

State of Louisiana



M.J. "MIKE" FOSTER, JR.
GOVERNOR

JACK C. CALDWELL
SECRETARY

DEPARTMENT OF NATURAL RESOURCES

July 24, 2002

To: Local Coastal Management Administrators

From: Gregory J. DuCote, Program Manager
Interagency Affairs, Coastal Management Division (CMD)

Re: Commenting on State Concerns

A handwritten signature in black ink, appearing to be "GJ DuCote", written over the "From:" line of the memo.

After having completed all but one of the periodic reviews, two recurring themes have become obvious. The first is a great deal of concern about the comment periods for state concern permits: Coastal Use Permits (CUPs) and General Permits (GPs). The second has been a lack of any notification at all for some state concerns being processed as general permits. I would like to let each of you have an insight into our preliminary findings.

According to the information and procedures we operate under, you actually receive copies of all of the state concern applications, CUPs and GPs, twice. The following is a brief description of the CMD notification process for permit application.

A permit application arrives at CMD.

1. A permit number is assigned.
2. Bill Pittman reviews the application and makes state or local determination.
3. A copy of the application (whether state or local concern) is forwarded to the parishes with a *state/local transmittal sheet* attached to front (**Attachment 1**). **This is the first time you receive a copy of an application; it is the first indication you have that a project is a state concern and, therefore a potential GP.**

If the application is a local concern, the LCP administrator processes the application.

If the application is a state concern, it is assigned to a CMD permit analyst.

1. The analyst reviews the application and decides to issue as a GP or CUP.
2. If the application is processed as a GP, the analyst faxes copies of the application with a *GP Special Agency Notice (Attachment 2)* to all appropriate parties which does include the parish in which the activity will take place. A brief list and description of all General Permits is attached (**Attachment 3**).
3. If the application will be processed as a CUP, it will be put on public notice. Public notices are mailed weekly, and all LCP administrators are on the public notice list. All revisions to state concern permit applications are also forwarded to the LCP administrators.

The GP notify or CUP public notice is the second time you receive a copy of a state concern.

This is standard operating procedure in the CMD permitting department, and it is strictly adhered to. If you take advantage of the fact that you receive these applications prior to the beginning of the notification period, I believe that, with some coordination and planning, you will be able to distribute copies to those in your parish interested in commenting and gather your comments in time to meet the 5, 10 or 15 day deadline and have plenty of time for commenting on CUPs. In addition, familiarizing yourself with what is or is not a GP will greatly increase your chances to get your comments, to the analyst, in a timely fashion.

In the early periodic reviews and public meetings when we were drawn into these discussions about the general permit comment periods, I explained that many of the general permits were put on public notice for renewal in 2001, and that Interagency Affairs sent more than one request to the parishes for comments on these general permits **prior** to their going out on public notice. At that time, every parish had the opportunity to offer comments. The general permits are renewed every 5 years. I suggest that the next time general permits are put on public notice you take that opportunity to give your input. Until then, it will be best if you develop an efficient method of reviewing applications and providing timely input. Make certain that you direct your comments, in writing, to the CMD analyst. This can be email, fax or letter. I further suggest that you copy Interagency Affairs so that we can assist in making sure that your comments are addressed. Note: It does not serve any significant purpose to make your comments to the applicants.

At one of the review meetings, I was asked to provide copies of the abovementioned Interagency Affairs' memo requesting parish input on General Permits up for renewal. I have included that memo dated April 23, 2001 (**Attachment 4**) and the follow-up email dated November 13, 2001 (**Attachment 5**). Please keep today's memo and attachments on file for reference. I would appreciate your sharing all of this information with your advisory committee members and any other interested parties as well as copies of your EMUs, the goals, objectives and policies which are to be found in your official parish local program document.

As to how you should comment on state concerns, we suggest you use the EMU goals, objectives and policies as your basic criteria for commenting. When each Local Coastal Parish Program was developed, a parish document providing information on the parish was required for each program. Part of the requirement was to divide the parish into like, physical areas known as Environmental Management Units (EMU). Each EMU was developed with goals, objectives and policies for that particular area where soils, hydrology, terrain, land use etc. were similar. These goals, objectives and policies were developed for the local administration, with the assistance of an advisory committee and/or citizens to use in commenting on state concern application, the idea being that local people are more aware of the specifics and needs of an area than the state analysts.

Only you can initiate and implement an effective policy in your parish. Take the time to educate your constituents who are interested in participating in the commenting opportunity. Develop a process that works between your program and the state program.