Information about the library will be disseminated through the Internet, with special notices included in the Joint Public Notice mailouts, with articles prepared for *Coastlines*, and by direct distribution to other groups and organizations with interest in coastal matters.
- 2. LDNR will work with NRCS to develop a program to assist private landowners in the development of wetlands restoration and enhancement projects on their property.
- 3. Public distribution of the *Wetlands Functions & Values in Louisiana and Private Lands Technical Assistance Handbook for Louisiana* booklets prepared for the Plan by the Louisiana Cooperative Extension Service.

## Regulatory and Nonregulatory Wetlands Conservation Strategies

1. The State will rely on the existing authority vested in CMD and increased tracking of Corps Section 404 permits to insure permitted activities are properly evaluated and mitigated.
2. To offset losses associated with unpermitted/unreported losses the state will:
  - A. Expand its aerial monitoring to include the identified coastal wetlands outside the defined Louisiana Coastal Zone.
  - B. Develop studies to assist in the identification and quantification of secondary and cumulative impacts of coastal activities for submittal to EPA for funding through its 104.b.3. wetlands grant program.
  - C. Continue to fund state-constructed wetland restoration projects.
  - D. Expand the existing vegetative planting program and include monies (\$150,000 annually) for possible Parish-sponsored wetland restoration projects.
  - E. Fund a "special project" WRP agreement with NRCS for the restoration of prior converted agricultural lands and seriously degraded wetlands. On an annual basis, LDNR will provide NRCS with \$200,000 for restoration efforts and \$25,000 for administrative costs.
  - F. Continue to provide matching funds (approximately \$1,000,000 per year) for the beneficial use of spoil materials generated from the maintenance of federal navigation channels.
3. LDNR will develop a public education/outreach effort to advise private landowners of existing legislation that encourages the preservation and enhancement of wetlands.
4. LDNR will review current state laws, federal regulations and statutes in other states that may be effective in furthering the goal of no-net loss of wetlands for possible inclusion in the Plan.



## **Duration of Agreement**

The State of Louisiana is committed to the implementation of this Plan throughout the period that CWPPRA funds are available for the operation and maintenance of CWPPRA financed projects.

## Approval of the Louisiana Coastal Wetlands Conservation Plan

The undersigned have determined that the Coastal Wetlands Conservation Plan submitted by the State of Louisiana:

- A. provides adequate assurances that the State has authority to fully implement all provisions of the Plan;
- B. is adequate to attain the goal of no net loss of coastal wetlands as a result of development activities and complies with the other requirements of 16 U.S.C.A. §3953; and
- C. was developed in accordance with terms of the agreement set forth in subsection (a) of 16 U.S.C.A. §3953 and finalized June 22, 1995.

State of Louisiana

\_\_\_\_\_  
Governor of Louisiana

Date: \_\_\_\_\_

Department of the Army

\_\_\_\_\_  
Secretary

Date: \_\_\_\_\_

U. S. Fish and Wildlife Service

\_\_\_\_\_  
Director

Date: \_\_\_\_\_

U. S. Environmental Protection Agency

\_\_\_\_\_  
Administrator

Date: \_\_\_\_\_

**Appendix A. Public Law 101-646, Title III - CWPPRA**

Coastal  
Wetlands  
Planning,  
Protection and  
Restoration Act.  
16 USC 3951  
note.

16 USC 3951.

### TITLE III—WETLANDS

#### SEC. 301. SHORT TITLE.

This title may be cited as the "Coastal Wetlands Planning, Protection and Restoration Act".

#### SEC. 302. DEFINITIONS.

As used in this title, the term—

- (1) "Secretary" means the Secretary of the Army;
- (2) "Administrator" means the Administrator of the Environmental Protection Agency;
- (3) "development activities" means any activity, including the discharge of dredged or fill material, which results directly in a more than de minimus change in the hydrologic regime, bottom contour, or the type, distribution or diversity of hydrophytic vegetation, or which impairs the flow, reach, or circulation of surface water within wetlands or other waters;
- (4) "State" means the State of Louisiana;
- (5) "coastal State" means a State of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes; for the purposes of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands, and American Samoa;
- (6) "coastal wetlands restoration project" means any technically feasible activity to create, restore, protect, or enhance coastal wetlands through sediment and freshwater diversion, water management, or other measures that the Task Force finds will significantly contribute to the long-term restoration or protection of the physical, chemical and biological integrity of coastal wetlands in the State of Louisiana, and includes any such activity authorized under this title or under any other provision of law, including, but not limited to, new projects, completion or expansion of existing or on-going projects, individ-

ual phases, portions, or components of projects and operation, maintenance and rehabilitation of completed projects; the primary purpose of a "coastal wetlands restoration project" shall not be to provide navigation, irrigation or flood control benefits;

(7) "coastal wetlands conservation project" means—

(A) the obtaining of a real property interest in coastal lands or waters, if the obtaining of such interest is subject to terms and conditions that will ensure that the real property will be administered for the long-term conservation of such lands and waters and the hydrology, water quality and fish and wildlife dependent thereon; and

(B) the restoration, management, or enhancement of coastal wetlands ecosystems if such restoration, management, or enhancement is conducted on coastal lands and waters that are administered for the long-term conservation of such lands and waters and the hydrology, water quality and fish and wildlife dependent thereon;

(8) "Governor" means the Governor of Louisiana;

(9) "Task Force" means the Louisiana Coastal Wetlands Conservation and Restoration Task Force which shall consist of the Secretary, who shall serve as chairman, the Administrator, the Governor, the Secretary of the Interior, the Secretary of Agriculture and the Secretary of Commerce; and

(10) "Director" means the Director of the United States Fish and Wildlife Service.

SEC. 303. PRIORITY LOUISIANA COASTAL WETLANDS RESTORATION PROJECTS. 16 USC 3952.

(a) PRIORITY PROJECT LIST.—

(1) PREPARATION OF LIST.—Within forty-five days after the date of enactment of this title, the Secretary shall convene the Task Force to initiate a process to identify and prepare a list of coastal wetlands restoration projects in Louisiana to provide for the long-term conservation of such wetlands and dependent fish and wildlife populations in order of priority, based on the cost-effectiveness of such projects in creating, restoring, protecting, or enhancing coastal wetlands, taking into account the quality of such coastal wetlands, with due allowance for small-scale projects necessary to demonstrate the use of new techniques or materials for coastal wetlands restoration.

(2) TASK FORCE PROCEDURES.—The Secretary shall convene meetings of the Task Force as appropriate to ensure that the list is produced and transmitted annually to the Congress as required by this subsection. If necessary to ensure transmittal of the list on a timely basis, the Task Force shall produce the list by a majority vote of those Task Force members who are present and voting; except that no coastal wetlands restoration project shall be placed on the list without the concurrence of the lead Task Force member that the project is cost effective and sound from an engineering perspective. Those projects which potentially impact navigation or flood control on the lower Mississippi River System shall be constructed consistent with section 304 of this Act.

(3) TRANSMITTAL OF LIST.—No later than one year after the date of enactment of this title, the Secretary shall transmit to the Congress the list of priority coastal wetlands restoration projects required by paragraph (1) of this subsection. Thereafter,

Reports.

the list shall be updated annually by the Task Force members and transmitted by the Secretary to the Congress as part of the President's annual budget submission. Annual transmittals of the list to the Congress shall include a status report on each project and a statement from the Secretary of the Treasury indicating the amounts available for expenditure to carry out this title.

(4) LIST OF CONTENTS.—

(A) AREA IDENTIFICATION; PROJECT DESCRIPTION.—The list of priority coastal wetlands restoration projects shall include, but not be limited to—

(i) identification, by map or other means, of the coastal area to be covered by the coastal wetlands restoration project; and

(ii) a detailed description of each proposed coastal wetlands restoration project including a justification for including such project on the list, the proposed activities to be carried out pursuant to each coastal wetlands restoration project, the benefits to be realized by such project, the identification of the lead Task Force member to undertake each proposed coastal wetlands restoration project and the responsibilities of each other participating Task Force member, an estimated timetable for the completion of each coastal wetlands restoration project, and the estimated cost of each project.

(B) PRE-PLAN.—Prior to the date on which the plan required by subsection (b) of this section becomes effective, such list shall include only those coastal wetlands restoration projects that can be substantially completed during a five-year period commencing on the date the project is placed on the list.

(C) Subsequent to the date on which the plan required by subsection (b) of this section becomes effective, such list shall include only those coastal wetlands restoration projects that have been identified in such plan.

(5) FUNDING.—The Secretary shall, with the funds made available in accordance with section 306 of this title, allocate funds among the members of the Task Force based on the need for such funds and such other factors as the Task Force deems appropriate to carry out the purposes of this subsection.

(b) FEDERAL AND STATE PROJECT PLANNING.—

(1) PLAN PREPARATION.—The Task Force shall prepare a plan to identify coastal wetlands restoration projects, in order of priority, based on the cost-effectiveness of such projects in creating, restoring, protecting, or enhancing the long-term conservation of coastal wetlands, taking into account the quality of such coastal wetlands, with due allowance for small-scale projects necessary to demonstrate the use of new techniques or materials for coastal wetlands restoration. Such restoration plan shall be completed within three years from the date of enactment of this title.

(2) PURPOSE OF THE PLAN.—The purpose of the restoration plan is to develop a comprehensive approach to restore and prevent the loss of, coastal wetlands in Louisiana. Such plan shall coordinate and integrate coastal wetlands restoration

projects in a manner that will ensure the long-term conservation of the coastal wetlands of Louisiana.

(3) **INTEGRATION OF EXISTING PLANS.**—In developing the restoration plan, the Task Force shall seek to integrate the "Louisiana Comprehensive Coastal Wetlands Feasibility Study" conducted by the Secretary of the Army and the "Coastal Wetlands Conservation and Restoration Plan" prepared by the State of Louisiana's Wetlands Conservation and Restoration Task Force.

(4) **ELEMENTS OF THE PLAN.**—The restoration plan developed pursuant to this subsection shall include—

(A) identification of the entire area in the State that contains coastal wetlands;

(B) identification, by map or other means, of coastal areas in Louisiana in need of coastal wetlands restoration projects;

(C) identification of high priority coastal wetlands restoration projects in Louisiana needed to address the areas identified in subparagraph (B) and that would provide for the long-term conservation of restored wetlands and dependent fish and wildlife populations;

(D) a listing of such coastal wetlands restoration projects, in order of priority, to be submitted annually, incorporating any project identified previously in lists produced and submitted under subsection (a) of this section;

(E) a detailed description of each proposed coastal wetlands restoration project, including a justification for including such project on the list;

(F) the proposed activities to be carried out pursuant to each coastal wetlands restoration project;

(G) the benefits to be realized by each such project;

(H) an estimated timetable for completion of each coastal wetlands restoration project;

(I) an estimate of the cost of each coastal wetlands restoration project;

(J) identification of a lead Task Force member to undertake each proposed coastal wetlands restoration project listed in the plan;

(K) consultation with the public and provision for public review during development of the plan; and

(L) evaluation of the effectiveness of each coastal wetlands restoration project in achieving long-term solutions to arresting coastal wetlands loss in Louisiana.

(5) **PLAN MODIFICATION.**—The Task Force may modify the restoration plan from time to time as necessary to carry out the purposes of this section.

(6) **PLAN SUBMISSION.**—Upon completion of the restoration plan, the Secretary shall submit the plan to the Congress. The restoration plan shall become effective ninety days after the date of its submission to the Congress.

(7) **PLAN EVALUATION.**—Not less than three years after the completion and submission of the restoration plan required by this subsection and at least every three years thereafter, the Task Force shall provide a report to the Congress containing a scientific evaluation of the effectiveness of the coastal wetlands restoration projects carried out under the plan in crea-

ting, restoring, protecting and enhancing coastal wetlands in Louisiana.

(c) **COASTAL WETLANDS RESTORATION PROJECT BENEFITS.**—Where such a determination is required under applicable law, the net ecological, aesthetic, and cultural benefits, together with the economic benefits, shall be deemed to exceed the costs of any coastal wetlands restoration project within the State which the Task Force finds to contribute significantly to wetlands restoration.

(d) **CONSISTENCY.**—(1) In implementing, maintaining, modifying, or rehabilitating navigation, flood control or irrigation projects, other than emergency actions, under other authorities, the Secretary, in consultation with the Director and the Administrator, shall ensure that such actions are consistent with the purposes of the restoration plan submitted pursuant to this section.

(2) At the request of the Governor of the State of Louisiana, the Secretary of Commerce shall approve the plan as an amendment to the State's coastal zone management program approved under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455).

(e) **FUNDING OF WETLANDS RESTORATION PROJECTS.**—The Secretary shall, with the funds made available in accordance with this title, allocate such funds among the members of the Task Force to carry out coastal wetlands restoration projects in accordance with the priorities set forth in the list transmitted in accordance with this section. The Secretary shall not fund a coastal wetlands restoration project unless that project is subject to such terms and conditions as necessary to ensure that wetlands restored, enhanced or managed through that project will be administered for the long-term conservation of such lands and waters and dependent fish and wildlife populations.

(f) **COST-SHARING.**—

(1) **FEDERAL SHARE.**—Amounts made available in accordance with section 306 of this title to carry out coastal wetlands restoration projects under this title shall provide 75 percent of the cost of such projects.

(2) **FEDERAL SHARE UPON CONSERVATION PLAN APPROVAL.**—Notwithstanding the previous paragraph, if the State develops a Coastal Wetlands Conservation Plan pursuant to this title, and such conservation plan is approved pursuant to section 304 of this title, amounts made available in accordance with section 306 of this title for any coastal wetlands restoration project under this section shall be 85 percent of the cost of the project. In the event that the Secretary, the Director, and the Administrator jointly determine that the State is not taking reasonable steps to implement and administer a conservation plan developed and approved pursuant to this title, amounts made available in accordance with section 306 of this title for any coastal wetlands restoration project shall revert to 75 percent of the cost of the project: *Provided, however,* that such reversion to the lower cost share level shall not occur until the Governor has been provided notice of, and opportunity for hearing on, any such determination by the Secretary, the Director, and Administrator, and the State has been given ninety days from such notice or hearing to take corrective action.

(3) **FORM OF STATE SHARE.**—The share of the cost required of the State shall be from a non-Federal source. Such State share shall consist of a cash contribution of not less than 5 percent of



the cost of the project. The balance of such State share may take the form of lands, easements, or right-of-way, or any other form of in-kind contribution determined to be appropriate by the lead Task Force member.

(4) Paragraphs (1), (2), and (3) of this subsection shall not affect the existing cost-sharing agreements for the following projects: Caernarvon Freshwater Diversion, Davis Pond Freshwater Diversion, and Bonnet Carre Freshwater Diversion.

**SEC. 304. LOUISIANA COASTAL WETLANDS CONSERVATION PLANNING.** 16 USC 3953

**(a) DEVELOPMENT OF CONSERVATION PLAN.—**

(1) **AGREEMENT.—**The Secretary, the Director, and the Administrator are directed to enter into an agreement with the Governor, as set forth in paragraph (2) of this subsection, upon notification of the Governor's willingness to enter into such agreement.

(2) **TERMS OF AGREEMENT.—**

(A) Upon receiving notification pursuant to paragraph (1) of this subsection, the Secretary, the Director, and the Administrator shall promptly enter into an agreement (hereafter in this section referred to as the "agreement") with the State under the terms set forth in subparagraph (B) of this paragraph.

(B) The agreement shall—

(i) set forth a process by which the State agrees to develop, in accordance with this section, a coastal wetlands conservation plan (hereafter in this section referred to as the "conservation plan");

(ii) designate a single agency of the State to develop the conservation plan;

(iii) assure an opportunity for participation in the development of the conservation plan, during the planning period, by the public and by Federal and State agencies;

(iv) obligate the State, not later than three years after the date of signing the agreement, unless extended by the parties thereto, to submit the conservation plan to the Secretary, the Director, and the Administrator for their approval; and

(v) upon approval of the conservation plan, obligate the State to implement the conservation plan.

(3) **GRANTS AND ASSISTANCE.—**Upon the date of signing the agreement—

(A) the Administrator shall, in consultation with the Director, with the funds made available in accordance with section 306 of this title, make grants during the development of the conservation plan to assist the designated State agency in developing such plan. Such grants shall not exceed 75 percent of the cost of developing the plan; and

(B) the Secretary, the Director, and the Administrator shall provide technical assistance to the State to assist it in the development of the plan.

(b) **CONSERVATION PLAN GOAL.—**If a conservation plan is developed pursuant to this section, it shall have a goal of achieving no net loss of wetlands in the coastal areas of Louisiana as a result of development activities initiated subsequent to approval of the plan.

exclusive of any wetlands gains achieved through implementation of the preceding section of this title.

(c) **ELEMENTS OF CONSERVATION PLAN.**—The conservation plan authorized by this section shall include—

(1) identification of the entire coastal area in the State that contains coastal wetlands;

(2) designation of a single State agency with the responsibility for implementing and enforcing the plan;

(3) identification of measures that the State shall take in addition to existing Federal authority to achieve a goal of no net loss of wetlands as a result of development activities, exclusive of any wetlands gains achieved through implementation of the preceding section of this title;

(4) a system that the State shall implement to account for gains and losses of coastal wetlands within coastal areas for purposes of evaluating the degree to which the goal of no net loss of wetlands as a result of development activities in such wetlands or other waters has been attained;

(5) satisfactory assurances that the State will have adequate personnel, funding, and authority to implement the plan;

(6) a program to be carried out by the State for the purpose of educating the public concerning the necessity to conserve wetlands;

(7) a program to encourage the use of technology by persons engaged in development activities that will result in negligible impact on wetlands; and

(8) a program for the review, evaluation, and identification of regulatory and nonregulatory options that will be adopted by the State to encourage and assist private owners of wetlands to continue to maintain those lands as wetlands.

(d) **APPROVAL OF CONSERVATION PLAN.**—

(1) **IN GENERAL.**—If the Governor submits a conservation plan to the Secretary, the Director, and the Administrator for their approval, the Secretary, the Director, and the Administrator shall, within one hundred and eighty days following receipt of such plan, approve or disapprove it.

(2) **APPROVAL CRITERIA.**—The Secretary, the Director, and the Administrator shall approve a conservation plan submitted by the Governor, if they determine that—

(A) the State has adequate authority to fully implement all provisions of such a plan;

(B) such a plan is adequate to attain the goal of no net loss of coastal wetlands as a result of development activities and complies with the other requirements of this section; and

(C) the plan was developed in accordance with terms of the agreement set forth in subsection (a) of this section.

(e) **MODIFICATION OF CONSERVATION PLAN.**—

(1) **NONCOMPLIANCE.**—If the Secretary, the Director, and the Administrator determine that a conservation plan submitted by the Governor does not comply with the requirements of subsection (d) of this section, they shall submit to the Governor a statement explaining why the plan is not in compliance and how the plan should be changed to be in compliance.

(2) **RECONSIDERATION.**—If the Governor submits a modified conservation plan to the Secretary, the Director, and the Administrator for their reconsideration, the Secretary, the

Director, and Administrator shall have ninety days to determine whether the modifications are sufficient to bring the plan into compliance with requirements of subsection (d) of this section.

(3) **APPROVAL OF MODIFIED PLAN.**—If the Secretary, the Director, and the Administrator fail to approve or disapprove the conservation plan, as modified, within the ninety-day period following the date on which it was submitted to them by the Governor, such plan, as modified, shall be deemed to be approved effective upon the expiration of such ninety-day period.

(f) **AMENDMENTS TO CONSERVATION PLAN.**—If the Governor amends the conservation plan approved under this section, any such amended plan shall be considered a new plan and shall be subject to the requirements of this section; except that minor changes to such plan shall not be subject to the requirements of this section.

(g) **IMPLEMENTATION OF CONSERVATION PLAN.**—A conservation plan approved under this section shall be implemented as provided therein.

(h) **FEDERAL OVERSIGHT.**—

(1) **INITIAL REPORT TO CONGRESS.**—Within one hundred and eighty days after entering into the agreement required under subsection (a) of this section, the Secretary, the Director, and the Administrator shall report to the Congress as to the status of a conservation plan approved under this section and the progress of the State in carrying out such a plan, including and accounting, as required under subsection (c) of this section, of the gains and losses of coastal wetlands as a result of development activities.

(2) **REPORT TO CONGRESS.**—Twenty-four months after the initial one hundred and eighty day period set forth in paragraph (1), and at the end of each twenty-four-month period thereafter, the Secretary, the Director, and the Administrator shall, report to the Congress on the status of the conservation plan and provide an evaluation of the effectiveness of the plan in meeting the goal of this section.

#### SEC. 305 NATIONAL COASTAL WETLANDS CONSERVATION GRANTS.

16 USC 3954.

(a) **MATCHING GRANTS.**—The Director shall, with the funds made available in accordance with the next following section of this title, make matching grants to any coastal State to carry out coastal wetlands conservation projects from funds made available for that purpose.

(b) **PRIORITY.**—Subject to the cost-sharing requirements of this section, the Director may grant or otherwise provide any matching moneys to any coastal State which submits a proposal substantial in character and design to carry out a coastal wetlands conservation project. In awarding such matching grants, the Director shall give priority to coastal wetlands conservation projects that are—

(1) consistent with the National Wetlands Priority Conservation Plan developed under section 301 of the Emergency Wetlands Resources Act (16 U.S.C. 3921); and

(2) in coastal States that have established dedicated funding for programs to acquire coastal wetlands, natural areas and open spaces. In addition, priority consideration shall be given to coastal wetlands conservation projects in maritime forests on coastal barrier islands.

(c) **CONDITIONS.**—The Director may only grant or otherwise provide matching moneys to a coastal State for purposes of carrying out a coastal wetlands conservation project if the grant or provision is subject to terms and conditions that will ensure that any real property interest acquired in whole or in part, or enhanced, managed, or restored with such moneys will be administered for the long-term conservation of such lands and waters and the fish and wildlife dependent thereon.

(d) **COST-SHARING.**—

(1) **FEDERAL SHARE.**—Grants to coastal States of matching moneys by the Director for any fiscal year to carry out coastal wetlands conservation projects shall be used for the payment of not to exceed 50 percent of the total costs of such projects; except that such matching moneys may be used for payment of not to exceed 75 percent of the costs of such projects if a coastal State has established a trust fund, from which the principal is not spent, for the purpose of acquiring coastal wetlands, other natural area or open spaces.

(2) **FORM OF STATE SHARE.**—The matching moneys required of a coastal State to carry out a coastal wetlands conservation project shall be derived from a non-Federal source.

(3) **IN-KIND CONTRIBUTIONS.**—In addition to cash outlays and payments, in-kind contributions of property or personnel services by non-Federal interests for activities under this section may be used for the non-Federal share of the cost of those activities.

(e) **PARTIAL PAYMENTS.**—

(1) The Director may from time to time make matching payments to carry out coastal wetlands conservation projects as such projects progress, but such payments, including previous payments, if any, shall not be more than the Federal pro rata share of any such project in conformity with subsection (d) of this section.

(2) The Director may enter into agreements to make matching payments on an initial portion of a coastal wetlands conservation project and to agree to make payments on the remaining Federal share of the costs of such project from subsequent moneys if and when they become available. The liability of the United States under such an agreement is contingent upon the continued availability of funds for the purpose of this section.

(f) **WETLANDS ASSESSMENT.**—The Director shall, with the funds made available in accordance with the next following section of this title, direct the U.S. Fish and Wildlife Service's National Wetland Inventory to update and digitize wetlands maps in the State of Texas and to conduct an assessment of the status, condition, and trends of wetlands in that State.

Texas

16 USC 3955

**SEC. 306. DISTRIBUTION OF APPROPRIATIONS.**

(a) **PRIORITY PROJECT AND CONSERVATION PLANNING EXPENDITURES.**—Of the total amount appropriated during a given fiscal year to carry out this title, 70 percent, not to exceed \$70,000,000, shall be available, and shall remain available until expended, for the purposes of making expenditures—

(1) not to exceed the aggregate amount of \$5,000,000 annually to assist the Task Force in the preparation of the list required under this title and the plan required under this title, including preparation of—

- (A) preliminary assessments;
- (B) general or site-specific inventories;
- (C) reconnaissance, engineering or other studies;
- (D) preliminary design work; and
- (E) such other studies as may be necessary to identify and evaluate the feasibility of coastal wetland restoration projects;

(2) to carry out coastal wetlands restoration projects in accordance with the priorities set forth on the list prepared under this title;

(3) to carry out wetlands restoration projects in accordance with the priorities set forth in the restoration plan prepared under this title;

(4) to make grants not to exceed \$2,500,000 annually or \$10,000,000 in total, to assist the agency designated by the State in development of the Coastal Wetlands Conservation Plan pursuant to this title.

(b) COASTAL WETLANDS CONSERVATION GRANTS.—Of the total amount appropriated during a given fiscal year to carry out this title, 15 percent, not to exceed \$15,000,000 shall be available, and shall remain available to the Director, for purposes of making grants—

(1) to any coastal State, except States eligible to receive funding under section 306(a), to carry out coastal wetlands conservation projects in accordance with section 305 of this title; and

(2) in the amount of \$2,500,000 in total for an assessment of the status, condition, and trends of wetlands in the State of Texas.

(c) NORTH AMERICAN WETLANDS CONSERVATION.—Of the total amount appropriated during a given fiscal year to carry out this title, 15 percent, not to exceed \$15,000,000, shall be available to, and shall remain available until expended by, the Secretary of the Interior for allocation to carry out wetlands conservation projects in any coastal State under section 8 of the North American Wetlands Conservation Act (Public Law 101-233, 103 Stat. 1968, December 13, 1989).

#### SEC. 307. GENERAL PROVISIONS.

16 USC 3956.

(a) ADDITIONAL AUTHORITY FOR THE CORPS OF ENGINEERS.—The Secretary is authorized to carry out projects for the protection, restoration, or enhancement of aquatic and associated ecosystems, including projects for the protection, restoration, or creation of wetlands and coastal ecosystems. In carrying out such projects, the Secretary shall give such projects equal consideration with projects relating to irrigation, navigation, or flood control.

Irrigation.  
Navigation.  
Flood control.

(b) STUDY.—The Secretary is hereby authorized and directed to study the feasibility of modifying the operation of existing navigation and flood control projects to allow for an increase in the share of the Mississippi River flows and sediment sent down the Atchafalaya River for purposes of land building and wetlands nourishment.

#### SEC. 308. CONFORMING AMENDMENT.

16 U.S.C. 777c is amended by adding the following after the first sentence: "The Secretary shall distribute 18 per centum of each annual appropriation made in accordance with the provisions of

section 777b of this title as provided in the Coastal Wetlands Planning, Protection and Restoration Act: *Provided*, That, notwithstanding the provisions of section 777b, such sums shall remain available to carry out such Act through fiscal year 1999."

Approved November 29, 1990.

LEGISLATIVE HISTORY—H.R. 5390 (S. 2244):

SENATE REPORTS: No. 101-523 accompanying S. 2244 (Comm. on Environment and Public Works)

CONGRESSIONAL RECORD, Vol. 116 (1990):

Oct. 1, considered and passed House.

Oct. 26, considered and passed Senate, amended, in lieu of S. 2244.

Oct. 27, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 26 (1990):

Nov. 29, Presidential statement

## Appendix B. Public Meeting Comments

## LAKE CHARLES

10/17/96 - 7:00 p.m.

**Jack Wheeler**

1) What is the funding plan for both coastal restoration and implementation of the coastal wetlands conservation plan?

*The Coastal Restoration Division is funded by the Wetlands Conservation and Restoration Fund, which was voted in by the citizens of Louisiana and is dependent on the oil and gas revenues for any given year. The Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA) allows the federal government to cost-share wetlands protection, restoration and enhancement projects with the state at a ratio of 75% federal dollars to 25% state monies. With the acceptance of the Coastal Wetlands Conservation Plan, the cost share will change to 90% federal and 10% state for 1996 and 1997 projects, and 85% federal and 15% state for subsequent years. The development of the Coastal Wetlands Conservation Plan has been funded through CWPPRA.*

2) What is the time frame for a finished plan? Will a draft of the plan be complete and available for review for the Coastal Conservation Plan public hearing set for January 21, 1997 in Lake Charles?

*A Draft Coastal Wetlands Conservation Plan will be developed and will be distributed prior to the series of public meetings in January 1997. Comments will be accepted at the January meetings and written comments will be accepted for a period of 15 after the last of these meetings.*

3) Will there be brainstorming sessions before the plan is finished? When will final hearing be?

*The purpose of this series of public meetings is to solicit input from the public for ideas and comments to be incorporated into the draft Plan. The comments received from these meetings will be reviewed and incorporated into the draft Plan, which will then be distributed for review in January 1997. The purpose of the meetings in January 1997 is to solicit comments and address concerns from the public on the proposed, draft Plan.*

**Tommy Price**

1) Concerned about Grand Lake water levels. COE is now managing the Lake for irrigation and little concern is given to marine fisheries resources.

*As mentioned earlier, the purpose of these meetings is to solicit comments from the public relative to the development of a Coastal Wetlands Conservation Plan with the goal of "no net loss of coastal wetlands due to developmental activities". It is not within the scope of this meeting, nor of this plan, to discuss the operations of the Grand Lake watershed by the U.S. Army Corps of*



*Engineers. That is not to say that it is not a valid concern; however, this matter might better be dealt with by addressing the Corps directly.*

2) White Lake area to Lake Arthur--water level too low for fish/wildlife. DNR supports the COE's water resource plan for this area. Plan was supposed to be to control erosion. There is nothing there for commercial or recreational fishing. Plan should address multiple use issues!

*The Coastal Wetlands Conservation Plan is being developed for the conservation of coastal wetlands for the benefit of multiple user-groups. It is envisioned that by attaining no net loss of wetlands due to developmental activities, multiple user groups will benefit from the preserved functions and values of sustainable coastal wetland acreage.*

**Barbara Oakley**

1) Is there a specific grass species you can plant to help reduce shoreline erosion in coastal Louisiana?

*Several grass species do remarkably well in coastal Louisiana. The Coastal Restoration Division uses only native species and varieties of vegetation in its restoration projects. The species used in any particular project, or any particular area depends on a number of biological and hydrological factors. More specific information is available from the Louisiana Wetland Plant Producers Association (Jeff Murphy, President; 318-762-4242), or from the Coastal Restoration Division (504-342-7308). The Natural Resources Conservation Service has offices across the state and can provide information about species likely to do well in your area.*

2) When a waterfront subdivision is built, what vegetation should be used to restore wetlands that may be impacted?

*See answer to previous question.*

3) Can a department/agency be established to field complaints and/or audit the plan?

*The plan will be implemented by the Department of Natural Resources, Office of Coastal Restoration and Management. Any complaints can be brought to their attention (their toll-free telephone number is 1-800-267-4019). At this time no provisions for external audits have been established, however the federal agencies (Corps of Engineers, Environmental Protection Agency and Fish and Wildlife Service) will be closely monitoring the program.*

4) When several agencies are working together, coordination of agencies is a challenge but is necessary. More efforts should be made to assure that all agencies work together.

*Agreed. The implementation of the CWPPRA has demanded that the Coastal Restoration*

*Division work very closely with other state and federal agencies. This program has resulted in very positive working relationships between numerous agencies, groups, and academicians.*

## **Helen Chamblee**

1) How much land do you have to have for it to be considered a wetland? What if the land was developed back in the 30's for a subdivision?

*The definition of a wetland is not dependent on size or acreage. It is dependent on 1) the vegetation present (or would be present under "normal" circumstances), 2) the soil type, and 3) the hydrology. The answer to the second question depends on exactly how the property was developed and what it's current state is. In general, if there are still wetlands on the property, in all likelihood, further development of those areas will require a permit.*

## **Scott Durham**

1) How will new plan effect current CWPPRA projects? What is the status of the Sweetlake restoration project?

*The main effect will only be to change the ratio of state and federal funding. The Coastal Wetlands Conservation Plan will not effect any of the current CWPPRA projects. The Plan will effect future developmental activities in coastal wetlands exclusive of coastal restoration projects.*

*The Sweet Lake/Willow Lake Hydrologic Restoration project (C/S-11b) is currently on hold. It is not anticipated to be constructed until at least 1998.*

*The Sweet Lake/GIWW Bank shoreline protection project (C/S-11) is also currently on hold. It is not anticipated to be constructed until at least 1998.*

## **Jack Chelette**

1) Will the restoration plan target small or large projects?

*The Coastal Wetlands Conservation Plan will target any permitted developmental activity that will result in the loss of coastal wetlands, regardless of size.*

## **Jack Wheeler**

1) Would like to see restoration and/or conservation plan implementation split out with a

management team selected to work in each coastal basin (basin construction management teams).

*The Coastal Restoration Division, which implements CWPPRA projects, has a field office in Abbeville which handles projects west of the Atchafalaya River, and a field office in Thibodaux which handles projects between the Atchafalaya River and Barataria Bay. Other activities are handled from the main Baton Rouge office.*

*The implementation of the Coastal Wetlands Conservation Plan will be handled through the Coastal Management Division, which also has field offices across the coastal zone.*

2) Frustrated because too much emphasis is placed on continued studies--not doing. Wants to see projects on the ground.

*The Coastal Restoration Division has constructed and is currently monitoring 42 projects in coastal Louisiana. The coastal restoration plan has very few studies on-going.*

3) How will innovative technology be handled through CWPPRA?

*Each year CWPPRA sponsors several demonstration projects which are small-scale and test a variety of "innovative techniques" to determine the best alternatives for larger-scale projects.*

*The Coastal Wetlands Conservation Plan will treat innovative technologies as recommendations for best management or best use alternatives to certain types of destructive activities which will translate into minimal wetland impacts.*

**Joe Devall**

1) Calcasieu ship channel bank erosion is a continuing serious problem. Landowners continue to lose land along the channel due to excessive ship speed. Ships must be slowed to help reduce erosion. "NO Wake" signs do not help - more serious action must be taken.

*This problem is not within the scope of this Plan, or this meeting, however it appears to be a serious problem that needs attention either in the form of shoreline protection (similar to Freshwater Bayou) or stricter enforcement of NO WAKE areas.*

**Barbara Oakley**

1) The same (ship speed caused erosion of banks) is true for Moss Lake. The bulkhead washed away.

*See response to previous comment.*

2) Port Commission must work on this. Joe Dugas Landing near Hackberry is also experiencing serious ship related erosion.

*See response to previous comment.*

### **Rodney Gilbeaux**

1) I agree - the problem with ship channel bank erosion is serious all along the Calcasieu and the Intracoastal Canal.

*See response to previous comment.*

### **Barbara Oakley**

1) Who has enforcement authority over ship traffic in the Calcasieu? Is that authority being exercised?

*The United States Coast Guard oversees shipping in the Calcasieu Ship Channel. The Coast Guard would be the appropriate agency to ask about their enforcement policy in that area.*

### **Randy Roach**

1) What is liability of ships to landowners? Could landowners be compensated for lost land due to ship related erosion? Ships are causing the erosion of land far in excess of the original right-of-way purchased for the channel (both the Calcasieu Ship Channel and the Gulf Intracoastal Waterway). What is state liability for compensation of lost land?

*This question is beyond the scope of the Coastal Conservation Plan. The question has been referred to DNR's Legal Division; a response will be included in the final Plan document.*

### **Wendell Lindsey**

1) Ship channel erosion is also occurring at the I-210 bridge near Lake Charles.

*This problem is not within the scope of this Plan, or this meeting, however it appears to be a serious problem that needs attention either in the form of shoreline protection (similar to Freshwater Bayou) or stricter enforcement of NO WAKE areas.*

2) Beach erosion at Johnson's Bayou caused by ATV's operating on the beach is also a problem. After ATV's run up and down the dunes, all vegetation is removed - opening the area

to erosion.

*Recreational use of ATV's is not subject to permitting, but does cause serious damage to protective barriers. Possible solutions to this problem are restricting access to the dunes and education of ATV operators. Damages caused by ATV's involved in a commercial use may be subject to regulation and, if unpermitted, enforcement action.*

3) Digging of unauthorized channels to drain land is also a problem in western Cameron Parish.

*Unpermitted and unmitigated activities are going to be addressed in the Coastal Wetlands Conservation Plan. Possible violations brought to the attention of the Coastal Management Division are investigated and, if the projects are found to be in violation of the Louisiana Coastal Resources Program, penalized. However, it is not possible for enforcement to be 100% effective. Any violations of permits or unpermitted activities should be reported to the Coastal Management Division (call toll-free at 1-800-267-4019).*

### Rodney Gilbeaux

1) Breakwaters at Holly Beach and Johnson's Bayou have worked well, but we are still losing land. They need to be raised and extended to protect marshes north of highway. LA Hwy 82 has been moved back 3 times. We need to protect it.

*The breakwaters at Holly Beach have been extended to include 85 individual breakwater segments. While they may not have eliminated shoreline erosion in this area, they have been effective at decreasing damage to the adjacent shoreline. Current studies are investigating the possibilities of improving on the design to improve the project's effectiveness.*

### Wendell Lindsey

1) Concerned that putting culvert at Long Beach (Johnson's Bayou area of Cameron Parish) will flood the marsh.

*If this culvert has been permitted, then its anticipated direct, secondary and cumulative impacts were reviewed by the Coastal Management Division during evaluation of the application. Concerns can be expressed to the Coastal Management Division (1-800-267-4019) for consideration during the permitting process.*

### Mike Tridicott

1) Are we talking about a coastal wetlands conservation plan or a statewide wetlands conservation plan? If I apply for a permit and have to mitigate, are public funds provided to

help put in a mitigation project?

(submitted more detailed comments via mail - copy attached)

*The Coastal Wetlands Conservation Plan will address only activities in the legislatively defined Louisiana Coastal Zone and immediately adjacent, historically tidal wetlands. The Coastal Management Division is concurrently developing a Statewide Wetland Conservation and Management Strategy which will encourage volunteer and incentive-based programs for landowners to conserve and protect their non-coastal wetlands.*

*If a permit is applied for, the Coastal Management Division will evaluate it's impacts to the immediate wetland area and require mitigation for the wetland losses. The permit applicant is responsible for the cost and implementation of the mitigative measures.*

**Tina Horn**

1) Wetland restoration improves public natural resource benefits even if project is primarily on private land.

*The benefits received from healthy, functioning wetlands are realized by both private and public entities, regardless of who holds the deed to the property. A few examples include wetlands functioning as storm buffers, as nursery grounds for finfish, crustaceans and shell fish, as a water source for aquifer recharge and as furbearer and waterfowl habitat.*

**Randy Roach**

1) In the recent past the Louisiana Legislature passed a law requiring that project monitoring be conducted to assure that publicly funded wetland restoration projects do in fact enhance and provide public natural resource benefits.

*The Coastal Restoration Division is mandated to monitor CWPPRA projects to determine whether or not the goals and objectives of the projects are being met. This monitoring activity lasts the expected length of the project, which is typically 20 years. Through an adaptive management strategy, the Biological Monitoring Section of the Coastal Restoration Division is constantly evaluating the project-specific data it collects to determine whether each project is working or needs to be fine-tuned, and generates progress reports to disseminate this information.*

2) Would like designation of some "state only" coastal restoration funding.  
Assure that DNR maintains some local coastal restoration projects.

*The Coastal Restoration Division has implemented several "state only" projects in the past. These projects were implemented before CWPPRA was passed. A large number of proposed state projects were then picked up by CWPPRA, saving the state 75% of the cost for these projects. There are still options for the state to sponsor projects at 100%, or to cost-share with local entities; as long as these projects are done with a federal sponsor and can fit under the guise of CWPPRA,*

*the state will stand to save a tremendous amount of money. The Coastal Wetlands Conservation Plan does, however, include funds for locally-sponsored, state-funded projects.*

### **Jack Wheeler**

1) Where is mitigation taking place? On site? Off site? Include selection of mitigation projects/priorities as part of basin management teams' responsibilities.

*When a permit application is received by the Coastal Management Division, they first attempt to place any needed mitigation at the site of the permitted activities. If this is not possible, they will look to another area owned by the same landowner, then to another area within the parish or to an established mitigation bank. Every attempt is made to mitigate as close to the site as possible.*

### **John Walther**

1) Need guidelines for those doing permitted construction in the marsh to assure that the least amount of impact occurs (Best Management Practices; BMPs) to assure "no-net-loss".

*One of the components of the Coastal Wetlands Conservation Plan will include alternative techniques and construction recommendations for certain types of developmental activities to minimize impacts. A major function of the public education and outreach efforts being proposed in the plan will be to ensure that permit applicants, permit agents, and construction firms are provided with information on these BMPs.*

### **Tina Horn**

1) Will plan change mitigation regulations as they apply to public entities, such as parish police jury' responsibilities for public drainage?

*The new mitigation regulations that were adopted in August 1995 will not be revised by the Coastal Wetlands Conservation Plan.*

2) Mitigation regulations should exempt publicly funded projects.

*This issue was discussed at great length by the mitigation taskforce - a group comprised of private citizens, industry representatives, landowner organizations, environmental groups, and governmental agencies - during the 2+ year period it took to develop the mitigation regulations. The consensus was that publicly funded projects should not be categorically excluded from mitigation requirements. Instead, the agency proposing the project can apply for a waiver of all or part of the mitigation obligation under a variance procedure specifically developed for that purpose.*

**3) Has had good experience with all agencies (State & Federal) involved in coastal restoration initiatives (i.e., CWPPRA, State Restoration Trust Fund, etc.).**

*Thank you. The various state and federal agencies typically try to be as "user friendly" as possible.*

### **Rodney Guilbeaux**

**1) Strongly agreed with the statement made by Ms. Horn.**

*See response above.*

**2) Strongly believes that additional education and outreach efforts are needed regarding public (especially youth) understanding of wetland loss issues (Mr. Guilbeaux indicated that he voluntarily makes numerous educational presentations to both adult and youth audiences).**

*The Louisiana Cooperative Extension Service is providing education material relative to coastal wetland loss in Louisiana, wetland functions and values, and the Coastal Wetland Conservation Plan. The public education and outreach component of the Coastal Wetland Conservation Plan will attempt to "spread the word" to as many groups as possible.*

### **John Stacy**

**1) Agreed that bank erosion along the Gulf Intracoastal Waterway is a serious problem that continues to threaten additional fragile wetlands. Suggested that an adequate "user fee" be established to help address bank erosion in the coastal zone.**

*This problem is not within the scope of this Plan, or this meeting, however it appears to be a serious problem that needs attention either in the form of shoreline protection (similar to Freshwater Bayou), stricter enforcement of NO WAKE areas, or user fees.*



**METAIRIE**  
10/21/96 2:00 p.m.

**Alan Querens**

1) What plans exist to close oil company canals?

*No specific "plans" exist to close well access canals. Current permitting policies require permittees to plug canals and gap spoil banks on well abandonment. Companies can also use canal closures as a mitigative action to help offset other impacts to vegetated wetlands.*

2) Suggests oil companies plug canals.

*See response above.*

3) Marsh buggies working in the coastal zone are causing a negative impact that must be addressed.

*Historically, marsh buggies have caused damage to the coastal wetlands of Louisiana. Recent innovations, however, have tremendously lightened and lessened the "footprint" of marsh buggies. Through intelligent use and alternative technologies, it is possible to minimize impacts to the wetlands. Currently, most marsh buggy usage requires that the operator obtain a Coastal Use Permit prior to conducting the proposed activity and mitigate for any permanent impacts to vegetated wetlands. The Coastal Wetlands Conservation Plan will encourage the use of best management practices and alternate technologies which will minimize future marsh buggy impacts to wetlands.*

4) Suggests marsh buggies be prohibited.

*See response to previous statement.*

**James Gilbeau**

1) Suggests the use of canal plugs and/or sill structures to stop salt water intrusion

*Some of the Coastal Restoration Division projects (especially marsh management and hydrologic restoration-type projects) incorporate canal plugs as features in areas where abandoned canals contribute to marsh deterioration.*

2) Close the Mississippi River Gulf Outlet (MRGO) in an effort to halt extremely damaging

salt water intrusion into interior marshes.

*It is recognized that the MRGO has resulted in tremendous destruction to the wetlands of St. Bernard Parish. Alternatives are being investigated which could potentially decrease the extent of future impacts from the MRGO.*

**Gary Groesch**

1) Consider global climate changes and sea level rise when developing coastal wetland conservation plan.

*Global climate changes and sea level rise are not within the scope of this Plan, or this meeting. This Plan will address only wetland losses resulting from developmental activities, not those due to global environmental phenomenon.*

2) House Concurrent Resolution 74 of the 1996 Legislative Session called for the formation of an advisory committee to develop a state strategy to address global climate change and sea level rise. The workings of this new committee should be incorporated into the state's conservation plan.

*Please see response to previous statement.*

**Mark Davis**

1) Look not only at on the ground footprints (regarding coastal zone development), but also at the cumulative and secondary impacts of development.

*When a permit application is submitted to the Coastal Management Division, the effects of the proposed activity is evaluated in the context of the surrounding area. Cumulative and secondary impacts are always considered on a qualitative basis and, when possible, a quantitative basis. Mitigation is then assigned in an area as close in proximity, function, and value as possible to that area impacted by the permitted activity.*

2) Louisiana's coastal wetlands conservation plan should be consistent with overall state restoration plan.

*Every effort is being made by DNR to ensure that the Coastal Conservation Plan is consistent with the State Restoration Plan.*

3) Plan should include a mechanism for state and federal coordination regarding mitigation, monitoring & enforcement. We must assure that mitigation is successful in long term.

*A part of the Coastal Wetlands Conservation Plan will be recommendations on how the state can approach the “no net loss due to developmental activities” goal by offsetting losses associated with failed mitigation projects and unpermitted activities. This will be accomplished through more strict enforcement of current regulations, increased compliance monitoring, and long-term evaluation of the success of various mitigation techniques. Discussions are currently underway with the Corps to develop a program that would allow the State to take the lead in negotiating mitigation requirements for small projects, reducing applicant confusion and duplication of effort by the regulatory agencies. Enforcement of permit conditions and mitigation requirements would still be handled by both agencies.*

**Joseph Vincent**

**1) Is the state going to address impacts being caused by 3-D seismic activities (increased use of marsh buggies in oil exploration)? Will 3-D seismic activities require mitigation?**

*The state performed a detailed evaluation of the impacts of 3-D seismic activities several months ago which resulted in revisions to the permitting of seismic activities. Permanent impacts caused by 3-D seismic activities require mitigation.*

**2) Will restoration/mitigation be on site, or as close as possible to impacted site, or require monetary payments into a restoration fund?**

*When a permit application is received by the Coastal Management Division, they first attempt to place any needed mitigation at the site of the permitted activities. If this is not possible, they will look to another area owned by the same landowner, then to another area within the parish or to an established mitigation bank. Every attempt is made to mitigate as close to the site as possible. If no suitable site or project can be identified contributions to the Wetlands Conservation and Restoration Fund are allowed.*

**Cynthia**

**1) Would like DNR to put out mitigation reports yearly that outline where they have been put in and how successful they have been. Will the publishing of annual mitigation requirements and monitoring reports be required in the plan?**

*While the specific format has not been determined, annual reports discussing wetlands gains and losses and activities required by other components of the plan will be prepared. These will be made available to the public upon request.*

**Woody Cruise**

**1) Concerned about water management in the lower Atchafalaya and its impact on the lower western Terrebonne coastal area.**

*The Coastal Wetlands Conservation Plan will address losses of wetlands due to developmental activities. If individual projects are affecting the management of water in the lower Atchafalaya, the effects of the project will be reviewed during the permitting process. This process will evaluate the wetland area to be developed and the functions and values associated with that wetland that will be lost. Then, appropriate mitigation will be assigned which will minimize the net loss of wetland acreage and minimize the loss of wetland functions and values. The Coastal Wetlands Conservation Plan will not address wetland losses due to non-developmental activities.*

**2) Will the conservation plan address the impacts of state and federal hydrologic management proposals on coastal wetlands and fish and wildlife resources?**

*Again, the Plan will address losses due to developmental activities. The Coastal Restoration Division projects are monitored by the Biological Monitoring Section from the beginning (often before the project is implemented) to determine whether or not the specific goals and objectives of the project are being met. The effects that a specific project may have on fish and wildlife resources are monitored if it relates to one of the specific goals of the project. However, healthy, sustainable fish and wildlife resources can only result from healthy vegetated wetlands.*

**3) Can you assure that proposed diversions will have enough sediment to build marsh habitat? Or, will some diversions result in fresh water with little sediment being diverted with little positive impact resulting? Plan should include incentives that encouragement the beneficial use of dredged material to build up eroded marsh habitat.**

*There are never any guarantees when it comes to manipulating the environment, however, based on the results from the existing freshwater and sediment diversions that the Department of Natural Resources has constructed, it appears that this restoration technique has had favorable impacts on the wetlands. Of course, the amount of sediment deposited within these project areas is directly dependent on the amount of sediment in the freshwater supply. The Department and CWPPRA have utilized beneficial use of dredged material to create wetlands in areas that have degraded to open water (i.e., LaBranche Wetland, PO-17; Queen Bess Island, BA-05b). Several additional projects are currently planned utilizing this technology and the state is cost-sharing the increased cost of beneficial spoil use for several major federal navigation projects. Current permitting procedures requires reviewing proposed dredging projects with an eye towards beneficial use of any generated dredged materials.*

**George Strain**

**1) Floating marsh areas are very sensitive to increased water levels; water management proposals currently being developed in the lower Atchafalaya (i.e. Penchant Basin, etc.) should include floating marsh impact analysis.**

*The state is sponsoring a public meeting on water management/drainage management in the Lower Atchafalaya/Western Bayou Lafourche Basins, Oct. 31, 1996 in Thibodaux, LA.*

2) Plan should encourage private landowners to mitigate impacts due to development on their land.

*The Coastal Wetlands Conservation Plan will include a section on assistance that is available for landowners. In addition, the Cooperative Extension Service has a pamphlet entitled "Private Lands Technical Assistance Handbook for Louisiana" which includes many resources for landowners. Any permits that are issued to private landowners will also require mitigation, which will be done on the landowners property whenever possible.*

3) Plan should attempt to consolidate dual mitigation programs that exists today in the Louisiana coastal zone (DNR Mitigation Program & COE Section 404 mitigation requirements).

*It is the goal of the Coastal Management Division to work with the landowners and with the Corps of Engineers to develop mitigation projects that will satisfy both requirements. Discussions are currently underway with the Corps to develop a program that would allow the State to take the lead in negotiating mitigation requirements for small projects, reducing applicant confusion and duplication of effort by the regulatory agencies.*

4) Plan should look at impacts related to erosion along Gulf Intracoastal Waterway.

*Although erosion due to boat traffic is a serious problem in some areas, the Coastal Wetlands Conservation Plan is focusing on wetlands destroyed due to developmental activities.*

Dr. Len Bahr

1) Announced that the state is sponsoring a public meeting on water management/drainage management in the Lower Atchafalaya/Western Bayou Lafourche Basins, Oct. 31, 1996 in Thibodaux, LA.

Pete Savoy

1) MRGO has to GO! Would like to see the MRGO closed to stop saltwater intrusion into St. Bernard Parish wetlands (outlined extensive environmental damage that has occurred to date).

*This is a well recognized problem. The Coastal Restoration Division is currently investigating several alternatives to minimize future impacts from the Mississippi River Gulf Outlet. However, the Coastal Wetlands Conservation Plan has a goal of attaining no net loss of wetlands due to future developmental activities and will not address wetland loss issues associated with existing projects.*

2) Recommends plugging or putting lock structure on MRGO due to increased salt water

intrusion and resultant marsh deterioration.

*This is one of the options being investigated by the Coastal Restoration Division.*

3) Recommended slowing ship traffic on MRGO to halt excessive bank erosion.

*This problem is recognized and is similar to that along the MRGO, the Calcasieu Ship Channel, Freshwater Bayou, etc. Several alternatives (including the posting of "NO WAKE" signs) have been tried. Several other options are being considered, however, this problem is not within the scope of this Plan.*

4) Conservation plan must bring into "formula" human life risks associated with wetland loss, i.e., increased loss of life risk during hurricanes due to wetland loss (reduced storm buffering benefits due to vegetative marshes converting to open water).

*The conservation plan will consider the loss of functions and values of wetlands in addition to loss of acreage. The goal of the plan is to attain no net loss of wetlands due to developmental activities. Through the public education and outreach component, the Plan will attempt to ensure public awareness of the values wetlands provide.*

5) Hurricane protection levees must be built with proper materials to withstand force of storms.

*Agreed.*

6) Restoration conflicts involving oyster leases must be solved so that effective projects can move forward quickly.

*Agreed. Problems with oyster leases are currently being resolved on a number of projects. Plans are being implemented to avoid such problems in the future.*

Earl Pratz

1) Extend coastal zone boundary north so that all important coastal wetlands can be protected.

*The Coastal Zone over which the Coastal Management Division has jurisdiction was legislatively defined based on habitat type and is delineated by distinct landmarks that are easily recognizable. This boundary can only be altered by legislative action.*

Oliver Houck

1) Believes that a one-to-one mitigation requirement to achieve no net loss will not sufficiently offset development impacts. Suggested that the conservation plan have a goal of possibly

two-to-one mitigation requirements so there is a possibility of positive gains.

*One of the studies being conducted to assist in Plan formulation is an evaluation of the success of past mitigation projects to determine whether or not these mitigation projects were successful. Based on those results, the conservation plan will make recommendations concerning the effectiveness of current mitigation rules and regulations in compensating for permitted habitat impacts.*

2) Plan should include authority for mitigating past development impacts--not just future development impacts (similar to Superfund liability requirements regarding toxic materials risks).

*Mitigation requirements are written into the permits. When a permit is issued, a particular mitigation project is associated with it. The permit is a legal document and the Department can not retroactively add more stringent mitigation requirements to permits that have already been issued. As required in the federal enabling legislation, the Coastal Wetland Conservation Plan will address future developmental activities in coastal wetlands.*

James Gilbeau

1) With regards to a statewide conservational plan, the Red River no longer experiences seasonal flooding since the Red River navigation project has been completed.

*The Coastal Management Division has no jurisdiction outside of the legislatively defined coastal zone. The statewide strategy that they are currently developing will depend on incentive-based programs to encourage landowners to conserve, restore, enhance, and protect their own wetland properties.*

Rudy Neubeck

1) Why does current DNR policy allow access canals to remain open for up to 15 years when production activity is taking place? Why don't the state require plugging canals upon completion of a production well (one year maximum) and then require/allow access vessels to operate within the plugged canal to conduct day-to-day operations?

*Oil and gas operations require routine visits to well-heads and production equipment. Typically, in coastal Louisiana, the only means of accessing these sites is by boat which means leaving the canals open for the life of the wells. Requiring companies to purchase a separate set of boats, work-over equipment, etc. for each well location would, in the opinion of the Department, add an unreasonable and unjustified expense to oil and gas operations.*

Cynthia Sa????

1) Would rather state use tighter regulations that result in fewer wetland losses - Mitigation regulations tend to encourage continuous wetland losses. Would like DNR to publish periodic reports summarizing permit acceptance/rejection actions.

*Mitigation is only considered after a thorough review of a proposed activity has established that the activity is needed in the specific area (justification of need and alternatives analysis) and that impacts have been avoided and minimized to the maximum extent practicable. DNR publishes a bi-weekly report of all permitting decisions that have been rendered during the preceding two week interval.*

Peter Jones

1) Wants mitigation done as near to the impacted site as possible.

*When a permit application is received by the Coastal Management Division, they first attempt to place any needed mitigation at the site of the permitted activities. If this is not possible, they will look to another area owned by the same landowner, then to another area within the parish or to an established mitigation bank. Every attempt is made to mitigate as close to the site as possible.*

Ed Fike

1) Mitigation should be conducted on land that is owned by the landowner experiencing the impact.

*By law, a landowner is given the first opportunity to recommend a mitigative activity for a project that will occur on his property. See response to previous comment.*

Beverly Ethridge

1) Will state conservation plan include mechanisms for coordination with other state/federal projects in coastal Louisiana. Encourages such action.

*The Coastal Wetlands Conservation Plan will interface very closely with many of the other wetlands initiatives being carried out by other state and federal agencies - for example, the public education and outreach activities of the Cooperative Extension Service, the Corps' 404 permitting program, and the Wetlands Reserve Program of the NRCS. The Statewide Conservation Strategy is concurrently being developed by the Coastal Management Division. This strategy is a non-regulatory, incentive-based approach to educate landowners and provide alternatives to encourage wetland conservation throughout the State of Louisiana. The statewide strategy will depend on incentive-based programs to encourage landowners to conserve, restore, enhance, and protect their own wetland properties. Many of these programs are sponsored by other state, federal, and private agencies.*



**2) How will state address wetland impacts/mitigation requirements resulting from COE Nationwide permit activities?**

*Most of the nationwide permits have been denied consistency for activities occurring in the Coastal Zone. These activities will require review, permitting and mitigation for any wetlands impacts. In the area covered by the Coastal Wetlands Conservation Plan that is not within CMD's jurisdiction, we will rely on, and monitor, the Corps to see that projects are adequately mitigated. A program will be established to offset any impacts caused by unpermitted activities.*

LAFAYETTE  
11/22/96 2:00 p.m.

Bob Holloman

1) How do DNR and COE permits work together?

*The Corps has jurisdiction over the entire state. The Coastal Management Division has jurisdiction over the legislatively defined coastal zone. Wetland activities outside of the coastal zone need only a COE permit, however, activities within the coastal zone need permits from both agencies. It is the goal of the Coastal Management Division to work with the landowners and with the Corps of Engineers to develop mitigation projects that will satisfy both requirements.*

Mary Tutlier

1) Need unity/coordination in permitting (DNR, DEQ, COE).

*DNR is currently working with the Corps of Engineers and other state and federal agencies to develop a Programmatic General Permit for coastal Louisiana. If instituted, DNR would be the lead permitting agency for most minor projects (typically less than 3 acres of wetland impacts). It is the goal of the Coastal Management Division to work with the landowners and with the Corps of Engineers to develop mitigation projects that will satisfy both agency's requirements.*

2) Look at entire impact of permitted activities (cumulative and long-term impacts).

*One of the things the Coastal Management Division investigates when a permit application is reviewed is the potential effect that the activity will have on the surrounding environment. Any wetlands that are destroyed or severely impacted, are mitigated for by restoring or creating an equivalent area (both in area and in function and value). Cumulative and secondary impacts are considered on a qualitative basis and, whenever possible, on a quantitative basis.*

Melanie Gerald

1) Develop a clear and easy to understand formula for mitigation.

*The recently adopted mitigation regulations (August 1995) spell out requirements for mitigation in the coastal zone of Louisiana. The Coastal Wetlands Conservation Plan will requirements and will suggest ways of attaining no net loss of coastal wetlands in Louisiana due to developmental activities.*

2) Where does mitigation take place? On the impacted site? Near the site? Offsite?

*When a permit application is received by the Coastal Management Division, they first attempt to place any needed mitigation at the site of the permitted activities. If this is not possible, they will look to another area owned by the same landowner, then to another area within the parish or to an established mitigation bank. Every attempt is made to mitigate as close to the site as possible. If no suitable site or project can be identified, oftentimes, contributions to the Wetlands Conservation and Restoration Fund or a mitigation bank is required.*

Ed Kyle

1) What can be done about subsidence (especially between Houma & Morgan City)?

*Subsidence is a phenomenon which is outside the scope of the Coastal Wetlands Conservation Plan. That is not to say that subsidence is not a serious problem in Louisiana, however, this Plan will address only those activities resulting directly from developmental activities.*

Mike Waldon

1) Would like adequate public notice before regulations/permit modifications are drafted.

*New regulations must meet the requirements of the Administrative Procedures Act which specifically provides a period of time for public review and comment as well as public hearings on the proposed rules. Permit modifications that will significantly increase the impacts of a project are put on public notice for a period of 25 days as required in the rules and regulations for Coastal Use permitting.*

2) Would like to see coastal use permit applications (and 404 applications) available on Internet.

*DNR has long intended to make its permit database available to public inspection. Every effort will be made to allow for public access when our homepage and database-interlink abilities are fully developed.*

3) Are stormwater discharges from pump-offs exempt from water quality permit requirements?

*Water quality permits are issued by the Department of Water Quality. They would be the appropriate agency to address this question.*

4) What are the impacts to surface water quality and marsh health caused by water coming off of pump-offs?

*The effects that storm water or other water sources may have on the health of marshes in general depends greatly on the quality of that water and what it contains. Freshwater introduction has been shown to be effective in returning some sediments and nutrients to degraded wetlands, however toxins in that same water might have a detrimental effect on vegetative health and could exacerbate wetland loss.*

**Doug Daigle**

**1) Would like the coastal wetland conservation plan to address secondary & cumulative impacts of development.**

*The Coastal Wetlands Conservation Plan will investigate whether or not the mitigation regulations and implementation of these regulations was adequate in 1993 to restore or create wetlands that were destroyed due to developmental activities with an equivalent wetland both in size and in function and value. Any net losses will hopefully be prevented under the 1995 mitigation regulations, however, this Plan will propose alternative technologies, incentive programs, etc., with the goal of attaining no net loss of wetlands as a direct effect of permitted activities in the legislatively defined coastal zone of Louisiana. During the review of an application for a proposed use, cumulative and secondary impacts are considered on a qualitative basis and, whenever possible, on a quantitative basis.*

**2) Would like the goals of the conservation plan to be consistent with Louisiana's coastal restoration plan.**

*The goal of the Coastal Wetland Conservation Plan is to attain no net loss of wetlands due to developmental activities subsequent to its acceptance and implementation. The goal of the projects of the Coastal Restoration Division address wetland loss due to larger-scale natural losses and those losses resulting from historic human activities such as levee construction and dredging activities.*

**3) Would like to see the conservation plan to factor in reasonable mitigation success & failure rates to adequately achieve "no-net-loss".**

*An evaluation is currently being done of the success of mitigation practices in a sample year (1993). It is anticipated that any shortfalls in the mitigation success from this sample will be adequately addressed with the new mitigation regulations of 1995. However, if we find that the new mitigation regulations are not adequate, provisions can be made for further improvement.*

**Loland Broussard**

**1) Does the state have monitoring data for implemented marsh management projects (marsh management permitted activities)?**

*The Coastal Restoration Division has been collecting monitoring data for individual marsh*

*management projects since as far back as 1993. For more information on a specific project or specific data, please contact the Coastal Restoration Division at 504-342-7308.*

**2) Will the plan look at Marsh management and include it as an accepted mitigation activity?**

*Certain components of marsh management activities (i.e., plugs, weirs, spoilbank gapping, etc.) could possibly be approved as mitigation provided that they have the ultimate goal of restoring or creating an equivalent wetland area (both in acreage and in function and value) to that destroyed or impacted by the permitted activity. In addition, marsh management plans can be instituted as mitigation banks. The plan will not specifically identify what types of mitigation are considered to be acceptable.*

Betty Vidrine

**1) Why is the coastal conservation plan boundary drawn as it is?**

*The Coastal Wetland Conservation Plan boundary follows habitat type. It follows very closely to the legislatively approved coastal zone with the exception that it does not yield to man-made features.*

**2) DNR should consider inclusion of Atchafalaya Basin in the coastal conservation boundary area.**

*The portions of the Atchafalaya Basin that are considered coastal are included within the Coastal Wetlands Conservation Plan boundary. The portions of the Atchafalaya Basin that are not considered coastal are covered under the Statewide Wetlands Conservation and Management Strategy being concurrently developed by the Coastal Management Division.*

**3) Is restoration funding dedicated to specific activities (coastal restoration projects)?**

*Once specific coastal restoration projects have been approved (and this includes an approval from the Louisiana legislature), the restoration funds are dedicated to those specific projects through the signing of a Cost Share Agreement between the involved participants (usually between the State and the federal co-sponsor). At this point, the funds are earmarked for a specific project.*

**4) Will the conservation plan outline how funds will be spent?**

*A general overview of anticipated expenditures will be included. The goal of the plan is to address the steps that the state should take, utilizing current regulations, to attain the goal of no net loss of wetlands in the coastal zone of Louisiana due to developmental activities.*

**5) Can private funds qualify for CWPPRA matching funds?**

*CWPPRA projects have been implemented utilizing local governments and private companies as contributors, given that a federal agency also co-sponsors the project.*

**Ted Beaulieu**

**1) How was Louisiana's Coastal Zone boundary determined - on what basis?**

*The legislatively defined coastal zone boundary was determined from a combination of habitat type and man-made features to create an easily discernible line.*

**2) Would like to see the coastal-dual permitting system (DNR & COE) reduced to only one permit program.**

*DNR is currently working with the Corps of Engineers and other state and federal agencies to develop a Programmatic General Permit for coastal Louisiana. If instituted, DNR would be the lead permitting agency for most minor projects (typically less than 3 acres of wetland impacts).*

**Linda Ditsworth**

**1) COE has different agenda - not particularly targeting wetland conservation.**

*While the specifics of the state and federal programs differ, both the state and federal governments have established a policy of ensuring "no-net loss" of wetlands.*

**2) Mitigation should be conducted on site.**

*When a permit application is received by the Coastal Management Division, they first attempt to place any needed mitigation at the site of the permitted activities. If this is not possible, they will look to another area owned by the same landowner, then to another area within the parish or to an established mitigation bank. Every attempt is made to mitigate as close to the site as possible.*

*If no suitable site or project can be identified, oftentimes, contributions to the Wetlands Conservation and Restoration Fund or a mitigation bank is required.*

**Ted Beaulieu**

**1) Can the state of Louisiana assume 404 permitting authority from COE ?**

*There are provisions in the law that would allow for the state to assume 404 permitting. A study conducted by DNR found that the restrictions contained in the law rendered 404 assumption not feasible for Louisiana at this time.*

**Tim Morton**

**1) How will the state specifically address the mitigation of unregulated activities? Will this mean more state regulatory authority?**

*The state will not increase regulatory authority with the acceptance of this Plan. However, part of the development of this Coastal Wetlands Conservation Plan includes the investigation of violations and non-compliances. The Coastal Management Division would appreciate the reporting of any unpermitted activities (504-342-7591). The state will also commit to a set of state-funded wetland creation/enhancement programs to offset these losses.*

**2) Will this lead to more regulations and more government bureaucracy?**

*The state will not increase regulatory authority with this Plan.*

**3) The state and federal agencies should acknowledge the conservation progress that has been made to date -- only 300 acres lost annually due to development activities in recent years and these losses were fully mitigated.**

*Agreed.*

**4) In light of the success in reducing losses due to development, the state needs to shift more effort toward coastal restoration addressing process alteration losses not development.**

*The Coastal Restoration Division is currently addressing these losses through the CWPPRA program. Other losses, however small in comparison, need to be addressed and will be covered in the Coastal Wetlands Conservation Plan with the goal of no net loss due to developmental activities. By law, it is necessary to address developmental losses to qualify for the cost-share reductions which will allow the state to fight more of the natural wetlands loss processes.*

**Larry Handley**

**1) Cumulative & indirect developmental impacts are substantial and should be addressed in the conservation plan.**

*The Coastal Wetlands Conservation Plan will investigate whether or not the mitigation regulations and implementation of these regulations was adequate in 1993 to restore or create wetlands that were destroyed due to developmental activities with an equivalent wetland both in size and in function and value. Any net losses will hopefully be prevented under the 1995 mitigation regulations, however, this Plan will propose alternative technologies, incentive programs, etc., with the goal of attaining no net loss of wetlands as a direct effect of development activities within the jurisdictional area of the Plan. During the review of an application for a proposed use, cumulative and secondary impacts are considered on a qualitative basis and,*

*whenever possible, on a quantitative basis.*

Vernon Bearhorst

1) The state will need substantially more money to adequately address the coastal erosion crisis.

*One of the benefits of the approval of this Plan will be the reduction of the state's cost share with the federal government on CWPPRA projects. This plan will allow the State's Wetland Trust Fund dollars to go further.*

2) Can we restore the Mississippi River sub-delta area now experiencing the highest loss rates? Is it feasible to do?

*The Coastal Restoration Division is investigating possible large-scale projects which will address the severe wetland loss problems along the Mississippi River. They are also researching feasibility, cost, and possible funding alternatives.*

3) What will it cost?

*Please refer to previous response.*

4) What revenue streams can be tapped?

*Please refer to previous response.*

5) What long-term plans should be made if we cannot adequately restore the coastal zone?

*Long term alternatives are currently being explored. The Coastal Restoration Division is investigating several alternatives to implementing large-scale restoration projects which will potentially restore vast areas of coastal wetlands. In conjunction with these restoration alternatives, socioeconomic effects of these restoration efforts are also being considered.*

6) What restoration actions are possible and feasible? We must admit that some actions will not be possible and take appropriate action.

*Several alternatives are currently being investigated and include large-scale projects of the same type as existing CWPPRA projects (i.e., freshwater diversions, sediment diversions, etc.). The feasibility of a number of options are currently being investigated.*

7) Suggested that the state and federal government establish a "survival line" or "hold-fast line" and invest restoration funding north of the line where positive results are possible. Coastal areas to the south would be left to the forces of nature.



*Coastal restoration projects are chosen through a selective process which ensures that only those projects with the highest probabilities of success are implemented. This selective process considers marsh type, hydrology, fisheries access, and other parameters which are indicators of a wetland health. Only those projects which display the highest potential for success are selected.*

8) We must accept that there are physical and financial constraints that must be considered when developing a coastal conservation plan.

*The Coastal Wetlands Conservation Plan will have a goal of attaining no net loss due to developmental activities only. It will take into consideration only the wetland losses from direct impacts due to developmental activities, and will not consider losses resulting from natural processes or past human activities. Any financial requirements resulting from this plan will be on the part of the permit applicant who will be required to pay for mitigation activities to offset the permitted loss of wetlands.*

9) Strongly indicated that state and federal agencies heavily involve both the public and industry in conservation plan and restoration plan development and implementation.

*The purpose of this series of public meetings is to solicit input from the public on the Coastal Wetlands Conservation Plan.*

10) Discussed the fact that CWPPRA originally excluded projects that included flood control, navigation, and/or drinking water resource protection goals. Urged that this be changed.

*The emphasis of the CWPPRA program is to create, restore, enhance, and protect the state's vegetated coastal wetlands that are being lost due to a variety of reasons. The CWPPRA program was not created to provide funding for flood control or navigation (the Corps of Engineers has funding for this) or to provide funding for local drinking water projects. These resources will benefit by the restoration of degraded wetlands, however, they are not the primary focus of the CWPPRA program.*

11) Would like CWPPRA to include other constituents--urged more participation.

*CWPPRA currently involves the Louisiana Department of Natural Resources, 5 federal agencies, and numerous local governments, private companies, and private landowners.*

Gary Begnaut

1) How much coastal wetlands are eroding annually in Louisiana?

*Current estimates are that Louisiana is losing between 25 and 35 square miles of wetlands per year.*

2) Permitting program and mitigation regulations are working adequately to reduce loss due to development.

*Comment noted.*

3) Complained that the state and federal governmental agencies are putting a lot of effort toward addressing only 1% of the annual coastal wetland losses (developmental activities).

*The state is putting much more effort into the remaining 99% of the wetland loss through the CWPPRA program. However, we need to address every cause of wetland loss in the state. Simply because developmental activity only accounts for a small proportion of the total wetland loss each year does not mean that it is not important.*

4) Urged DNR and other agencies to pay much more attention to the other causes of wetland losses making up about 99% of the state's annual loss in the coastal zone.

*Please refer to previous response.*

Caroll Vinning

1) Pointed out that there is a place in Louisiana where we are building wetlands - delta building at mouth of the Atchafalaya River south of Morgan City. Changes in use of coastal wetlands will take place in both the area where building is occurring and the rest of the coast experiencing losses.

*Comment noted.*

Brad Broussard

1) The conservation plan should address losses of wetlands due to tidal fluctuation --scouring, and bank erosion, due to increased tidal flow after channels are constructed.

*The goal of the Coastal Wetlands Conservation Plan is to attain no net loss of wetlands due to developmental activities. The erosion and tidal scour problems are being addressed through the CWPPRA program and by projects funded through other means. These types of projects are not within the scope of the Plan.*

Tom Hess

1) Asked if DNR's mitigation program will also provide small landowners with mitigation assistance.

*DNR's mitigation staff is available to assist landowners with possible mitigation projects. In addition, we are working with the NRCS to develop a program that would make NRCS staff available to help landowners develop mitigation projects consistent with pre-approved criteria.*

2) Also asked if marsh enhancement projects will require mitigation in the plan or be encouraged due to its wetland benefits?

*Marsh enhancement projects are evaluated for both their benefits and impacts. Proposed "enhancement" projects whose benefits do not outweigh their impacts are not approved. Mitigation for a project is based on the NET wetland losses that will accrue. As a properly designed marsh enhancement project will have positive benefits, no mitigation will be required.*

Charlie Mestayer

1) Plan should recommend resolving the title and mineral claims on private lands that have eroded and become navigable (claimed by the state). Urged the state to resolve land ownership questions on coastal water bottoms that are later reclaimed (restored) from open water back to vegetative marsh.

*This issue is beyond the scope of the Coastal Wetlands Conservation Plan.*

2) What is happening between Wax Lake Outlet and western Vermilion Bay?

*There are several state and CWPPRA restoration projects between Wax Lake Outlet and Vermilion Bay. These include Hammock Lake (T/V-02a), Yellow Bayou (T/V-02b), Marsh Island Control Structures (T/V-06), Boston Canal (T/V-09), Vermilion River Cutoff (T/V-03), and Cote Blanche (T/V-04), and others.*

3) The state and federal CWPPRA agencies must identify what we can feasibly do to address (restore) the coastal areas eroding due to process alterations (99% of the problem) not only development related losses.

*The state is putting much more effort into the remaining 99% of the wetland loss through the CWPPRA program. However, we need to address every cause of wetland loss in the state. Simply because developmental activity only accounts for a small proportion of the total wetland loss each year does not mean that it is not important.*

Cleve Thibodeaux

1) Sea level rise is a serious problem -- can coastal restoration projects keep up with sea level rise?

*Coastal restoration will not have an effect on global sea level rise, however, restoration projects, and particularly freshwater and sediment diversion projects, can improve the health of wetlands. Healthy wetlands have the ability to capture sediments and increase in elevation due to vegetative growth and productivity. Healthy wetlands have historically been able to increase their elevation at roughly the same rate as they have been "sinking" due to sea level rise and subsidence.*

2) Why did everglades get \$200 million from Congress this past year but La. gets only \$35 million? Louisiana coastal wetlands are much more productive and valuable.

*The Everglades are more well known than the Louisiana wetlands. The State of Louisiana is beginning a nationwide public relations campaign which will increase public awareness relative to the value and fragility of coastal wetlands in Louisiana.*

Mike

1) Will total state restoration funding stay same or go up after the required state match is reduced from 25% to 10% ?

*The total dollar amount will remain the same, however, the amount that the state must contribute will decrease. The state has had difficulties generating enough money to satisfy the matching requirement and has been in danger of not being able to use the entire federal amount. The decreased cost share will allow the state to utilize the entire federal amount and may leave some monies available for state-only projects.*

Judge Edwards

Specifically what landowners "incentive" programs are being considered for inclusion in the conservation plan?

*At this time the main landowner incentive program being considered involves a cooperative agreement with the NRCS for a dedicated WRP-type program for the coastal area. This program would provide expertise and funding for restoration of prior converted croplands and other degraded wetlands areas. Other incentive programs are being evaluated as part of the Statewide Wetlands Conservation and Management Strategy and include tax incentives, planning and technical assistance, recognition programs and critical area acquisition. These programs will be available to all Louisiana landowners.*

Mark Shirley

1) Pointed out that small demonstration projects involve the public and get a lot of local interest. This helps generate support for coastal restoration. Supports the continued funding of "small" restoration projects.

*Agreed. A component of the Coastal Wetlands Conservation Plan will be provision of state funds for locally sponsored restoration projects.*

HOUMA, LA  
10/23/96

Robert Gabin

1) Finds it easy to work with the state (specifically DNR). Believes that DNR understands

*Comment noted.*

2) Problems/challenges the state should consider:

- a). There are many agencies, etc. involved. Ask that DNR take control/charge -- be the glue that holds coastal restoration together because they have state's interest at heart. No net loss good goal--but don't have strings attached.

*The Louisiana Department of Natural Resources is the common link between federal, state, and local agencies, and private companies and landowners when it comes to the CWPPRA program and coastal restoration in Louisiana.*

- b) CWPPRA has been a good program in Terrebonne Parish. Sediment and fresh water, however, are needed in the marsh. Houma navigation channel has breaks/eroded cuts along the banks allowing salt water intrusion. Would like state and federal agencies to make good on promises made in past -- achieve "no net loss" of coastal wetlands.

*The Coastal Wetlands Conservation Plan is an attempt to attain no net loss of wetlands due to developmental activities. It does not address wetland losses due to other processes. The CWPPRA program addresses the remaining wetland losses. Coastal wetland loss in Louisiana is a big problem and can not be halted overnight. There are many long term alternatives currently being explored. The Coastal Restoration Division is investigating several alternatives to implementing large-scale restoration projects which will potentially restore vast areas of coastal wetlands. In conjunction with these restoration alternatives, socioeconomic effects of these restoration efforts are also being*

*considered.*

- c) Need "triage" approach to problems caused by Houma Navigation Channel:
- restore levees/channel banks;
  - utilize sediments beneficially; and
  - reduce saltwater intrusion.

*The state and FEMA have funded restoration projects along the HNC. There is currently a demonstration project along Falgout Canal (adjacent to the HNC) that is utilizing several shoreline protection techniques to evaluate their effectiveness.*

Richard Leonard

- 1) What does COE think of a state coastal wetland conservation plan? Promotes beneficial use of dredging material in the entire coastal zone.

*The COE is heavily involved with CWPPRA and has worked with DNR in utilizing dredged material in a number of places coastwide.*

- 2) Sometimes there are gaps in restoration approaches because of time and money constraints.

*Agreed.*

- 3) Oyster leases are just leases. A lot of good projects have been shelved because of oyster industry conflicts. These conflicts must be resolved so that we can move forward.

*DNR has been actively working find methods to minimize oyster industry conflicts and find a method of resolving conflicts that do occur. We anticipate that a solution will be forthcoming shortly.*

- 4) When we mitigate, we frequently do more than is required to assure a 1:1 restoration requirement. Want to maintain current ratio at 1:1.

*Changing the way mitigation requirements are assessed will require modification of the legislatively approved mitigation regulations. No such changes are envisioned at this time.*

David Chauvin

- 1) Urged that the plan protect private property rights. If you regulate activities on private property, then landowner must be compensated at a fair price. Deal with landowner in a

rational manner. Be sure information is accurate.

*Every effort is made to ensure that a landowner is allowed to utilize his land in a manner that is consistent with state and federal laws. The landowner is always provided an opportunity to enter any information he deems important into the record for consideration. If he does not feel he is being dealt with fairly, there are numerous routes of appeal open to him.*

Sylvia Hebert

1) Will draft copy of coastal wetland conservation plan be available on the internet?

Yes.

2) Why is it taking 6-7 months to get general permits authorized and approved? Would like to see the process shortened.

*The proposed new general permits must be reviewed in great detail to ensure that the activities they will authorize have minimal individual and cumulative impacts and that each of the activities is consistent with the Coastal Use Guidelines. In addition, the affected user groups have been polled to ensure that the general permit will actually have some utility and that it accurately represents the types of projects that they perform. Much of the delays have involved waiting for input from those user groups and incorporating suggestions they have made.*

3) Doesn't think there is enough awareness in the business community regarding the effects of continued coastal wetland loss (i.e., infrastructure losses, increased costs of doing business, increased liability, investment risks, loss of customers, etc.).

*The State of Louisiana is beginning a nationwide public relations campaign which will increase public awareness relative to the value and fragility of coastal wetlands in Louisiana. A component of the Coastal Wetlands Conservation Plan will focus on outreach to various sectors - industry, local governments, the general public, etc. - to ensure everyone is aware of the benefits wetlands provide.*

Bob Marmande

1) Terrebonne Parish is currently losing 11 sq. acres/year due to "natural" wetland losses; why are the state and federal agencies spending so much time looking at statewide development related permitted losses of only 300 acres/year?

*The state and federal agencies must look at all facets of wetland loss within the coastal zone. The development of the Coastal Wetlands Conservation Plan is only a small part of the overall wetland*

**Baton Rouge**  
**January 14, 1997**

R. R. Brookshire

Requested a copy of the new edition of the Private Lands Technical Assistance Handbook.

*A copy of the new Handbook will be sent to Mr. Brookshire when it is completed.*

Ed Fike

As proposed in the draft plan, what do you mean by "monitoring 404 permits" (i.e., what is the objective).

*The objective is to ensure that all permitted activities in the Plan area are reflected in the database so that the success of the State's no-net loss measures can be evaluated and modified as necessary.*

Rick Hartman

How will LDNR offset wetland losses that Corps does not mitigate? (nationwide permitting, etc.)

*LDNR has proposed a list of state-sponsored initiatives to mitigate for wetland losses of this type. These initiatives include: state-funded, state-constructed wetland restoration projects; state-funded, locally-constructed restoration projects; a state-funded WRP program for coastal areas; and continued funding of Corps beneficial-use of dredged material projects.*

Bill Herke

How will private wetland agreements assure that wetlands enhanced/created remain into the future?

*In some instances (the coastal WRP program, for example), landowners will be required to sign agreements specifying the types of uses allowable on the property and the duration of the commitment. Unless otherwise specified in a pre-construction agreement, proposed future projects impacting the enhanced/created wetland areas will subject to regulation through the Corps' 404 and Coastal Use Permitting programs.*

Dugan Sabins

Should the plan include a section on BTNEP as a local conservation initiative?

*A section on BTNEP will be included in the plan.*



*The state is sponsoring a public meeting on water management/drainage management in the Lower Atchafalaya/Western Bayou Lafourche Basins, Oct. 31, 1996 in Thibodaux, LA. Development projects in the area are evaluated for any impacts they may have on the hydrology and sediment deposition patterns of the region. Projects that will enhance marsh nourishment are "credited" with the benefits when evaluating mitigation requirements.*

**Ronnie Shaw**

1) Mr. Shaw distributed a line drawing of a proposed development in Terrebonne parish called the "Fisherman's Retreat" at Bayou Dularge (he indicated that he is now selling lots and water frontage for the development).

2) He urged the state to include the important tourism and recreational values associated with coastal wetlands (marina development, etc.). He pointed out how these recreational projects help create income that is needed to develop industry and values that we need to protect. People build camps that need to be protected. Private interests need to get involved. There should be a quicker way to deal with problems that develop. How do we come together and discuss these things? We live here. We want to protect and preserve it.

*Ecotourism is one of the benefits that we receive from our wetlands. This can be in the form of money from fishermen, hunters, boaters, etc. that visit the wetlands and use the camps and motels and restaurants in the coastal areas. This is a very important consideration for preserving and protecting the wetlands.*

**Bobby Marnands**

1) What are the goals of the proposed pumps in lower Terrebonne Parish (Bayou Beouf pumping stations)?

*The proposed benefits will be salinity reductions east of Amellia in the Terrebonne Basin.*

1) Will the state coastal wetland conservation plan just end up being just another layer of governmental red tape that we will have to abide by? Is it a new regulatory program?

*The Coastal Wetlands Conservation Plan is not a regulatory program. It is a means by which the state can evaluate the effectiveness of its mitigation and permitting program and provide for no net loss of coastal wetlands due to developmental activities under the current guidelines and existing legislative authorities.*

2) The state of Louisiana has a great CZM plan. The mitigation aspects of the plan, however, are the most difficult to get through. The COE (mitigation requirements) do not always agree with the state mitigation requirements. This should be resolved.

*It is the goal of the Coastal Management Division to work with the landowners and with the Corps of Engineers to develop mitigation projects that will satisfy both requirements.*

3) The state is missing out on a golden opportunity for obtaining restoration funds through mitigation. The state should develop a \$ value for impacted acres and have the money go into a trust fund that can be used for large beneficial projects as opposed to small mitigation site "band-aid" approaches.

*Currently, some of the mitigation required in CMD permits is in the form of contributions to either mitigation banks (which pool resources for larger-scale projects) or to the Wetlands Conservation and Restoration Fund (which contributes to the state's match for CWPPRA projects). Criteria detailing when mitigation can be provided for a project by contributing monies to either a mitigation bank or the Wetlands Conservation and Restoration Fund are found in the mitigation rules and regulations.*

4) Somebody should be given ultimate authority on wetland permit issues and make a decision. Currently too many agencies have to comment before a project can go through.

*DNR has the ultimate authority concerning state wetland permits and the Corps of Engineers has the ultimate authority from a federal perspective. The commenting agencies each have a legislative mandate to protect certain resources. Issuing a permit without due consideration of the comments provided can ultimately cause serious delays for the applicant while an aggrieved agency exhausts its appeals processes.*

Alec Osteimer

1) High water in the Atchafalaya Basin is killing hardwoods in Terrebonne Parish. The water and sediment is available but it is currently not being used beneficially. Projects are being developed that will block the flow of water and sediment into the marshes. Why not use this for beneficial uses?

*conservation, protection, and restoration effort. The majority of the state and the CWPPRA effort is spent on the 25-35 square mile loss due to process-related losses.*

2) We need to get to real issue of coastal land loss not related to development.

*Please refer to previous response.*

3) How much Breaux-Johnston Act money has been appropriated to date? How many projects have been completed?

*\$180,171,092 has been appropriated for 69 projects through Priority Project List 5. Cost share agreements have been executed for 45, 8 are under construction, 11 are completed and 3 projects have been deferred.*

4) We have spent about \$200 million on restoration -\$5 million of which has been used for to support involved agencies mandated to get projects going.

*The five federal agencies and the state share in \$5 million per year to conduct planning efforts associated with CWPPRA. Not all of this money goes to the agencies, however. In recent years a large portion has gone to fund large scale feasibility studies on the Barrier Islands and Mississippi River to make sure that the monies are spent on the most cost effective projects possible.*

5) The state conservation plan must address hurricane protection.

*The Coastal Wetlands Conservation Plan is mandated to address wetland loss due to developmental activities within the coastal area. The CWPPRA program is addressing larger scale losses. We should remember that healthy wetlands do provide protection from storm surges and hurricanes. This is one of the benefits that we receive from the CWPPRA program.*

6) Does Secretary Caldwell support barrier island restoration?

*Mr. Caldwell is supportive of any restoration project that is cost effective, well thought out, and employs the best design techniques. The Department is currently negotiating land rights on three CWPPRA Barrier Island projects and an agreement in principle has been reached. Should the landowners and the Department come to terms and the appropriate approvals be received, then the projects are estimated to begin sometime in 1997. The three projects will total \$22,561,157 in engineering and construction costs.*

Kenny Smith

Who at EPA will be reviewing the draft plan for final approval?

*The legislation authorizing development of the Plan designates the Administrator of EPA as the signatory authority.*

Paul Coreil

Timelines for plan approval/implementation (when will cost-share reduction take effect)?

*Once the Plan has been submitted to the federal agencies for review, they must either approve or provide comments on sections of the Plan needing further clarification or modification within 180 days. If revisions are necessary, the federal agencies will have 90 days after resubmittal to approve the Plan.*

When will 10% cost-share reduction go into effect?

When will 15% cost-share reduction go into effect?

*The State's cost-share reduction to 10% will apply to "Priority Lists 5 and 6". This correlates to projects placed on the project list in 1996 and 1997. Projects on future Priority Lists will be eligible for a state-cost share of 15%.*

Ed Fike

What is the definition of "no-net loss" in the Plan?

*"No-net loss", for purposes of the Plan, means that wetlands, and to the extent practicable their functions and values, lost to development activities will be replaced through implementation of projects especially designed to create or benefit wetlands. Such projects may be either "mitigation" - activities conducted by a permittee to offset losses associated with a specific project - or more general restoration to offset non-specific losses.*

**Lake Charles**  
**January 21, 1997**

Malcolm Savoie

Mitigation should focus on construction of marsh management water control structures more than vegetative plantings.

*Mitigation is reviewed and approved on site-specific factors. In many areas vegetative plantings provide a very cost-effective mechanism for reducing erosion and trapping sediment. Water control structures are frequently used to benefit large acreages, especially in areas where ingress and egress of estuarine organisms will not be hindered.*

Brent Nunez

Indicated that the Cameron Parish Police Jury supports the draft Coastal Wetlands Conservation Plan. In the Plan there is a reference to waste pit clean-up funds available. Please provide details on how to apply for and obtain these funds.

*LDNR thanks the Cameron Parish Police Jury for its support. Information on clean-up funds will be provided to Mr. Nunez under separate cover.*

Lloyd Oakely

Please explain private property rights issue better in the Plan.

*The issue of private property rights is not a matter being considered by the Plan. All new programs will concentrate on incentive programs to encourage private land owners to restore, enhance and preserve their wetland properties.*

David Richard

Plan review/approval time frame - can it be speeded up? (wants time frame shortened!)

*LDNR is doing everything in its power to expedite the process. The federal agencies have expressed an interest in providing approval/response to the submitted Plan within 90 days if possible.*

The Corps should give Louisiana credit for creating wetlands using dredge spoil beneficially. A fair credit system should be clarified in the plan and agreed upon by the Corps.

Need to be using all dredge material available to create wetlands (marsh creation and beach nourishment/shoreline restoration).

*Dredged material has long been recognized as a source of sediment for combatting wetland loss. The Coastal Restoration Division has a number of projects which do exactly that. For example, the Bayou Labranche (PO-17) project, adjacent to I-10 and Lake Pontchartrain outside of New Orleans, created 350 acres of wetland in a shallow open water area where wetlands had previously been lost. Other similar projects are being planned and implemented through the Coastal Restoration Division and the Coastal Wetlands Planning, Protection, and Restoration Act. However, there is still an abundance of dredge material that is being lost every year because it is NOT being used to benefit wetlands. The Plan calls for recognition of the State's cost-share contribution to the beneficial use of dredged material associated with federal navigation projects.*

Rodney Gilbeaux

Also expressed support for quick approval of the Plan so that reduced cost share can be achieved.

Who do you contact to assure beneficial use of dredge materials?"

*The Coastal Restoration Division is currently planning a number of projects to utilize dredge material for the benefit of wetlands. The US Army Corps of Engineers is responsible for maintenance dredging of most navigable waters in Louisiana. Their activities are potentially the largest source of dredge material for restoring wetlands.*

Rep. Dan Flavin

Expressed willingness to seek legislative support for the Plan if this would be beneficial.

Need Congressional support for maximum use of dredged material to create wetlands (delegation should urge Corps support).

*LNDR appreciates Representative Flavin's support.*

**Metairie**  
**January 28, 1997**

Jay Vincent

Does not want DNR to reauthorize certain Corps nationwide permits in Louisiana (numbers 7, 12, 13, 14, 23, 26, 29, 31).

*LDNR's consistency authority over Corps nationwide permits extends only to those activities occurring in the Coastal Zone. Unless legislatively exempted, all wetland-impacting projects proposed in the Coastal Zone require an authorization from CMD prior to initiation of work.*

Are you working with BTNEP?

*Not directly, only to the extent that they are interested in getting involved through the public meeting forum. The Department of Natural Resources has contracted with 3 different groups to assist in the development of the plan. In addition, we are seeking input from the public and from any other group that wishes to submit comments. Any comments that the Barataria-Terrebonne National Estuary Program wishes to submit (whether they apply to only the Barataria and Terrebonne areas, or coast-wide) would be greatly appreciated.*

Could we get a coastal wetlands web page on the internet that focuses on permit actions (both COE and DNR permits)?

*The Department of Natural Resources Coastal Management Division currently has a web page (<http://www.dnr.state.la.us/coastmgt.htm>) and the USACE headquarters has a web page (<http://www.hq.usace.army.mil/>) and many of the districts also have pages (Vicksburg: <http://www.lmk.usace.army.mil/rmm.htm>.; New Orleans: <http://www.lmn.usace.army.mil/>; Galveston: <http://www.usace.army.mil/swg/>). These pages offer information and points of contact, however, no current website exists that focuses entirely on permit activities in coastal Louisiana. LDNR intends to upgrade its Internet capabilities as resources permit.*

Woody Crews

Indicated that he read the draft Plan from cover to cover and that he supports plan as written.

*LDNR appreciates Mr. Crews' support.*

Rudy Nubeck

Move process losses comment from Houma to not applicable in plan.

*Comment noted.*

Beverly Etrhridge

Will draft Plan be used to focus attention on wetland loss problem?

*The goal of the Plan is to achieve "no net loss of coastal wetlands" as a result of developmental activities initiated subsequent to the implementation of this plan. This plan will only focus attention on wetland loss resulting from developmental activities. The Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA) funds restoration efforts through 5 federal agencies and the Louisiana Department of Natural Resources Coastal Restoration Division to address wetland losses due to natural causes and losses resulting from large-scale anthropogenic alterations to coastal hydrology (i.e. levee-ing of the Mississippi River).*

*The public education component of the Plan will, however, include discussions of natural loss processes in establishing the overall wetlands loss problem facing Louisiana.*



**Lafayette**  
**January 29, 1997**

Doug Svendson

Does no-net loss goal of the Plan effect future development activities only?

*Yes.*

How will this Plan affect routine oil/gas exploration related permits?

*As a practical matter, oil and gas related permits will be handled exactly as they are now.*

Denis Dugas

Which agency will be responsible for Plan implementation?

*LDNR will be responsible for implementing and enforcing the Plan.*

Mark Shirley

Will other agencies continue to be involved in the Coastal Use Permit process.

*Yes. Nothing in the Plan will change the roles of the other resource or regulatory agencies.*

Will private landowners see any changes in the application process related to implementing coastal projects on their land?

*No. No new regulatory components are being proposed as part of the Plan.*

Will there be assistance for landowners to assure that impacts on their lands are mitigated?

*Yes. LDNR will ensure that landowners are notified of proposed projects on their property and whether or not mitigation will be required. NRCS has agreed to work with landowners to develop wetland enhancement/restoration projects to ensure that mitigation is conducted on the affected landowners' property if at all possible.*

Because herbivory contributes significantly to our serious marsh deterioration problem, will there be incentives offered that will encourage more trappers to harvest fur in the marsh (i.e., bounty system, cash incentives, etc)?

*The Plan will focus on losses associated with developmental activities and mechanisms for offsetting those impacts. However, LDNR and LDWF have teamed to provide economic*

*incentives to harvest nutria by increasing the market price of nutria pelts by one dollar per pelt. Information on this program can be obtained by contacting LDNR's Coastal Restoration Project Manager Mr. Chet Fruge at 504/342-7308 or LDWF's Project Manager Mr. Greg Linscombe at 318/373-0032.*

Robert Quebedeaux

Will Section 404 permits now be reviewed and handled only by the state?

*No. Section 404 permits will continue to be processed by the Corps.*

Ed Kyle

Will we see the final draft Plan before it goes to the federal agencies for final approval?

*Yes. LDNR will send drafts of all versions of the Plan to the public for review and comment prior to submittal to the federal agencies.*

Judge Edwards

How will mitigation and marsh management be monitored under the Plan?

*LDNR's Field Investigation Section and Enforcement Section will continue to monitor such projects for compliance with permit conditions.*

Mark Pope

How does DNR feel about the Christmas Tree Program?

*The Parish Coastal Wetlands Restoration Program (Christmas Tree Recycling Program) provides money each year to parishes for the purpose of constructing and/or maintaining christmas tree brush fences within their wetland areas. In a report generated by the Coastal Restoration Division in March 1996, the average benefits of christmas tree projects were compared with other restoration activities and were found to be the least expensive and more cost effective than some other project types. These projects also facilitate widespread public involvement and awareness of Louisiana's coastal wetland issues.*

**Houma**  
**January 21, 1997**

Robert Gavin

How will the final version of the Plan be communicated to the public?

*The draft of the final Plan will be sent to the public prior to submittal to the federal agencies for approval.*

Will the State legislature be involved in the approval process?

*There will be no new legislation, rules or regulations incorporated into the Plan, thus legislative approval is not required. Any legislative support would be most welcome.*

Richard Leonhard

Will the public be able to comment on the final version of the plan submitted to the federal agencies?

*The draft of the final Plan will be sent to the public prior to submittal to the federal agencies for approval.*

Enhancement of a degraded wetland should be considered in the mitigation process (not net-loss).

*The mitigation process specifically evaluates the net loss of wetland habitat values. Any habitat enhancing features of a project will be used to offset any unavoidable losses.*

Rep. Dupre

Will it help if the Louisiana State Legislature passes a concurrent resolution supporting the plan?

*Any legislative support would be most welcome.*

In CWPPRA II (second phase of reauthorization funding), are you going to address areas of greatest loss?

*The Coastal Restoration Division and the federal agencies which co-sponsor CWPPRA projects have developed a protocol for evaluating proposed projects and estimating their potential for success (the Wetland Value Assessment). The Coastal Restoration Division Federal Assistance Section evaluates projects on an annual basis and selects the most cost-effective projects and those with the greatest potential for success. The proposed projects are typically in areas where wetland losses have been most severe. The Federal Assistance Section then submits a proposed "priority list" to the Task Force for approval. So far the task force has approved 5 priority lists. It is not expected that the implementation of this*

*Coastal Wetland Conservation Plan will have any effect on the selection of CWPPRA projects, since the Plan will address losses due to developmental activities and the CWPPRA program addresses losses due to natural and existing anthropogenic causes of wetland loss on a more systemic level.*

What is the difference between what developers now face and what will be faced under this Plan?

*The wetlands regulatory processes now in effect will not change with approval of the Plan.*

Cyras Theriot

Do any other states have a similar plan?

*Many other states have Wetland Conservation Plans, or are currently developing such plans (i.e., Tennessee, Arkansas, Oregon, Texas, Oklahoma). These conservation plans have been promoted and supported by the Environmental Protection Agency.*

Wilson Rhodes

Need big bucks (and big projects) to address the problem - not little projects that don't result in significant restoration.

*The Plan is being developed to allow full utilization of currently available federal funds and to free up state funds for the construction of major state-funded projects.*

Rudy Bergeron

What type of restoration projects will be implemented in Louisiana and where will they be implemented?"

*The type of project and location will depend on what type of activities are permitted. Remember that the Coastal Wetlands Conservation Plan will address wetland losses due to developmental activities, and will deal primarily with mitigation projects and best management practices to minimize damages and restore equivalent wetland areas if damages are unavoidable. This Plan will not address coastal wetland loss due to natural phenomenon or losses due to activities initiated prior to the implementation of this plan. However, mitigation projects are generally implemented as close as possible to the site where the developmental activities are permitted. Mitigation projects will vary depending on the permitted activity and the estimated damage to the wetlands.*

Area south of Falgout Canal needs fresh water.

*The Plan only deals with wetland losses associated with developmental activities. Fresh water input into the Falgout Canal area is not an issue that can be addressed by the Plan.*

Bob Armour

Where has CWPPRA money been spent to date?

*CWPPRA money has been spent in all facets of project planning, design, construction, and monitoring of coastal restoration projects. To date, 5 priority lists have been approved through CWPPRA, accounting for 68 total projects.*

How much has been spent?

*The answer to this question changes every day as progress is made on the projects authorized under the first five CWPPRA priority lists. However, approximately \$170 million has been **authorized** to be spent on these 68 projects.*

**Baton Rouge**  
**April 30, 1997**

Gene Joanen

**Define the words "enhancement", "restoration" and "creation" as they are being used in the Plan.**

*Enhancement is a term used to differentiate benefits to wetlands (such as increased sediments and nutrients, decreased salinity, etc.) that increase the quality of the wetland habitat.*

*Restoration is a term that describes the process of taking a degraded wetland habitat and returning it to it's former, healthier state.*

*Creation refers to the process of building wetland acreage in an area that is currently open water.*

**Approximately how many acres of each type (enhancement, restoration, or creation) has the state accomplished?**

*It is estimated that through CWPPRA, approximately 879,428 acres (1374 mi<sup>2</sup>) will be created, restored, protected, or enhanced over the 20-year life expectancy of the first 6 priority project lists approved by the CWPPRA Task Force. Of this number, approximately 73,687 acres will be either created, restored, or protected, and 805,741 acres will be enhanced. The first 6 lists include 80 projects: 13 are completed, 7 are under construction, 42 are in the planning and design stages, 4 have been de-authorized, 14 are demonstration projects.*

**How much money is given to Parishes for Christmas tree projects and how successful are they relative to other types of wetlands restoration projects?**

*Currently \$18,000 is offered each year to each coastal zone parish. Initially the program offered \$10,000 per year.*

*The projects, when compared to other projects at their scale, have been documented to be successful as a wetland restoration technique. Other successes are in public awareness and promotion of recycling.*

**Has heard that some private landowners are concerned about having Christmas tree type projects on their property because of the liability associated with having public volunteers involved. How is that issue dealt with?**

*Our Scopes Of Service allow volunteers only for the collection of Christmas trees and their*

*placement into brush fences. All construction must be done by a contractor or parish employees. Only two parishes still incorporate volunteers. All others rely on a subcontractor for all of their work (collection of trees, construction of brush fences, placement of trees, planting of vegetation).*

**What happens to the treated wood, wire, etc. left when a Christmas tree crib is abandoned?**

*The few projects we have abandoned have been removed. All materials are required to be removed and discarded properly. If possible then material can be reused.*

**Are most Christmas tree projects on public or private lands?**

*Our projects are located on both. Probably a few more are located on or adjacent to private land versus public.*

(Unidentified)

**What are “valuable” trees, besides cypress, in the swamps, etc.?**

*The word “valuable” is subject to interpretation. Trees provide (among other things) nesting habitat for birds, improved water quality for fisheries, timber, and storm protection for urban areas. Besides cypress, swamp red maple and black tupello come to mind. There are a few oaks, such as water oaks and nutall oaks, which are less common but valuable. When planting trees to improve wildlife habitat, species that provide soft or hard “mast” (seeds and nuts) are generally used. These include maples, elms, ash, pecans, oaks, etc.*

Patti Holland

**Acres replaced by the DNR/NRCS WRP program, will they be in the defined coastal area?**

*The DNR/NRCS WRP initiative will target coastal wetlands that have been altered and have a history of crop production or grazing use and coastal wetlands that have been altered to the point that their wetlands functions and values have been significantly reduced or eliminated.*

Ronnie Shaw

**Need to establish a facilitator/ombudsman to deal with/answer complaints, questions regarding applications for coastal use permit applications.**

*Any questions or complaints about the Coastal Use Permit process can be directed to Rocky Hinds, Permits and Mitigation Program Manager, at 504/342-7998 or 1-800-267-4019.*

**Can interagency interaction be facilitated? No current action on Class A permits, what can be done?**

*Every effort is made to facilitate interagency communication and cooperation. Action on Class A permits has been held in abeyance pending the promulgation of rules for the issuance of such permits. We anticipate this issue to be resolved in the very near future.*

**During the permitting process an applicant needs to submit a mitigation plan. Will the state maintain a database for suitable mitigation projects and choices that would be appropriate?**

*The Coastal Management Division has requested lists of proposed mitigation projects from each of the coastal parishes and the major coastal landowners. Additionally, NRCS personnel are available to work with landowners to develop acceptable mitigation projects on their properties. Any additions to the lists we currently have would be greatly appreciated.*

**Finding mitigation that is acceptable with the federal agencies is difficult for small projects. Will the state facilitate mitigation interaction with the federal agencies or just inform the applicant that mitigation is needed?**

*The state works very closely with the federal agencies to ensure that the mitigation evaluation process works as smoothly as possible. LDNR has been working with our state and federal partners for sometime to develop a "Programmatic General Permit" (PGP) for small projects occurring in the Coastal Zone. Upon implementation of the PGP, in most cases, if a project involves less than 3 acres of impacts, the state will assume the lead role in permitting and mitigation review.*

**How do you contact the NRCS?**

*The main office in Louisiana can be contacted at:*

*U.S. Department of Agriculture  
Natural Resources Conservation Service  
3737 Government St.  
Alexandria, Louisiana 71202  
(318) 473-7668  
ncg.nrcs.usda.gov*

*Addresses and phone numbers of local NRCS offices can be found in the "blue pages" of the phone book under "United States Government - , Agriculture Department of -, Natural Resources Conservation Service" (in older phone books it may be listed as the "Soil Conservation Service").*