



LOUISIANA COASTAL RESOURCES PROGRAM

DRAFT ENVIRONMENTAL IMPACT STATEMENT

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
OFFICE OF COASTAL ZONE MANAGEMENT

and

LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT
COASTAL MANAGEMENT SECTION





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Rockville, Md. 20852

MEMORANDUM

DATE: September 21, 1979

TO: Recipients of the Draft Environmental Impact
Statement Prepared on the Proposed Louisiana Coastal
Resources Program

FROM: Robert R. Kifer, Chief *Richard B. Zimmerman*
NEPA Compliance Unit *for*

SUBJECT: Public Hearings

You are invited to attend public hearings to be held on the Draft Environmental Impact Statement prepared on the proposed Louisiana Coastal Resources Program.

The views of interested persons and organizations will be solicited. These may be expressed orally or in written statements. Presentations will be scheduled on a first-come, first-serve basis, and may be limited to a maximum of 10 minutes, or as otherwise appropriate. Priority will be given to those with written statements.

Parties unable to attend the scheduled public hearings may be assured that written comments submitted to the Office of Coastal Zone Management, 3300 Whitehaven Street, Washington, D.C. 20235 will receive the same consideration as oral comments presented at the public hearings.

Hearings will be held in the following locations:

New Orleans, October 30, 1979 - 7:00 p.m.
City Council Chambers, City Hall
1300 Perdido Street
New Orleans, Louisiana

Houma, October 31, 1979 - 6:00 p.m.
Terrebonne High School Auditorium
Main Street at St. Charles Street
Houma, Louisiana

Abbeville, November 1, 1979 - 7:00 p.m.
Comeaux Recreation Center
301 Memorial Drive
Abbeville, Louisiana



UNITED STATES DEPARTMENT OF COMMERCE

DRAFT ENVIRONMENTAL IMPACT STATEMENT

AND THE

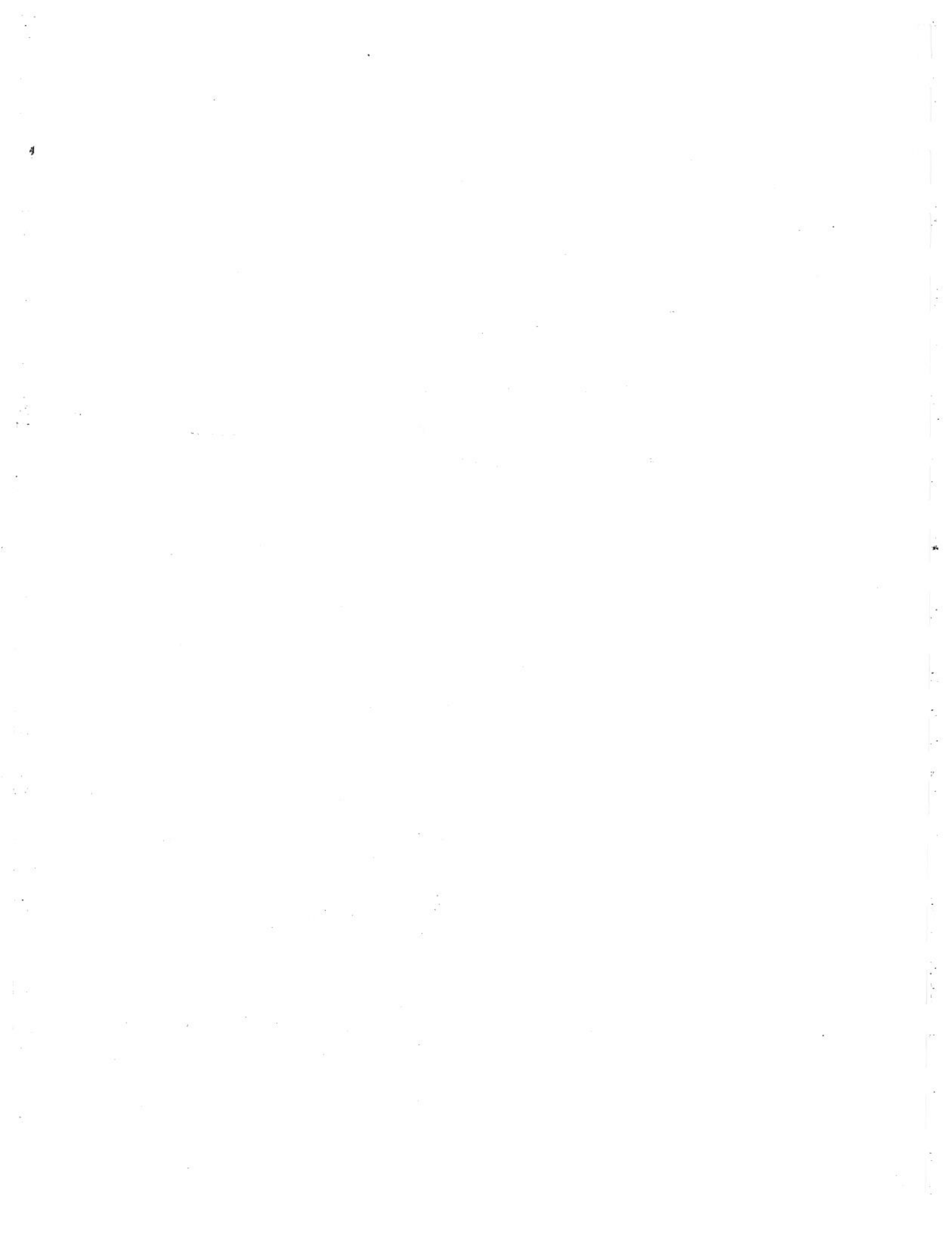
PROPOSED LOUISIANA COASTAL RESOURCES PROGRAM

Prepared by:

Office of Coastal Zone Management
National Oceanic and Atmospheric
Administration
Department of Commerce
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

and

Louisiana Coastal Resources Program
Louisiana Department of Transportation
and Development
P. O. Box 44245
Baton Rouge, Louisiana 70804



DESIGNATION: Draft Environmental Impact Statement

TITLE: Proposed Federal Approval of the Louisiana Coastal Resources Program

ABSTRACT: The State of Louisiana has submitted its Coastal Resources Program to the Office of Coastal Zone Management for approval. Approval would allow program administrative grants to be awarded to the state, and require that federal actions be consistent with the program. This document includes a copy of the program (Part II) which is a comprehensive management program for coastal land and water use activities. It consists of numerous policies on diverse management issues which are enforced by various state laws, and is the culmination of several years of program development.

Approval and implementation of the program will enhance governance of the state's coastal land and water areas and uses according to the coastal policies and standards. The effect of these policies is to condition, restrict or prohibit various uses in parts of the coastal zone, while encouraging development and other uses in other parts. This program will improve decision-making processes for determining appropriate coastal land and water uses in light of resource considerations and increase public awareness in coastal resources. The program will result in some short-term economic impacts on coastal users but will lead to increased long-term protection of the state's coastal resources.

Federal alternatives include delaying or denying approval if certain requirements of the Coastal Zone Management Act have not been met. The state could modify parts of the program or withdraw their application for federal approval if either of the above federal alternatives result from circulation of this document.

APPLICANT: Louisiana Department of Transportation and Development

LEAD AGENCY: U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of Coastal Zone Management

CONTACT: Ms. Ann Berger-Blundon
Acting Gulf-Islands Regional Manager
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235 (202/254-7546)

TABLE OF CONTENTS

SUMMARY	PAGE
Louisiana Coastal Resources Program	1
Changes the program will make	1
Areas of Controversy	2
Issues to be resolved	5
PART I: PURPOSE AND NEED	7
PART II: DESCRIPTION OF THE PROPOSED ACTION - THE LOUISIANA COASTAL RESOURCES PROGRAM	13
Executive Summary	17
Why Louisiana needs CZM	17
Louisiana's Response - Act 361	18
Program Completion Process	20
Guide to the DEIS	21
Chapter I: Overview	23
Introduction	23
Description of the Natural Environment	23
Renewable Resources	24
Nonrenewable Resources	28
Population	29
Water Transporation	29
Federal State and Local Roles in Managing the Coastal Zone	33
Issues and Problems	34
Use Problems of the Coastal Zone	34
Institutional Problems	37
Resource Problems	38
Chapter II: Program Policies and Objectives	43
Introduction	43
Coastal Use Guidelines	44
Goals for Development of the Guidelines	45
The Guidelines Development Process	46
How to use the Coastal Use Guidelines	47
Amendments to the Guidelines	49
Revised Guidelines (7/26/79)	49
Guidelines Applicable to all Uses	50
Guidelines for Levees	54
Guidelines for Linear Facilities	55
Guidelines for Dredged Spoil Deposition	57
Guidelines for Shoreline Modification	58
Guidelines for Surface Alterations	59
Guidelines for Hydrologic and Sediment Transport Modifications	61

TABLE OF CONTENTS

Guidelines for Disposal of Wastes	62
Guidelines for Uses that Result in the Alteration of Waters Draining into the Coastal Waters	63
Guidelines for Oil, Gas and other Mineral Activities	64
Guideline Definitions	67
Other State Policies Incorporated into the Program	69
Chapter III: Boundary	71
Introduction	71
Louisiana Coastal Zone Boundaries	73
Excluded Federal Lands	74
Chapter IV: Organization and Authorities	77
Introduction	77
Organizational Responsibilities for Program Implementation	77
Methods of Program Implementation	83
Acquisition of Property	98
Memoranda of Understanding	98
Coordinated Permit Process	100
Chapter V: Special Management Areas	101
Introduction	101
Special Area Management Provisions of Act 361	101
Existing Special Areas	103
Other Potential Special Management Areas	107
Chapter VI: National Interest, Federal Consistency and Uses of Regional Benefit	115
Consideration of the National Interest	115
Introduction	115
Act 361 and the National Interest	116
Description of National Interests	117
Federal Consistency	130
Introduction	130
Procedures for Consistency Review	131
Standards for Determining Consistency	131
Federal Activities and Development Projects	134
Uses of Regional Benefit	138
Chapter VII: Program Objectives and Action Items	143
PART III: Alternatives to the Proposed Action	147
PART IV: Description of the Affected Environment	155
PART V: Environmental Consequences	159
Probable Impacts of the Proposed Action on the Environment	161
Direct Effects of Federal Approval	161
Indirect Effects of Federal Approval	164

Appendices:

a.	References	a-1
b.	Act 361	b-1
c.	Rules and Regulations	
	1. Rules and Procedures for Coastal Use Permits	c1-1
	2. Rules for Approval of Local Program	c2-1
	3. Rules for Public Hearings	c3-1
	4. Rules for Special Areas	c4-1
d.	Shoreline Access and Protection	d-1
e.	Energy Facility Planning Process	e-1
f.	Shoreline Erosion	f-1
g.	Public Involvement	g-1
h.	Federal Consultation	h-1
i.	Annotated Bibliography of Work Products	i-1
j.	Coastal Zone Boundary	j-1
k.	LCC Membership	k-1
l.	State Constitutional and Statutory Provisions incorporated into the LCRP	l-1
m.	Additional Definitions	m-1

LIST OF FIGURES

Fig. I-1	Vegetation Map	Page 25
Fig. I-2	Relationship Between Fisheries Yields and Intertidal Areas for the Gulf of Mexico	Page 27
Fig. III-1	Boundary	Page 72
Fig. IV-2	Financial Assistance to Local Governments	Page 90
Fig. V-1	Superport Special Area	Page 105
Fig. VI-1	Federal Consistency Procedures	Page 132
Fig. VI-2	Federal Licenses and Permits Subject to Certification of Consistency	Page 136

TABLES

Table 1	Program Completion Process	Page 20
Table I-1	Louisiana Ports-Waterborne Commerce of Rivers, Bayous and Waterways	Page 30
Table III-1	Approximate Areas of Major Federally Controlled lands in the Louisiana Coastal Zone	Page 76
Table VI-1	National Interest Facilities	Page 118
Table VI-2	Resources in Which There Is a National Interest	Page 118

GLOSSARY

ACC, ACC/DHHR	Air Control Commission, Louisiana Department of Health and Human Resources
ACT 361	The Louisiana State and Local Coastal Resources Management Act of 1978
AG	Attorney General
CEI	Coastal Environments, Inc.
CEIP	Coastal Energy Impact Program
CRP	Coastal Resources Program
CZMA	The federal Coastal Zone Management Act (P.L. 92-583)
CZM	Coastal Zone Management
DCRT	Department of Culture, Recreation and Tourism
DEIS	Draft Environmental Impact Statement
DHHR	Department of Health and Human Resources
DNR	Louisiana Department of Natural Resources
DPS	Department of Public Safety
DOT	Department of Transportation
DOTD	Louisiana Department of Transportation and Development
DSL, DSL/DNR	Division of State Lands, Louisiana Department of Natural Resources
DWF	Louisiana Department of Wildlife and Fisheries
EPA	U. S. Environmental Protection Agency
FEIS	Final Environmental Impact Statement
HUD	U. S. Housing and Urban Development
LACCMR	Louisiana Advisory Commission on Coastal and Marine Resources

LEAA	Louisiana Environmental Affairs Act
LCC	Louisiana Coastal Commission
LCRP	Louisiana Coastal Resources Program
LOOP	Louisiana Offshore Oil Port
LOTA, LOTA/DOTD	Louisiana Offshore Terminal Authority, Louisiana Department of Transportation and Development
LSMA	Louisiana Special Management Areas
MOU	Memorandum of Understanding
NASA	National Aeronautics and Space Administration
NEPA	National Environmental Policy Act
NOAA	National Oceanic and Atmospheric Administration
NOBRMA	New Orleans - Baton Rouge Metropolitan Area
OA	Office of Aviation
OC, OC/DNR	Office of Conservation Louisiana Department of Natural Resources
OCS	Outer Continental Shelf
OCZM	National Oceanic and Atmospheric Administration's (NOAA) Office of Coastal Zone Management
OEA, OEA/DNR	Office of Environmental Affairs, Louisiana Department of Natural Resources
OMR, OMR/DNR	Office of Mineral Resources, Louisiana Department of Natural Resources
OPW	Office of Public Works
SCC, SCC/DWF	Stream Control Commission, Louisiana Department of Wildlife and Fisheries
SWFRC	Southwest Federal Regional Council

DISTRIBUTION: Comments have been requested from the following Federal, State and Local agencies and other parties:

Federal Agencies

Advisory Council on Historic Preservation
Department of Agriculture
Department of Commerce
Department of Defense
Department of Energy
Department of Health, Education & Welfare
Department of Housing & Urban Development
Department of the Interior
Department of Justice
Department of Labor
Department of Transportation
U.S. Coast Guard
Environmental Protection Agency
Federal Emergency Management
Federal Energy Regulatory Commission
General Services Administration
Marine Mammal Commission
Nuclear Regulatory Commission

National Interest Groups

A.M.E.R.I.C.A.N.
AFL-CIO
American Association of Port Authorities
American Bar Association
American Bureau of Shipping
American Farm Bureau Federation
American Fisheries Society
American Forest Institute
American Gas Association
American Hotel and Motel Association
American Industrial Development Council
American Institute of Architects
American Institute of Merchant Shipping
American Institute of Planners
American Littoral Society
American Mining Congress
American Oceanic Organization
American Petroleum Institute
American Shore and Beach Preservation Association
American Society of Civil Engineers
American Society of Landscape Architects, Inc.
American Society of Planning Officials
American Water Resources Association
American Waterways Operators
Amoco Production Company
Ashland Oil, Inc.

National Interest Groups (Continued)

Associated General Contractors of America
Association of Oil Pipe Lines
Atlantic Richfield Company
Atlantic States Marine Fisheries Commission
Atomic Industrial Forum
Barrier Islands Coalition
Boating Industry Association
Center for Law and Social Policy
Center for Natural Areas
Center for Urban Affairs
Center for Urban & Regional Resources
Chamber of Commerce of the United States
Chevron U.S.A., Inc.
Cities Service Company
City Service Oil Company
Coastal States Organization
Conservation Foundation
Continental Oil Company
Council of State Governments
Council of State Planning Agencies
The Cousteau Society
Earth Metabolic Design Laboratories, Inc.
Edison Electric Institute
El Paso Natural Gas Co.
Environmental Policy Center
Environmental Defense Fund, Inc.
Environmental Law Institute
EXXON Company, U.S.A.
Friends of the Earth
Getty Oil Company
Great Lakes Basin Commission
Gulf Energy and Minerals, U.S.
Gulf Oil Company
Gulf Refining Company
Gulf South Atlantic Fisheries Development Foundation
Independent Petroleum Association of America
Industrial Union of Marine and Shipbuilding Workers of America
Institute for the Human Environment
Institute for Marine Studies
Interstate Natural Gas Association of America
Izaak Walton League
Lake Michigan Federation
League of Conservation Voters
League of Women Voters Education Fund
Marathon Oil Company
Marine Technology Society
Mobil Oil Corporation
Mobil Exploration & Producing, Inc.
Murphy Oil Company
National Academy of Engineering
National Association of Conservation Districts
National Association of Counties

National Interest Groups (Continued)

National Association of Dredging Contractors
National Association of Electric Companies
National Association of Engine and Boat Manufacturers
National Association of Home Builders
National Association of Realtors
National Association of Regional Councils
National Association of State Boating Law Administrators
National Association of State Park Directors
National Audubon Society
National Boating Federation
National Canners Association
National Coalition for Marine Conservation, Inc.
National Commission on Marine Policy
National Conference of State Legislators
National Environmental Development Association
National Farmers Union
National Federation of Fisherman
National Fisheries Institute
National Forest Products Association
National Governors Association
National League of Cities
National Ocean Industries Association
National Parks and Conservation Association
National Petroleum Council
National Petroleum Refiners Association
National Realty Committee
National Recreation and Park Association
National Research Council
National Science Foundation
National Science Teachers Association
National Shrimp Congress
National Society of Professional Engineers
National Wildlife Federation
National Waterways Conference
Natural Gas Pipeline Company of America
Natural Resources Defense Council
The Nature Conservancy
Nautilus Press
New England River Basin Commission
North Atlantic Ports Association
Outboard Marine Corporation
Resources for the Future
Rice University Center for Community Design and Development
Shell Oil Company
Shellfish Institute of North America
Shipbuilders Council of America
Sierra Club
Skelly Oil Company
Society of Industrial Realtors

National Interest Groups (Continued)

Society of Real Estate Appraisers
Soil Conservation Society of America
Southern California Gas Company
Sport Fishing Institute
Standard Oil Company of Ohio
Sun Company, Inc.
Tenneco Oil Company
Texaco, Inc.
Texas A & M University
United Brotherhood of Carpenters & Joiners of America
Union Oil Company of California
Urban Research and Development Association, Inc.
U.S. Conference of Mayors
U.S. Power Squadrons
Virginia Marine Resources Commission
Water Pollution Control Federation
Water Transport Association
Western Oil and Gas Association
Wildlife Management Institute
The Wildlife Society
World Dredging Association

State and Local Agencies

Assumption Parish Police Jury
Board of Commissioners of the Port of Lake Charles
Board of Commissioners of the Port of New Orleans
Calcasieu Parish CZM Advisory Committee
Calcasieu Parish Police Jury
Cameron Parish CZM Advisory Committee
Cameron Parish Police Jury
Capital Region Planning Commission
City of Abbeville
City of Cameron
City of Franklin
City of Houma
City of Lafayette
City of LaPlace
City of Morgan City
City of New Iberia
City of New Orleans
City of Slidell
City of Thibodaux
Evangeline Economic Development Commission
House Committee on Natural Resources
Iberia Parish CZM Advisory Committee
Iberia Parish Police Jury
Imperial Calcasieu Regional Planning and Development Commission
Jefferson Parish Council
Jefferson Parish CZM Advisory Committee
Lafourche Parish CZM Advisory Committee
Lafourche Parish Police Jury
Livingston Parish CZM Advisory Committee
Livingston Parish Police Jury
Louisiana Attorney General's Office
Louisiana Coastal Commission
Louisiana Department of Agriculture
Louisiana Department of Culture, Recreation and Tourism
Louisiana Department of Health and Human Resources
Louisiana Department of Justice
Louisiana Department of Natural Resources
Louisiana Department of Public Service
Louisiana Department of Wildlife and Fisheries
Louisiana Legislative Council
Louisiana Soil and Water Conservation Commission
Louisiana State Park and Recreation Commission
Louisiana State Planning Office
Louisiana State University
Louisiana State University Center for Wetland Resource
Louisiana State University Marine Extension Service
Louisiana Stream Control Commission
New Orleans City Planning Commission
Nicholls State University
Plaquemine Parish Commission Council
Regional Planning Commission for Jefferson, Orleans, St. Bernard and
St. Tammany Parishes

State and Local Agencies (continued)

St. Bernard Parish CZM Advisory Committee
St. Bernard Parish Planning Commission
St. Bernard Parish Police Jury
St. Charles Parish CZM Advisory Committee
St. Charles Parish Police Jury
St. James Parish CZM Advisory Committee
St. James Parish Police Jury
St. John the Baptist Parish CZM Advisory Committee
St. John the Baptist Parish Police Jury
St. Mary Parish CZM Advisory Committee
St. Mary Parish Police Jury
St. Tammany Parish CZM Advisory Committee
St. Tammany Parish Planning Commission
St. Tammany Parish Police Jury
Senate Committee on Natural Resources
South Central Planning and Development Commission
South Louisiana Port Commission
Tangipahoa Parish CZM Advisory Committee
Tangipahoa Parish Police Jury
Terrebonne Parish CZM Advisory Committee
Terrebonne Parish Police Jury
University of New Orleans
University of Southwest Louisiana
Vermilion Parish CZM Advisory Committee
Vermilion Parish Police Jury

State and Local Interest Groups

AFL-CIO
American Lung Association
American Rice Growers Association
American Shrimp Cannery Association
American Sugar Cane League
Association of General Contractors of Louisiana
Baton Rouge Audubon Society
Burk and Associates, Inc.
Cactus Clyde Productions
Central Louisiana Electric Company
Clio Sportsman's League
Coastal Environments, Inc.
Council for A Better Louisiana
Crown Zellerbach Corporation
Delta Chapter-Sierra Club
Ecology Center of Louisiana
Energy Impact Association
Enviro-med Laboratories, Inc.
Envirosphere
Freeport Chemical Company
Gulf States Utilities, Inc.
Harvey Canal Industrial Association
Homebuilders Association of Greater New Orleans
Louisiana Association of Business and Industry

State and Local Interest Groups (continued)

Louisiana Association of Municipalities
Louisiana Chemical Association
Louisiana Farm Bureau Association
Louisiana Fisheries Federation
Louisiana Forestry Association
Louisiana Intracoastal Seaway Association
Louisiana Land and Exploration Corporation
Louisiana Land Royalty Owners of Louisiana
Louisiana Landowners Association, Inc.
Louisiana Levee Boards Association
Louisiana Manufacturers Association
Louisiana Oyster Dealers Association
Louisiana Police Jury Association
Louisiana Power and Light
Louisiana Seafood Dealers Association
Louisiana Wildlife Federation
Mid-Continent Oil and Gas Association
Miller - Vidor Land Company
Milling, Saala, Benson, Woodward and Hillyer
New Orleans Chapter of the Audubon Society
New Orleans Public Service, Inc.
New Orleans Shrimp Company
Public Affairs Research Council
River Region Chamber of Commerce
St. Charles Parish Environmental Council
St. Mary-Franklin Banner-Tribute
Schrober and Associates
Sellers, Dubroc and Associates
State Times and Morning Advocate
State Item and Times Picayune
Steimle, Smalley and Associates, Inc.
Tangipahoa Environmental Council
T. Baker Smith and Son, Inc.

Other Interested Parties

Environmental Management Library
Gulf Coast Research Laboratories, Inc.
Kaiser Aluminum and Chemical Corporation
Kirby Lumber Company
Liberty Fish and Oyster Company
MAVAR Shrimp and Oyster Company
New Orleans East, Inc.
OLIN Company
Shrimp Association of the Americas
Southeastern Fisheries Association
Texas Eastern Transmission Company
Zapata Haynie Corporation

Representative Corrine C. Boggs
Representative John Breaux
Representative David Treen

Other Interest Parties (continued)

Representative Robert Livingston
Representative Gillis Long
Representative Henson Moore

Senator J. Bennett Johnston
Senator Russell Long

SUMMARY

A) LOUISIANA COASTAL RESOURCES PROGRAM

The Louisiana Coastal Resources Program (LCRP) is based, in large part, on the Louisiana State and Local Coastal Resources Management Act of 1978 (Act 361). The comprehensive coastal management program authorized by Act 361 and described in Part II of this document contains the following basic elements:

- 1) a comprehensive set of coastal zone management policies - These policies will guide land and water use decision making within the coastal zone. This policy base includes a new set of enforceable policies referred to as coastal use guidelines as well as other state regulatory policies which have been incorporated into the program.
- (2) an organized state and local government structure for implementation of the above policies - This structure includes the implementation of a new state coastal use permit program and coordination procedures to ensure that the activities of other state agencies and deepwater ports are consistent with the coastal use guidelines. A specific role is provided for local governments, who may voluntarily develop local coastal management programs. The Louisiana Coastal Commission which represents state, local and various private interest groups plays a key role in the development of the guidelines and implementation.
- (3) The delineation of the coastal zone boundary - The coastal zone is bounded on the east and west by the respective Mississippi and Texas borders, on the south by Louisiana's three-mile seaward boundary, and on the north, generally, by the Intracoastal Waterway running from the Texas-Louisiana state line then following highways through Vermilion, Iberia, and St. Mary Parishes, then dipping southward following the natural ridges below Houma, then turning northward to take in their entirety the parishes of St. Charles, Plaquemines, St. Bernard, Orleans, Jefferson, St. John the Baptist and St. James, a portion of the parishes on the northern shore of Lake Pontchartrain and ending at the Mississippi-Louisiana border.

B) CHANGES THE PROGRAM WILL MAKE

Implementation of the LCRP will result in significant changes in the manner in which the coastal resources of the state are managed. Most significant are provisions for:

- 1) the application of a new set of comprehensive state coastal policy, the coastal use guidelines, to coastal land and water use decision making.
- 2) the implementation of new permit system, the coastal use permit system, as the primary means of enforcing the coastal use guidelines.

- 3) the implementation of procedures to insure that deep water port and state and local government activities not subject to the coastal use permit program, are consistent with the guidelines.
- 4) the development of a coordinated permit process to streamline the implementation of Federal, state and local permit programs in the coastal area.
- 5) a specific local government role in the development and implementation of the LCRP, including procedures whereby coastal parishes may voluntarily assume a greater role in the coastal management process through the development of local coastal management programs.
- 6) the management of unique coastal areas through the development of special areas management programs including enhancement efforts such as the development of a state fresh-water diversion plan to build coastal marshes.
- 7) the consideration of the national interests in coastal decision-making and the prevention of the arbitrary exclusion of uses of regional benefit from the coastal zone.
- 8) the development of procedures to assure that the activities Federal agencies affecting the coastal zone are coordinated and consistent with the policies of the program.

Federal approval of the LCRP will mostly strengthen the state's efforts to implement the program. Approval will provide much needed funding for activities such as the development of local coastal programs, administration of the coastal use permit program and enforcement and monitoring systems. Federal approval will also ensure that federal agency actions will be consistent, to the maximum extent practicable, with the policies of the LCRP.

C) AREAS OF CONTROVERSY

Several areas of controversy have been prevalent throughout the development of the LCRP. The following discussion summarizes the major issue areas that evolved during the early steps of program development prior to the passage of Act 361 in the summer of 1978 and the program development process that has followed.

The delineation of the inland boundary of the coastal zone has been the most controversial issue related to development of the LCRP. This task was complicated by difficulties in determining the precise boundaries between the freshwater, transitional, and salt water wetlands found in the coastal area as well as widely divergent opinions as to the need to include these and other areas e.g., "fast lands" within the coastal boundary. A wide variety of boundaries, reflecting the above differences of opinion have been proposed over the course of the last five years. These boundaries include the 26 southern most parishes in their entirety, a line approximately the five foot elevation contour, and a line three miles inland from the shoreline.

The inland boundary delineated by Act 361 and described in Chapter III represents a compromise between these and other previously proposed boundaries. The inland boundary also meets the minimum requirements of the CZMA in that it includes the specific resource areas noted in Sections 304(1) and (2) of the CZMA.

The second area of controversy centered on relative roles that the state and local levels of government would play in implementing the program. Previously proposed management structures, for example, tended either to emphasize too clearly a predominantly state or local role, or failed to clearly delineate how the two levels of government would interact.

Act 361 attempts to resolve this controversial issue by providing a shared state-local (parish) partnership for the management of the Louisiana coastal zone. Although the elements of this approach are discussed in detail in Chapter IV, the essential elements are as follows. The primary responsibility for implementing the policies of the LCRP is located at the state level in that the Department of Transportation Development will be responsible for implementing the coastal use permit system. Coastal parishes may, however, voluntarily develop local management programs. If these programs are found to be consistent with the programs policies and other applicable requirements, parishes may then assume the regulation of a certain class of activities, i.e., uses of local concern as well as a stronger role in reviewing state and federal activities. It should also be noted that local governments are well represented on the Louisiana Coastal Commission which, among other functions, plays a key role in the development of the coastal use guidelines, and acts as the appeals body for coastal use permit and local program approval decisions.

Another area of controversy involved widespread concern that the development of a separate regulatory system for purposes of implementing the LCRP would further complicate the administration of existing local, state, and federal regulatory programs. Of major concern was the interface between the state coastal regulatory system and the Section 10/404 permit processes of the U.S. Army Corps of Engineers.

Act 361 provides for the resolution of some of these intergovernmental coordination problems through a number of means (see Chapter IV). These include provisions that two existing permit programs be utilized for implementing state coastal policy in-lieu of the coastal use permit system, so long as these existing regulatory programs are implemented in a manner consistent with the coastal use guidelines. DOTD is currently developing agencies to ensure that such in-lieu permits and other such activities undertaken, conducted or supported by state agencies be consistent with the coastal use guidelines memoranda of understanding with other

Act 361 also provides that certain Deepwater port commissions and Deepwater port, harbor, and terminal Districts are not required to obtain coastal use permits, provided that their activities are consistent to the maximum extent practicable with the state program and affected local programs. The LCRP will ensure that such activities are consistent through the use of federal consistency review procedures and will seek to develop memoranda of understanding and special area plans with such

ports to identify and resolve conflicts before they reach the permitting stage.

The DOTD is also currently beginning the development of a coordinated and streamlined permit review process pursuant to Act 361. This process will include memoranda of understanding with relevant state and federal agencies and is tentatively scheduled to be in place in early 1980.

The determination of those uses proposed to be located within the Coastal Zone which would be exempt from the coastal use permit process, and hence the application of the coastal use guidelines is also a controversial issue.

Section 213.15 of Act 361 provides for several types of exemptions. For example, while "fast lands" and "lands five feet above mean sea level" are included within the coastal zone, Act 361 provides that activities occurring on or within these areas do not require a coastal use permit, except when the secretary of DOTD finds that such an activity would have a direct and significant impact in coastal waters.

Act 361 also provides that activities within the jurisdiction of Louisiana Offshore Terminal Authority (LOTA), related to the construction of the Louisiana Offshore Oil Port do not require a coastal use permit. This activity must however be consistent with the environmental protection plan of LOTA, ensuring protection of the area in question.

Act 361 also provides that construction of a residence or camp does not require a coastal use permit. The DOTD has, in its procedural rules for implementation of the coastal use permit provided a detailed clarification of these exemptions so as to minimize any adverse environmental impacts that might result from an overly broad interpretation of these two statutory exemptions.

The final area of major controversy in the development of the LCRP relates to the specificity and predictability of the coastal use guidelines, which are the principle policy base of the program. Pursuant to the mandate of section 213.8 of Act 361, draft guidelines were made available by DOTD in the LCRP Hearing Draft document in March, 1979. With few exceptions, most reviewers who submitted written comments and/or appeared at the two public hearings on the guidelines and the Hearing Draft expressed the belief that the draft guidelines were too ambiguous, leaving too much discretion to the administrator of the program. Most reviewers went on to note that the use of terms such as "best available", "when appropriate", "if feasible" and "maximum extent practical" when used to modify standards contained in the guidelines would prevent the predictable application of the guideline by decision makers.

In response to the comments received on the draft guidelines, the guidelines were substantially revised prior to their submission to the Coastal Commission on May 30, 1979. The major revisions included a reduction in the number of terms used to modify the standards contained in the guidelines and the development of a new guideline 1.8 which provided a "balancing test" to use in applying the guidelines. The term "to the maximum extent practicable" was chosen as the modifier for guideline

standards in which some flexibility in their application was felt to be needed in order to provide for a balanced approach to coastal management. The new guideline 1.8 was then developed to identify the specific factors that must be considered by the decision maker in allowing a proposed activity to proceed when the activity is not in compliance with the standard modified by the term "to the maximum extent practicable". The guidelines contained in this document have also been further refined as a result of the recently completed review of the guidelines by Coastal Commission. This process has resulted in the revision of several guidelines in order to increase their specificity and the development of additional definitions to be used in the application of the guidelines.

D) ISSUES TO BE RESOLVED

Given the nature of the proposed action, which is approval of the Louisiana Coastal Resources Program, all federal alternatives involve a decision to delay or deny approval. To delay or deny approval could be based on failure of the Louisiana program to meet any one of the requirements of the federal Coastal Zone Management Act (CZMA). In approving a CZM program affirmative findings must be made by the Assistant Administrator for Coastal Zone Management on more than twenty requirements.

As noted in the above discussion, the development of the LCRP has been very controversial, and has required the resolution of numerous complex issues, many of which could have resulted in a program deficient with respect to the requirements of the CZMA. The Assistant Administrator for Coastal Zone Management has made a preliminary determination that these deficiencies have been addressed and that Louisiana has met the requirements for program approval under Section 306 of the CZMA.

However, in order to elicit public and agency comment and assure that the Assistant Administrator's initial determination is correct, Part III of this document identifies a number of issue areas where there may be possible deficiencies and considers the alternatives of delaying or denying approval based upon each issue area.

To briefly summarize the alternatives discussion found in Part III, the Assistant Administrator believes that there are two key issues to be resolved by the program review process. More specifically the Assistant Administrator believes that the following are the key reasons why he may consider the alternatives of delaying or denying approval of the LCRP:

- The draft coastal use guidelines contained in the document may not be specific enough to ensure a sufficient degree of predictability in decision-making.
- The exemptions to the coastal use permit program provided by Act 361 may be of such significant scope such that the program cannot provide for the management of all uses having a direct and significant impact on coastal waters.

PART I
PURPOSE AND NEED

PART I. PURPOSE AND NEED

In response to intense pressure, and because of the importance of coastal areas of the United States, Congress passed the Coastal Zone Management Act (P.L. 92-583) (CZMA) which was signed into law on October 27, 1972. The CZMA authorized a federal grant-in-aid program to be administered by the Secretary of Commerce, who in turn, delegated this responsibility to the National Oceanic and Atmospheric Administration's (NOAA), Office of Coastal Zone Management (OCZM). The Coastal Zone Management Act of 1972 was substantially amended on July 26, 1976, (P.L. 94-370). The Act and the 1976 amendments affirm a national interest in the effective protection and development of the coastal zone by providing assistance and encouragement to coastal states in developing and implementing rational programs for managing their coastal areas.

Broad guidelines and the basic requirements of the CZMA provide the necessary direction to states for developing coastal management programs. These guidelines and requirements for program development and approval are contained in 15 CFR Part 923, as revised and published March 28, 1979, in the Federal Register. In summary, the requirements for program approval are that the state develop a management program that:

1. Identifies and evaluates those coastal resources recognized in the CZMA that require management or protection by the state;
2. Re-examines existing policies or develops new policies to manage these resources. These policies must be specific, comprehensive and enforceable, and must provide an adequate degree of predictability as to how coastal resources will be managed;
3. Determines specific uses and specific geographic areas that are to be subject to the management program, based on the nature of identified coastal concerns. Uses and areas to be subject to management should be based on resource capability and suitability analyses, socioeconomic considerations and public preferences;
4. Identifies the inland and seaward areas subject to the management program;
5. Provides for the consideration of the national interest in planning for the siting of facilities that meet more than local requirements; and,
6. Includes sufficient legal authorities and organizational arrangements to implement the program and to insure conformance to it.

In arriving at these substantive aspects of the management program, states are obliged to follow an open process which involves providing information to, and considering the interests of, the general public, special interest groups, local government, and regional, state, interstate and federal agencies.

Section 305(c) of the CZMA authorizes a maximum of four annual grants to develop a coastal management program. After developing a management program, the state may submit it to the Secretary of Commerce for approval pursuant to Section 306 of the CZMA. If approved, the state is then eligible for an annual grant under Section 306 to implement its management program. If a program has deficiencies which need to be remedied or has not received approval by the time Section 305 program development grants have expired, a state may be eligible for preliminary approval and additional funding under Section 305(d). Louisiana was awarded a section 305(d) grant on May 1, 1979.

Section 307 of the CZMA stipulates that federal agency actions shall be consistent, to the maximum extent practicable, with approved state management programs. Section 307 further provides for mediation by the Secretary of Commerce when a serious disagreement arises between a federal agency and a coastal state with respect to a federal consistency issue.

Section 308 of the CZMA contains several provisions for grants and loans to coastal states to enable them to plan for response to onshore impacts resulting from coastal energy activities. To be eligible for assistance under Section 308, coastal states must be receiving 305 or 306 grants, or, in the secretary's view, be developing a management program consistent with the policies and objectives contained in Section 303 of the CZMA. Section 308 has been important to Louisiana. The state has received \$217,406 in planning funds, \$29.8 million in grants and \$56.9 million in loans for financing new or improved facilities and public services, and \$778,000 in funds to help prevent, reduce or ameliorate unavoidable losses to valuable coastal environmental and recreational resources.

Some of the projects funded with Section 308 include equipment for a hospital in Lafourche Parish, a freshwater siphon in St. Bernard that will help to retard saltwater intrusion, and a planning grant for port development in Iberia Parish.

The National Environmental Policy Act of 1969 (NEPA) requires that an environmental impact statement be prepared as part of the review and approval process of major actions by federal agencies which significantly affect the quality of the human environment. The action contemplated here is approval of the Louisiana Coastal Resources Program under Section 306 of the federal Coastal Zone Management Act of 1972, as amended.

Approval qualifies Louisiana for federal matching funds for use in implementing and administering the coastal management program. In addition, the Coastal Zone Management Act stipulates that federal activities affecting the coastal zone shall be consistent, to the maximum extent practicable, with the approved coastal management program.

It is the general policy of the Office of Coastal Zone Management (OCZM) to issue a combined draft environmental impact statement (DEIS) and coastal management program document. Part I of this DEIS was prepared by OCZM and includes a summary of the Louisiana Coastal Resource Program. Part II was prepared by the Louisiana Department of Transportation and Development (DOTD) as were the appendixes and attachments.

Part II also fulfills, in part, the NEPA requirement for a description of the proposed action. Parts III through V address the remainder of the NEPA requirements for a DEIS and were prepared jointly by OCZM and DOTD.

For purposes of reviewing the proposed action, the important federal concerns are:

- whether the Louisiana program is consistent with the objectives and policies of the national legislation;
- whether the award of federal funds under Section 306 of the CZMA will help Louisiana meet those objectives;
- whether the state's management authorities are adequate to implement the LCRP; and
- whether there will be a net environmental benefit as a result of program approval and implementation.

OCZM has made a preliminary assessment that the answers to these questions are affirmative. OCZM wants the widest possible circulation of this document to all interested agencies and parties in order to receive the fullest expression of opinion on these questions, and wishes to thank those participating in the review of the Louisiana program and this draft environmental impact statement.

<u>Requirements</u>	<u>Section of Approval Regulations</u>	<u>Source</u>
Sec. 306(a), which includes the requirements of Sec. 305		
305(b)(1): Boundaries.....	923.31, 923.32	Chapter III
305(b)(2): Uses subject to management.....	923.33, 923.34	Chapter IV
305(b)(3): Areas of particular concern.....	923.11, 923.12	Chapter V
305(b)(4): Means of control.....	923.21, 923.23	Chapter IV
305(b)(5): Guidelines on priorities of uses.....	923.41	Chapter V
305(b)(6): Organizational structure.....	923.22	Chapter IV
305(b)(7): Shorefront planning process.....	923.45	App. d
305(b)(8): Energy facility planning process.....	923.25	App. e
305(b)(9): Erosion planning process.....	923.14	App. f
Sec. 306(c), which includes:	923.26	
306(c)(1): Notice; full participation; consistent with Sec. 303.....	923.58, 923.51 923.55, 923.3	App. g/App. h
306(c)(2)(A): Plan coordination.....	923.56	App. h
306(c)(2)(B): Continuing consultation mechanisms...	923.57	App. h
306(c)(3): Public hearings.....	923.58	App. g
306(c)(4): Gubernatorial review and approval.....	923.47	N/A
306(c)(5): Designation of recipient agency.....	923.46, 923.47	Chapter IV
306(c)(6): Organization.....	923.45, 923.47	Chapter IV
306(c)(7): Authorities.....	923.41, 923.47	Chapter II/IV
306(c)(8): Adequate consideration of natural interests.....	923.52	Chapter VI
306(c)(9): Areas for preservation/restoration.....	923.24	Chapter V
Sec. 306(d), which includes:		
306(d)(1): Administer regulations, control development; resolve conflicts.....	923.41	Chapter IV
306(d)(2): Powers of acquisition, if necessary.....	923.41	Chapter IV
Sec. 306(e), which includes:		
306(e)(1): Technique of control.....	923.41, 923.42	Chapter IV
306(e)(2): Uses of regional benefit.....	923.13, 923.41	Chapter VI
Sec. 307, which includes:		
307(b): Adequate consideration of Federal agency views.....	923.51	Chapter VI/app. h
307(f): Incorporation of Air and water quality requirements.....	923.44	Chapter II/IV

PART II
DESCRIPTION OF THE PROPOSED ACTION
THE LOUISIANA COASTAL RESOURCES PROGRAM



State of Louisiana

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

P. O. BOX 44245

EDWIN EDWARDS
GOVERNOR

Baton Rouge, Louisiana 70804

GEORGE A. FISCHER
SECRETARY

September 15, 1979

Mr. Robert M. Knecht
Office of Coastal Zone Management
3300 Whitehaven Parkway, N.W.
Washington, D.C. 70037

Dear Mr. Knecht:

It is my pleasure to transmit to you the submission draft of the Louisiana Coastal Resources Program. With the publication of this document, we begin the federal review process which will, hopefully, lead to approval of Louisiana's program in January, 1980.

Subsequent to receiving comments on the Draft Environmental Impact Statement, the Louisiana Coastal Resources Program staff along with you and your staff will make appropriate changes in the document to obtain a program that is approvable by the Governor of Louisiana and the Office Of Coastal Zone Management.

After the necessary revisions to the document have been made, the management program will be ready for adoption by the Louisiana Department of Transportation and Development and ready for submission to Governor Edwards for approval. Then the management program will be sent to you for publication as a Final Environmental Impact Statement prior to final federal review and approval by OCZM.

We appreciate the assistance which you and your staff have provided the Louisiana Coastal Resources Program in developing the management program, and we look forward to working with you to complete the development of a management program which will meet the needs of the coastal zone.

Very truly yours,

A handwritten signature in cursive script, likely belonging to George A. Fischer, is written over the typed name.

GEORGE A. FISCHER SECRETARY

Enclosure: Submission Draft

EXECUTIVE SUMMARY

A) WHY LOUISIANA NEEDS COASTAL ZONE MANAGEMENT

Louisiana's coastal zone is valuable to the state's well-being and future. This immense and diverse region supports many activities contributing to the pulse of the state's economy and the life of its people.

Louisiana's coastal area is rich in many resources. In 1977, commercial landings of fish and shellfish in Louisiana coastal and inland waters were 920.1 million pounds, valued at \$138.8 million. Fur-bearing animals such as muskrat, mink, and nutria resulted in a fur catch valued at \$12.5 million in the 1976-77 season. In 1974, agricultural products sold in the coastal parishes had a total market value of \$336 million. These and other renewable resources are dependent on the maintenance of our remarkable coastal environment. For example, the relationship between wetlands and fisheries yields has been well documented.

The development of coastal Louisiana is also necessary. The economy and tax base of the state benefit a great deal from the recovery of many nonrenewable resources including oil and gas. Louisiana is a major petroleum and natural gas producer. In 1976, Louisiana produced an estimated 259,459,000 barrels of crude oil. Including the federally controlled offshore, Louisiana ranked second in the nation in oil production, producing 19 percent of the nation's total.

Yielding up vast nonrenewable as well as renewable resources, Louisiana's coastal environment is being stressed. Land loss, at an average annual rate of 16.5 square miles per year, fresh and salt water imbalances, and intense user activity are among the major problems presently facing coastal Louisiana. Coastal zone management will provide the means through which the state can address these large scale environmental problems. Without such a program, the state's approach can only be piecemeal and haphazard.

The purpose of coastal zone management is to balance conservation and development in the coastal zone. The two need not be in opposition in coastal Louisiana. Only a management program which can successfully balance the two will serve the future of Louisiana.

The reestablishment of local and state leadership concerning the management of coastal resources is another major benefit of adopting a federally approved coastal zone management plan. In recent years, many federal agencies, including the U. S. Army Corps of Engineers and the Environmental Protection Agency, have been granted increasing authority over Louisiana's wetlands. This has resulted in a diminished role for local and state governments.

Under the federal consistency provision of the federal Coastal Zone Management Act, federal actions affecting coastal areas must be consistent with the state's approved coastal plan. Related to the push for more local and state control, Governor Edwards explained in a letter to Colonel Early J. Rush, III, of the Corps of Engineers, "I believe it is essential that the State of Louisiana pursue additional avenues for securing more state and local control over decisions affecting the use of wetlands in south Louisiana."

Coastal zone management offers Louisiana an opportunity to recapture a leadership role in the management of its coastal zone as well as a means to ensure that the benefits this valuable area provides will be maximized for this and future generations.

B) LOUISIANA'S RESPONSE - ACT 361

Louisiana's response to the pressures and problems of the coastal zone came in the form of legislative action. The basis for a comprehensive coastal policy, planning, and management program became law in Louisiana in the summer of 1978 when Governor Edwin Edwards signed Act 361, the State and Local Coastal Resources Management Act of 1978. Despite a tangled legislative battle in which some 400 amendments to the bill were proposed, the CZM package which finally emerged from the Legislature is one which enabled Louisiana to continue receiving federal funds under the provisions of the Coastal Zone Management Act of 1972. More importantly, the Act provided the mechanism by which competing and conflicting coastal uses can be coordinated and balanced by state and local governments. Act 361 provides for the following:

1. General Policy

Seven broad statements of public policy preface the substantive provisions of the Act and point to the divergent interests sought to be accommodated by the CZM legislation. While seeking to protect and, where feasible, restore or enhance coastal resources, the state also seeks to develop, support and encourage multiple use of the resources, while maintaining and enhancing renewable resources, providing adequate economic growth and minimizing adverse effects of one resource use upon another without imposing any undue restriction on any user.

2. Guidelines

In order to implement the general policies, guidelines to be developed under the Act will be the key to determining the parameters of the coastal management program. The guidelines must be followed in the development of state and local programs and will serve as the enforceable criteria for the granting, conditioning, denying, revoking, or modifying of coastal use permits.

3. Boundary

Act 361 also defines the boundary of the coastal zone. The coastal zone is bounded on the east and west by the respective Mississippi and Texas borders, on the south by Louisiana's three mile seaward boundary, and on the north generally by the Intracoastal Waterway running from the Texas-Louisiana state line then following highways through Vermilion, Iberia and St. Mary parishes, then dipping southward following the natural ridges below Houma, then turning northward to take in Lake Pontchartrain and ending at the Mississippi-Louisiana border. Recent amendments to Act 361 expanded the coastal area in certain portions of Lafourche, St. James, St. Charles, St. John the Baptist, St. Mary, and Livingston parishes.

4. Special Management Areas

Act 361 provides for the establishment of areas of particular concern and areas for preservation and restoration. Act 361 states that any person or governmental body can nominate an area as a special management area if it can be shown that the area has unique and valuable characteristics that need special management. Louisiana also has named two areas of particular concern: the Louisiana Superport and Marsh Island. The Louisiana Superport was designated for special management because of its unique problems and the existence of its environmental protection program. Marsh Island was chosen because it has an important role as a wildlife refuge and barrier island.

This year two amendments to Act 361 were passed which relate to special management areas. One amendment directs to the Secretary of the Department of Transportation and Development to identify deteriorating coastal areas and provide steps to protect them including a pilot program to create artificial barrier islands. A second amendment calls for preparation of a state plan for freshwater and sediment diversion projects to offset land loss and saltwater encroachment in coastal wetlands. These two amendments will further help the LCRP enhance the state's coastal resources.

5. Authorities and Organization

Act 361 provides the basic authority, organization, and structure for the state program. Act 361 defines those uses that are to be managed and provides direction and goals for development of guidelines that will be used in making permit decisions and approving local programs. The organizational structure in Act 361 directs the Secretary of

DOTD to administer the program and develop the guidelines in conjunction with the secretaries of DWF and DNR. The Louisiana Coastal Commission plays a major role in development of the guidelines and the permitting process.

6. National Interest

The United States Congress, in enacting the Coastal Zone Management Act of 1972, found that, "...there is a national interest in the effective management, beneficial use, protection, and development of the coastal zone." The Act further requires that states adequately consider the national interest in the development and implementation of approved state coastal management programs. The Louisiana Coastal Resources Program has utilized full participation by federal agencies in determining the national interest in Louisiana's coastal zone. Louisiana recognizes that coastal issues and concerns reflect a national interest in national defense, energy and other facility siting and certain resource protection issues such as wetlands management and the protection of rare and endangered species.

C) PROGRAM COMPLETION PROCESS

An intensive review process is being utilized in the development and completion of the LCRP (see Table I-1). Such a review process will make certain that the final program reflects the feelings and concerns of the people of Louisiana and other interested and affected parties and provides for a balanced approach to economic development and coastal resource protection.

Table I-1 Tentative dates for program completion process

	<u>Completion Date</u>	<u>Hearing(s) Date</u>
I. Hearing Draft	March 12, 1979	April 17, 18, 1979
II. Draft Environmental Impact Statement	September, 1979	early November
III. Final Environmental Impact Statement	December, 1979	No Hearing
IV. Program Approved	January, 1979	

The first step of this review process, the Hearing Draft, has already been completed. This draft was distributed in March, 1979, and two public hearings were held in April. The Hearing Draft presented a discussion of the issues of the Louisiana coastal zone, a statement of proposed LCRP policies, a description of the uses subject to the management program, a description of the special management areas, and a discussion of the legal authorities.

This Draft Environmental Impact Statement (DEIS) was prepared based on all written comments received, testimony presented at the hearings, and subsequent meetings with numerous public and private interest groups. The DEIS includes the management program which has been revised based on public comment on the Hearing Draft, the environmental impact assessment of the management program. The DEIS will be distributed in September and public hearings will be held November to receive comments from persons interested in the Louisiana Coastal Resources Program.

After careful analysis of all comments, a Final Environmental Impact will be prepared upon adoption by DOTD and approval by the governor, the Final Environmental Impact Statement will be submitted to the Office of Coastal Zone Management for final approval. Issuance of the FEIS by OCZM is tentatively scheduled for December, 1979.

D) GUIDE TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

This Draft Environmental Impact Statement is composed of appropriate revisions to the Hearing Draft, an assessment of the impact of the Coastal Resources Program, and a description of findings regarding the management program by the Office of Coastal Zone Management. This document is divided into four parts.

Part I has been prepared by the Office of Coastal Zone Management. Included here is a discussion of the Federal Coastal Zone Management Act, a summary of federal concerns and a description of how this program meets the requirements of the Federal Coastal Zone Management Act.

Part II has been prepared by the Louisiana Department of Transportation and Development, and contains an executive summary and seven chapters. Chapter I provides a description of the coastal zone and its people. It also summarizes the coastal problems, issues and conflicts confronting Louisiana. Chapter II states the LCRP policies and objectives in response to the need for a comprehensive and balanced state strategy to address the problems and issues identified in the previous chapter. This chapter also contains the state's coastal use guidelines. Chapter III identifies the boundaries of the coastal zone subject to the management program.

Chapter IV describes the basic authorities and the organizational structure for implementation of the program. Chapter V discusses areas that require special management techniques to develop and preserve their unique characteristics. Chapter VI provides a description of the consideration of the national interest. This chapter also addresses federal consistency and uses of regional benefit. Chapter VII contains a discussion of program objectives and action items.

Parts III, IV, and V of the Draft Environmental Impact Statement present an explanation of certain Alternatives to the Proposed Action, Description of the Affected Environment, and a discussion of Environmental Consequences. These parts have been prepared by OCZM to meet the requirements of the National Environmental Policy Act.

Part VI includes the appendices of the document. Appendix a contains references; appendix b is a copy of Act 361; appendix c-1 contains the Rules and Procedures for Coastal Use Permits; appendix c-2 contains the rules and procedures for the Development, Approval, Modification, and Periodic Review of Local Coastal Management Programs; appendix c-3 contains procedures used for conducting public hearings; appendix c-4 establishes procedures used by Louisiana for the designation, utilization and management of special areas and for establishing guidelines and priorities of uses for each area; appendices d,e and f contains special planning elements of the management program related shoreline access and protection, energy facility planning and shoreline erosion; appendix g summarizes public involvement in the LCRP; appendix h contains the special elements of the management program relating to Federal consultation and continuing consultation with Federal, State, Areawide, Regional, and Local Agencies and Plan Coordination. Appendix i provides an annotated bibliography of the LCRP work products; appendix j provides the revised boundary for the coastal zone; appendix k lists the membership of the Louisiana Coastal Commission, and appendix l provides a summary description of the state constitutional and statutory provision included in the LCRP.

CHAPTER I

OVERVIEW

A) INTRODUCTION

Louisiana's coastal zone and its people support an economic system that extends beyond the state's boundary to the nation and the world. The coastal region is remarkable for the magnitude and variety of its natural and human resources. The petroleum and natural gas reserves of the Louisiana coastal zone provide a significant share of the nation's energy, with the Outer Continental Shelf beyond Louisiana contributing the largest oil and gas contribution of any such area in the United States. The estuarine system produces 28 percent of the nation's fishery harvest; the soils and climate produce much of the country's sugar and rice; and the Mississippi River and Gulf Intracoastal Waterway serve as vital commercial arteries for much of the interior of the United States. It is an area of ever increasing activity with more and more stress being placed on its valuable coastal resources.

The diverse nature of the coastal zone and the activities which are conducted within it have made the area one of the most complex areas in the nation to understand and manage. The coastal and marine resources of the Louisiana coastal zone, including living and non-living resources, recreation, fish, wildlife, estuarine, and water and land resources, are values of prime importance to the people and economy of the state and the nation. Expanding usage of the coastal zone for industrial and commercial development, water resources development, recreation, tourism, urbanization and transportation are creating conflicts among the multiplicity of uses which are carried out within it. These conflicts, if not reconciled, may diminish the natural benefits which the coastal zone provides to man. This chapter provides a description of the coastal zone and its people and summarizes the coastal problems, issues, and conflicts confronting Louisiana.

B) DESCRIPTION OF THE NATURAL ENVIRONMENT

The coastal zone of Louisiana is a unique area comprising 5.3 million acres (see figure I-1). The coastal zone is the product of the Mississippi River which over the past 5,000 years has shifted across the southern part of the state from west to east as its mighty and muddy waters have rolled out to the Gulf. Seven Mississippi River delta systems during this period have caused considerable variation in the physiography of coastal Louisiana. The soils deposited by the Mississippi into the Gulf of Mexico have been reworked by winds, tides, currents, and hurricanes. As a result of these River and Gulf processes a wide variety of land features have been formed in the coastal zone.

The shifting of the course of the Mississippi River over time has resulted in the creation of alluvial or natural levee ridges, with relatively firm soils and high elevations. These areas have provided spines along which development has traditionally occurred.

Between the natural levee ridges are found vast wetland basins comprising about 25 percent of the wetlands in the entire nation. These wetland areas vary in salinity and include forested wetlands, fresh water marsh, intermediate marsh, brackish marsh and saline marsh. These wetlands areas provide untold value to the state and the nation by providing habitat for numerous species of both commercial and recreational value, vital nutrients for the estuarine food web, a buffer against storm surges, assimilation of pollutants, and recreation values. As shown in figure I-1 many of these wetland areas have been extensively modified by leveeing, draining, filling or dredging in order to provide for urbanization, navigation, flood protection and other purposes.

These vast wetlands areas and the lakes, bays, tidal channels, and other coastal water features make the Louisiana coastal zone one of the largest and richest estuarine regions in the world. The warm, humid climate and mixing of fresh and salt water is favorable for rapid growth of vegetation and wildlife. The Louisiana estuaries are major breeding and nursery grounds for a majority of the commercially and recreationally important fish and shellfish.

Fragile barrier islands are found at the seaward edge of the coastal zone. Barrier islands such as Grand Isle, and the Timbaliers provide recreational value, act as buffers to storm surges, and protect the integrity of the estuarine areas by restricting salt water intrusion.

C) RENEWABLE RESOURCES

Fisheries

The coastal marshlands of the state support aquatic life and provide Louisiana with an abundant renewable resource. Important recreational and commercial fish yields in Louisiana include shrimp, oysters, menhaden, crabs and crawfish. Shrimp are in greater concentrations in Louisiana's estuarine waters than anywhere else along the east and gulf coasts and, although many species of commercially and recreationally valuable fish such as the menhaden and speckled trout are frequently harvested offshore, the majority of such species are nevertheless dependent on the estuaries. The menhaden's young, for example, migrate from offshore areas to grow and mature in the shallow estuaries of the coast.

LOUISIANA COASTAL VEGETATION



PLEISTOCENE DEPOSITS

Terrace lands above five feet in elevation with upland vegetation. The coastal zone boundary is close to the juncture of the Pleistocene terrace and coastal wetlands. Upland vegetation such as pine (*Pinus* sp.) and oak (*Quercus* sp.) is characteristic in Southeastern Louisiana. In Southwestern Louisiana, coastal prairie and cultivated rice fields are predominant. Isolated segments of Pleistocene deposits occur in certain areas within the coastal zone where "islands" extend into the marsh or swamp. Examples are Hackberry Island, Pine Island, Avery Island and Bear Island.



ALLUVIAL RIDGES

Natural levees formed by deltaic sedimentation. These ridges mark active and abandoned river distributaries of various courses of the Mississippi and Atchafalaya Rivers and the main courses of the Pearl and Calcasieu Rivers.

The native woody vegetation of the alluvial ridges is live oak (*Quercus virginiana*) and other bottomland hardwoods. Most of these hardwoods have been cleared and replaced with cropland and urban areas. The remaining bottomland hardwood forest is located primarily on the flanks and distal ends of the alluvial ridges.

Other areas in the coastal zone with woody vegetation are cheniers, beach ridges, salt domes, Indian mounds and spoil areas.



FORESTED WETLANDS (CYPRESS-TUPELO GUM SWAMP)

Bald cypress (*Taxodium distichum*) and tupelo gum (*Nyssa aquatica*) are dominant in the freshwater swamps. The swamp forest occurs in the upper ends of the interdistributary basins and flanks the alluvial ridges. The swamp vegetative zone is concentrated around Lake Maurepas, west of Lac Des Allemands and in the Atchafalaya Basin.

NON-FORESTED VEGETATED WETLANDS (MARSH)

The marshes of the coastal zone are dominated by the grass-sedge-rush community. Due to the combined interaction of elevation, water depth, and increasing salinity, four zones of marsh vegetation exist in arcuate belts proceeding toward the coast. Transitional areas exist due to the gradual blending of marsh vegetation between zones. Certain species may occur in two or more zones but usually are dominant in only one.



Fresh Marsh - Typical vegetation is maiden cane (*Panicum hemitomon*), water hyacinth (*Eichornia crassipes*), pennywort (*Hydrocotyle* sp.), pickerelweed (*Pontederia cordata*), alligatorweed (*Alternanthera philoxeroides*), cattail (*Typha* sp.) and bulltongue (*Sagittaria* sp.).



Intermediate Marsh - Typical vegetation is wiregrass (*Spartina patens*), deer pea (*Vigna repens*), bulltongue, wild millet (*Echinochloa walteri*), bullwhip (*Scirpus californicus*) and sawgrass (*Cladium jamaicense*).



Brackish Marsh - Typical vegetation is wiregrass, three-cornered grass (*Scirpus olneyi*), coco (*Scirpus robustus*), saltgrass (*Distichlis spicata*) and black rush (*Juncus roemerianus*).



Saline Marsh - Typical vegetation is oystergrass (*Spartina alterniflora*), glasswort (*Salicornia* sp.), black rush, saltgrass, saltwort (*Batis maritima*) and black mangrove (*Avicennia nitida*).

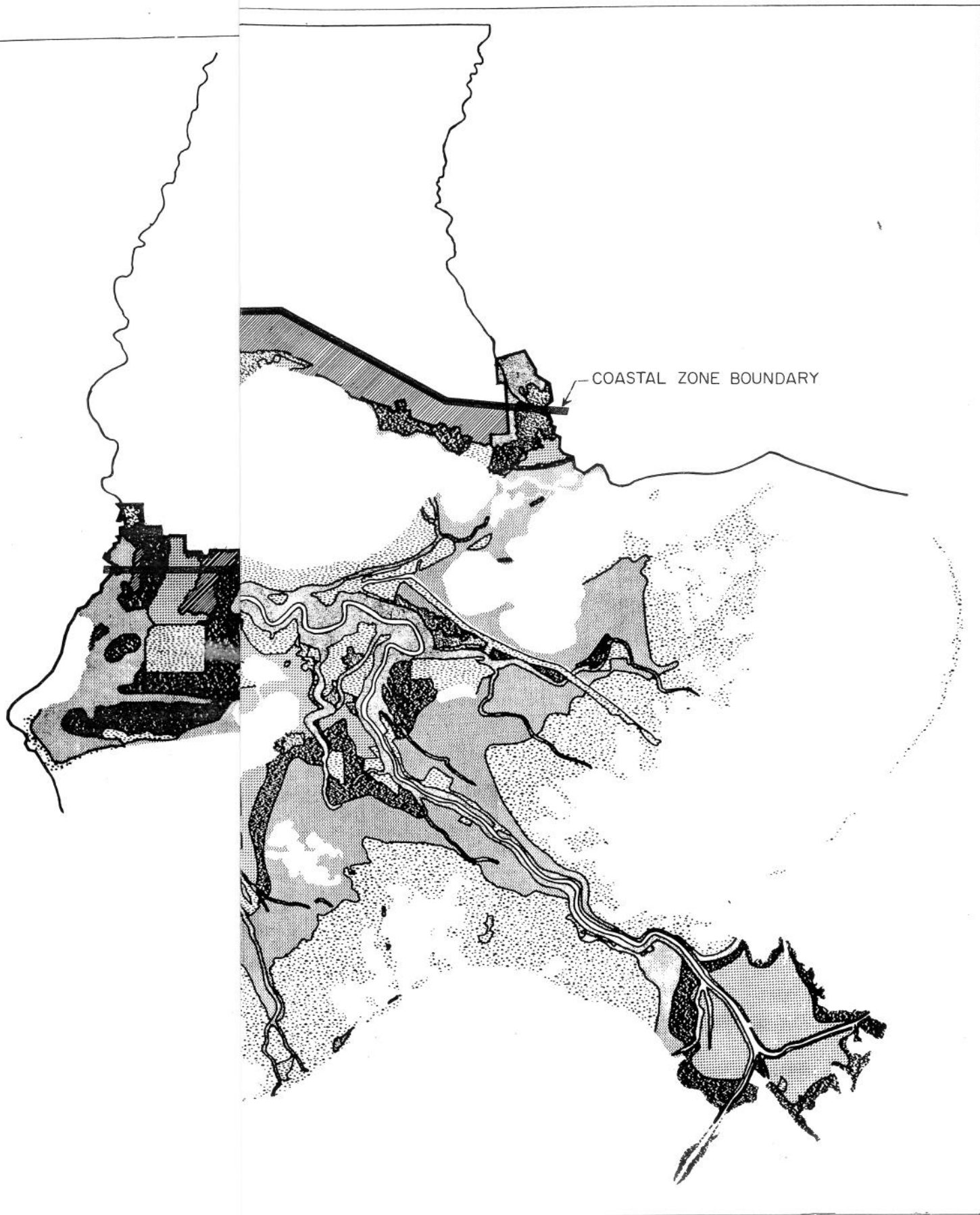


MODIFIED WETLANDS

These are areas of marsh or swamp that have been leveed, ditched, filled or drained. Surface features and hydrology have been altered or restricted to the degree that natural wetland processes may no longer occur. These areas may be completely drained (e.g. northern portions of Orleans and Jefferson Parishes), partially drained (e.g. various drainage districts), only slightly modified (e.g. marshes north of Lake Lery) or flooded and impounded (e.g. abandoned agricultural reclamation projects and refuge waterfowl pools). These marsh or swamp areas were modified for the purposes of urbanization, flood protection, navigation, farming, mining, spoil disposal, or waterfowl management.

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- U. S. Geological Survey. 1974. Infrared photography of coastal area. Scale 1:130,000.



In 1977, reported commercial landings of fish and shellfish in Louisiana's coastal and inland waters were 920.1 million pounds, which produced a dockside value of \$138.8 million. The volume of the 1977 catch was down 312 million pounds or 25 percent from the 1976 catch but the two years had about the same value. The sharp decline in menhaden landings caused the drop in volume, while increased landings of shrimp kept the total value at the 1976 level.

Louisiana has led all states in volume of landings and ranked third in dock-side value. In the commercial fisheries of Louisiana, menhaden led in volume of landings and ranked second in value (756.7 million pounds, \$28.9 million); shrimp followed with a near record catch of 104 million pounds and a record value of \$87.2 million. Oysters ranked third in value (\$10.4 million); blue crabs (hard, soft and peeler) were fourth (\$4.3 million) (National Marine Fisheries Service, 1979).

Commercial fishing, primarily a coastal activity, employed 14,382 people full time in 1972. Louisiana is the third ranking state in fisheries employment.

Louisiana's high fisheries yield, 28 percent of the nation's total, is related to the state's vast wetland acreage, 25 percent of the nation's total (Morning Advocate, 1979). Studies of fisheries production and wetland acreage demonstrate a positive relationship between the two. Figure I-2 shows the relationship between fisheries yields and intertidal areas for the Gulf of Mexico (Craig, et al., 1977).

Hunting

The coastal marshes also provide a home for other renewable resources important to Louisiana's economy. Fur-bearing animals, such as muskrat, mink, and nutria are highly sought by many coastal residents, resulting in a fur catch which amounted to \$12.5 million in the 1976-77 season (Louisiana State Planning Office, 1977).

Wildlife depends for survival on adequate food, water and shelter--not only for protection from the elements and enemies, but as an area conducive to reproduction and the successful growth of the young. Deprived of such a habitat, a species' chances for survival are negligible.

In coastal Louisiana, studies of wildlife indicate that these animals are dependent on suitable and available habitat above all else. For example, observed decreases in rabbit populations have been attributed to the destruction of their habitat, rather than hunting pressure. Similarly, the primary threat to the squirrel population has been identified as forest clearing, rather than hunting pressure.

Agriculture

Rice, sugarcane and soybeans are the main crops grown in the coastal region. In 1974 agricultural products sold in the coastal parishes had a total market value of \$336 million. In the same year the value of forestry products was over \$707,000 for the coastal parishes.

RELATIONSHIP BETWEEN FISHERIES YIELDS AND INTERTIDAL AREAS FOR THE GULF OF MEXICO

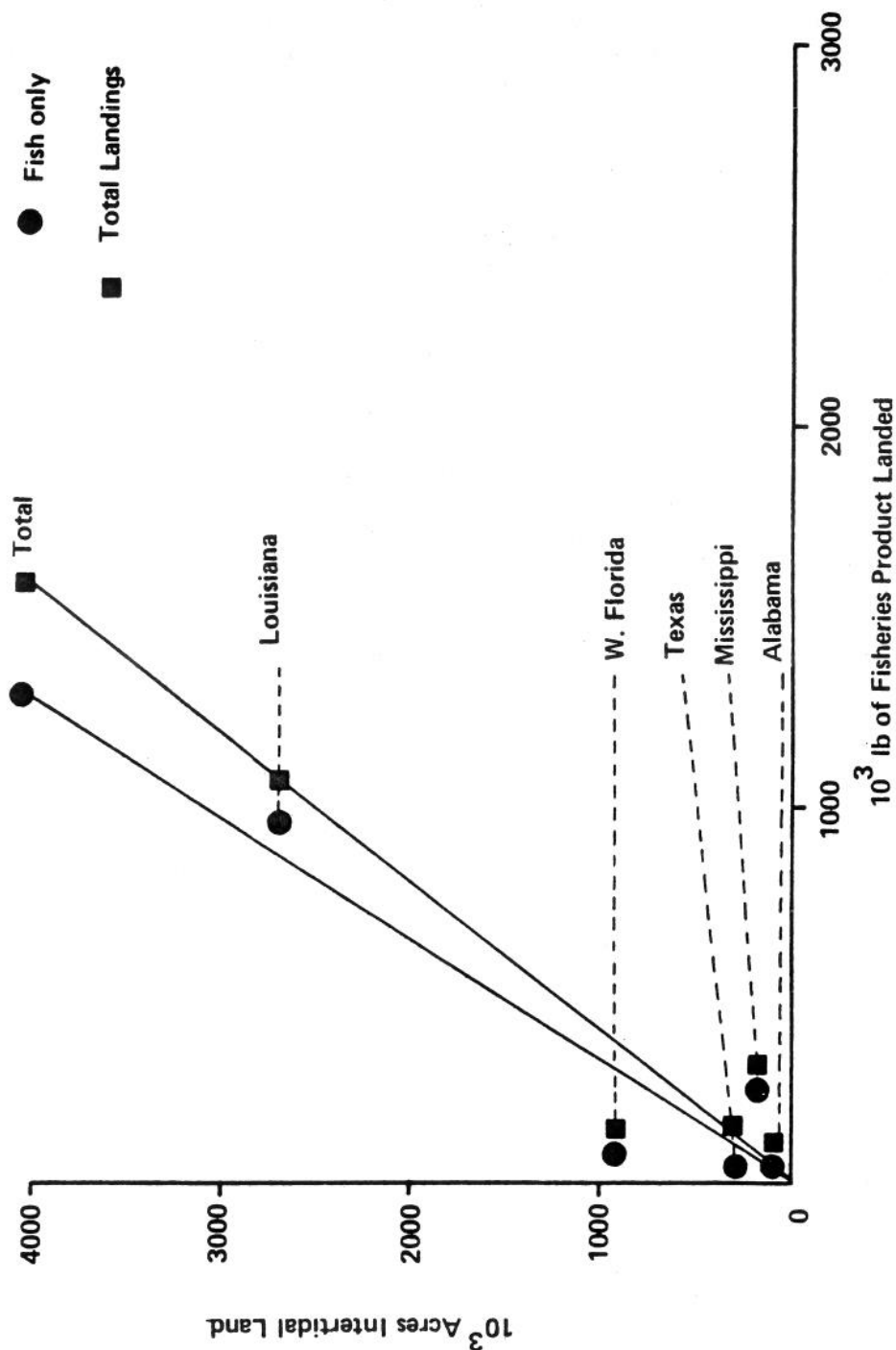


FIG. 1-2
 SOURCE: N. J. CRAIG, R. E. TURNER AND J. W. DAY JR., "CUMULATIVE IMPACT STUDIES IN LOUISIANA COASTAL ZONE: EUTROPHICATION AND LAND LOSS", CENTER FOR WETLAND RESOURCES, LOUISIANA STATE UNIVERSITY, JUNE 1977.

Lands suitable for agricultural production have, in recent years, come under pressure from expanding urban areas. In Orleans Parish all such land is now utilized for urban purposes. Urban expansion is spilling into agricultural land in many coastal communities bordering Bayou Lafourche and the Mississippi River in Plaquemines Parish. This trend is expected to continue as residential and industrial pressure is placed on agricultural land (Davis and Gary, 1975). For example, residential growth in Jefferson Parish is expected to consume 7,750 acres, the greatest portion of the estimated acreage needed for all uses by 1985. Much of this land is expected to come from agricultural land (Coastal Resources Program, 1977).

D) NONRENEWABLE RESOURCES

Minerals

Minerals dominate nonrenewable resource production in the coastal zone. Louisiana is a major petroleum and natural gas producer. In 1976, Louisiana produced an estimated 259,459,000 barrels of crude oil. In addition, an estimated 271,197,000 barrels were produced in federal waters adjacent to Louisiana's state waters. Including the federally controlled OCS, Louisiana ranked second in the nation in oil production, producing 19% of the nation's total. The value of Louisiana's 1976 oil production was estimated to be nearly \$6 billion.

Louisiana produced an estimated 6,920,771 million cubic feet of natural and casinghead gas in 1976. This figure, which represents 36% of the nation's total, includes the gas produced in the federally controlled OCS (Louisiana State Planning Office, 1979).

Employment in the 17 coastal parishes based on petroleum and natural gas production totalled 46,208 (Renner, 1976). Employment in the coastal parishes resulting from federal OCS activity amounted to 20,751 in 1974 (Mumphrey, et al, 1977).

Two presently discernible trends regarding Louisiana's oil and gas production will have serious economic consequences for the state. First, oil and gas production in the state is declining. Excluding federally owned offshore production, Louisiana's petroleum production has steadily declined, as have known reserves, since 1970. Secondly, offshore activity, which in 1947 began only a few miles off Louisiana's coast, can be expected to move farther offshore into federal waters. As this occurs, the oil and gas revenue the state receives from activities within state jurisdiction will decline. The Governor's Council of Economic Advisors predicts that, even with the expected increases in the price of oil, the percentage of the state's revenues derived from petroleum will drop from the present 43 percent to 28 percent in 1980 (Catalano, 1976).

Other nonrenewable resources include sulfur, salt, sand and gravel. In 1975, Louisiana produced 2,672,000 (long) tons of sulfur. Production for 1976 amounted to 13,318,000 (short) tons of salt and 15,900,000 (short) tons of sand and gravel (State of the State, 1977).

E) POPULATION

More than 1.1 million people live in Louisiana's coastal zone. The population of the coastal zone, now 31 percent of the total state population, is growing at a faster pace than the rest of the state. For example, St. Tammany Parish grew by 37 percent between 1970 and 1977. Similarly, Livingston Parish grew by 32 percent; Jefferson Parish grew by 25 percent; and St. Bernard Parish grew by 20 percent in the same period (Louisiana Tech University, 1979).

The people and culture of the coastal zone also differ from other parts of the state and nation. Many of the residents of the coastal zone are descendants of the original Acadians who came to southern Louisiana from a section of Canada then known as Acadia, now Nova Scotia, under coercion of the British in 1755. As a result of this massive immigration, French culture has influenced the style of life in the coastal zone. The Louisiana variety of French is spiced like its gumbo, and locally those of French ancestry are known as "Cajuns." But regardless of parentage, coastal residents partake in the Cajun culture with its frequent festivals and its "fais-do-do," a friendly gathering with music and much dancing. Many people speak Cajun French, and Cajun folksongs are still sung.

Folklore from southern Louisiana is rooted in the historical legacy of the New World. Many versions circulate of the story of the legendary lovers, Evangeline and Gabriel, who were separated on the journey from Nova Scotia. Waterways such as Bayou Teche, Bayou Lafourche, the Atchafalaya River, the Mississippi River and the Vermilion River mark the locations of much of the folklore and history of coastal Louisiana because historically the many rivers and bayous of the state have provided easy transportation for the inhabitants of the state. Louisiana's water resources have also traditionally provided recreation for people in the state and the entire southern region of the United States.

The Louisiana Department of Culture, Recreation, and Tourism estimated that recreation and tourism brought \$2 billion to Louisiana's economy in 1977 (Department of Culture, Recreation and Tourism, 1979). The economic impact of travel in the 17 coastal parishes is tremendous. Travel expenditures for 1976 amounted to \$1.3 billion, 73 percent of the state's total. State tax receipts derived from travel in the coastal parishes amounted to \$52 million (U.S. Travel Data Center, 1978).

F) WATERBORNE TRANSPORTATION

Waterborne transportation is one of the major employment sectors in the coastal zone. Maritime related industries are estimated to employ over 50,000 people.

The Port of New Orleans, the first port to be created by the Louisiana Legislature, is today one of the nation's largest. The growth of tonnages shipped from the port has been spectacular. In 1920, the Port of New Orleans shipped 2.1 million short tons. In the next ten years the tonnage increased sixfold to 12.7 million tons. The tonnage rose to 19.8 million tons by 1940; to 35.1 million tons in 1950; 56.7 million tons in 1960; at the beginning of this decade, the figure stood at 123.7 million tons. Just six

years later--at the end of 1976--the port surpassed the 150 million ton mark for the first time in history. The actual figure was 155.9 million tons, an unprecedented increase of 15.5 million tons over the previous year (Port of New Orleans, 1978-79).

Although there are numerous ports located throughout the coastal zone, the major concentration of navigation facilities are located in the New Orleans-Baton Rouge metropolitan area (NOBRMA). The navigable waterways of this area are divided, into 10 major reaches (or stream segments). Four of these are maintained at depths to accommodate shallow-and deep-draft traffic; the other six segments serve shallow-draft commerce only. The four deep-draft segments include: (1) Mississippi River-Gulf Outlet, (2) Mississippi River (New Orleans to Head of Passes), (3) Mississippi River (Baton Rouge to upper limits of Port of New Orleans), (4) Inner Harbor Navigation Canal (Industrial Canal). The major component of the shallow-draft navigation network is the Gulf Intracoastal Waterway (GIWW), which extends east-west across the coastal zone. The Barataria Bay Waterway, Bayou Lafourche and Lake Pontchartrain navigation systems make up the remaining three stream segments.

Waterborne commerce on the 10 major navigation reaches of the region totaled 466.5 million tons in 1974. Four out of every ten tons of commerce were moved by oceangoing vessels on the four deep-draft channels. The principal commodities, in terms of tonnage, on both deep-draft and shallow-draft reaches included petroleum, grains, industrial chemicals, and general cargo. A summary of waterborne commerce in Louisiana is shown in Table I-1

TABLE I-1

LOUISIANA PORTS
WATERBORNE COMMERCE OF RIVERS, BAYOUS AND WATERWAYS

1. Total Navigable Waterways in Louisiana - 6,905 miles
2. Total Waterborne Commerce Tonnage (Foreign & Domestic) as reported by Corps of Engineers, U. S. Army - 1976

Total U.S.	1,835,007,000	
Baton Rouge to Gulf	476,446,000	
Gulf Intracoastal Waterway	78,070,000	
Rivers (other than Miss.)	12,965,000	
Bayous	10,105,000	
Other Waterways	9,397,000	
Total Louisiana Waterways	586,983,000	(includes through traffic)
Louisiana Percent of U.S.	32%*	

*approximately 400,000,000 tons or 22% handled through Louisiana ports

3. Total Waterborne Commerce Tonnage as reported by the Corps of Engineers - 1976

New Orleans	155,990,000	2nd in U.S.
Baton Rouge	66,703,000	4th in U.S.
Lake Charles	20,221,000	27th in U.S.

4. Total Foreign Waterborne Trade Tonnage as reported by the U.S. Department of Commerce - 1977

Total U.S.	927,647,000
Louisiana Ports	168,981,000
Louisiana percent of U.S.	18%

5. Total Foreign Waterborne Trade Value - 1977

Total U.S.	\$172,844,000,000
Louisiana Ports	\$ 23,849,000,000
Louisiana percent of U.S.	14%

6. Total Grain shipments in bushels as reported by the U.S. Department of Agriculture - 1977

Total U.S.	3,367,393,000
Louisiana Ports	1,486,776,000
Louisiana percent of U.S.	14%

7. Economic Impact of Foreign Trade generated by Louisiana Ports (Taken from a preliminary report of the U.S. economy and port industry as constructed by the Port Authority of N.Y. and N.J. Some estimates from the computer for present impact are: Each 600 tons of foreign trade (except petroleum) equals one job. The direct impact of each ton (except petroleum) is \$44. The economic impact, direct and indirect, is \$70 per ton).

Total Louisiana Foreign Trade except petroleum: 129,000,000 tons

129,000,000 tons divided by 600 equals - 215,000 jobs

129,000,000 tons time \$44 equals - \$5,670,000,000

129,000,000 tons time \$70 equals - \$9,030,000,000

8. LOUISIANA WATERWAYS TONNAGES (Except New Orleans, Baton Rouge and Lake Charles) Those in or partially in the coastal zone are marked with asterix (*).

BAYOU PORTS:

*Barataria	1,948,000
Big & Little Pigeon	194,000
*Bonfouca	61,000
*Petit Anse & Tigre & Carlin	1,517,000
Des Cannes & Nezpique	998,000
*Lacarbe, Dulac & Grand Caillou	739,000
*Dupre	151,000
*Freshwater	183,000
*Johnson Bayou	599,000
*LaLoutre & St. Malo & Yscloskey	155,000
*Lacombe	2,000
*Lafourche	1,535,000
*Little Caillou	944,000
Plaquemine Brule	10,000
*Segnette	5,000
Teche	533,000
*Terrebonne	467,000
*Tchefuncte & Bogue	
Falaya	64,000
TOTAL	10,105,000

RIVER PORTS:

*Atchafalaya	9,285,000
*Mermentau	1,088,000
Ouachita River	1,351,000
*Pearl River	3,000
*Tickfaw, Blood & Ponchatoula River	13,000
*Vermilion River	1,225,000
TOTAL	12,965,000

OTHER WATERWAYS:

*Franklin Canal	9,000
*Houma	2,599,000
*Lake Pontchartrain	5,389,000
*Pass Manchac	474,000
Vinton Waterway	3,000
*Empire to Gulf	923,000
TOTAL	9,397,000
*GULF INTRACOASTAL WATERWAYS	78,070,000

GRAND TOTAL.....110,537,000

SOURCE: Corps of Engineers, U.S. Army - 1976

9. LIST OF DEEPWATER PORTS AND PORT COMMISSIONS - PORT, HARBOR AND TERMINAL DISTRICT IN COASTAL ZONE

1. Board of Commissioners of the Port of New Orleans	New Orleans
2. Greater Baton Rouge Port Commission	Baton Rouge
3. Deep Draft Harbor and Terminal Authority, Board of Commissioners (SUPERPORT)	Baton Rouge
4. Lake Charles Harbor and Terminal District	Lake Charles
5. South Louisiana Port Commission	LaPlace
6. Plaquemine Parish Port Authority	Point A La Hache
7. New Iberia Port District	New Iberia
8. Morgan City Harbor and Terminal District	Morgan City
9. Abbeville Harbor and Terminal District	Abbeville
10. Delcambre Port Commission	Delcambre
11. Greater Lafourche Port Commission	Galliano
12. St. Bernard Port, Harbor and Terminal District	Chalmette
13. Livingston-Tangipahoa Parishes Port Commission	Albany
14. Greater Jefferson Port Commission	Gretna
15. St. Tammany Parish Port Commission	
16. Terrebonne Port Commission	Houma
17. East Cameron Port, Harbor & Terminal District	Grand Cheniere
18. West Cameron Port, Harbor & Terminal District	Cameron
19. West St. Mary Parish Port Harbor & Terminal District	
20. Mermentau River Harbor and Terminal District	Mermentau

G) FEDERAL, STATE, AND LOCAL ROLES IN MANAGING THE COASTAL ZONE.

The Federal Role

Through congressional action and court decree, several federal agencies are involved in coastal and wetlands management. Among federal agencies with legal jurisdiction affecting coastal Louisiana are the U. S. Army Corps of Engineers, the Environmental Protection Agency, the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Department of Transportation, and the Department of Energy.

Current federal decision-making authority for activities affecting wetlands lies principally with the U.S. Army Corps of Engineers through its Sec. 10 and Sec. 404 permitting authority. Approximately 150 to 200 permits are handled per month by the Corps in Louisiana. About 90 percent of the permits take 60 to 90 days to be processed. The remaining 10 percent, because of additional scrutiny, take longer, sometimes years.

The present permitting process generally involves several reviews of the application by the Corps followed by a preliminary statement of findings and a public notice. In addition, notices are sent to local governments and a number of state agencies for review, calling for "letters of no objection" from affected local governments and state agencies.

At the federal level, the Environmental Protection Agency, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service have the opportunity to review every Corps permit affecting wetlands. Depending on the nature of the permit, other agencies may also become involved. The final decision on whether to issue a permit is made by the Corps itself, subject to the legal requirements of the River and Harbor Act, the Federal Clean Water Act and the Fish and Wildlife Coordination Act. The Corps is also bound to consider Presidential executive orders on wetlands and flood plains.

The State Role

Activities such as mineral extraction, industrial development, fisheries and wildlife management, navigation, flood control and hurricane protection, recreation, agriculture, urban development, and forestry are overseen, either directly or indirectly, by a number of state agencies. Twenty-three state agencies, in varying degrees, take part in management. At present, state agencies frequently oversee only one resource or one facet of one resource.

The Local Role

Local governments derive their powers to adopt regulations for zoning subdivision and historic preservation from Article 6, Section 17, of the Louisiana Constitution of 1974. Approximately 30 percent of the coastal parishes have zoning ordinances. Approximately 60 percent of the coastal parishes have subdivision regulations.

Parishes are given an opportunity to issue "letters of no objection" to Corps permits within their jurisdiction. This procedure is discussed above in the section on the federal role.

H) ISSUES AND PROBLEMS

1) Use Problems of the Coastal Zone

Flooding and Hurricane Protection

The people of coastal Louisiana have suffered great loss of life and property because of floods and hurricanes. This danger continues, according to a recent report by the National Oceanic and Atmospheric Administration (NOAA). The NOAA report indicates that the potential for catastrophic disaster is increasing. According to the report the rapid urbanization of the coastal zone is resulting in greater numbers of people living in high hazard areas, thereby increasing the need for appropriate protection measures and means of evacuation. In addition, lack of public awareness concerning natural systems and the intensity and frequency of the risks and impacts of flooding and hurricanes adds greatly to the problem.

Failure to Consider Resource Constraints

The coastal zone of Louisiana contains many different kinds of landscape, including open waters, swamps, marsh, prairies, and uplands. These resources vary in their suitability for development.

There is a need for a consistent and extensive program to help users evaluate the type of location and its suitability for their particular use. This will not only reduce detrimental impacts on coastal areas; but will help the coastal community better utilize its resources in the most productive manner.

Conversion of Wetlands

Rapid urban growth of the coastal area has resulted in increased conversion of wetlands as the entire coastal area of Louisiana struggles to cope with the large number of new businesses and residences that support and maintain its growing economy.

It has been predicted that if the present draining and filling operations for urban and commercial development in the coastal area continue at the current rate, an additional 186,000 acres of the state's wetlands will be lost by the year 2000.

While benefits of economic growth associated with such wetland conversions are many, the natural value of the affected wetlands are irretrievably lost.

Several studies have, for example, estimated that an acre of marsh produces more food than an acre of carefully tended agricultural land. A recent study conducted at the Urban Studies Institute, University of New Orleans, for the Louisiana Coastal Resources Program estimated the value of an acre of wetland in Barataria Basin to be \$9,058.93. (Using this estimate for the value of an acre of wetland, the projected loss of 186,000 acres would add up to a \$1.7 billion loss.) Four activity categories were taken into consideration in deriving this estimate: commercial fishing, non-commercial fishing, commercial trapping, and recreation.

The researchers point out that these four categories do not include all the benefits provided by wetlands. There are many benefits for which a dollar estimate cannot be easily determined. For example, the marsh serves to protect man from the severity of storms by acting as a buffer. By absorbing the enormous energy of storm waves and acting as a water reservoir for coastal storm waters, the marsh reduces the severity of storm damage and flooding farther inland.

Another function of the marsh is waste treatment, which an estuary can accomplish up to a point without an appreciable reduction in water quality. Marshes and estuaries are particularly effective and suitable in tertiary treatment of waste - a costly process if carried out in artificial systems.

Recreational Demands

Coastal Louisiana is a "sportsmen's paradise" offering opportunities for fishing, hunting, boating and other water-related recreational activities, not to mention scenic beauty. Access to these recreational opportunities as well as the management and preservation of recreational areas will become a greater problem as the urban centers grow and the influx of tourists increases.

Commercial Fishing

Commercial fishing in Louisiana is an important industry contributing to the state's economy. Presently, the fishing industry faces a number of serious problems. First, the industry relies on continued maintenance of the estuarine fishery habitat. This issue is discussed in the section on resource problems entitled, "Natural Areas, Wildlife and Fisheries Habitat" below.

Other problems facing the fishing industry in Louisiana include underwater obstructions and the lack of support facilities. Underwater obstructions cause costly damage to fishing gear as well as boats and, more seriously, threaten the safety of those navigating our coastal waters. The availability of docking facilities and ice has not kept pace with fishermen's needs.

Extensive Dredging

Louisiana's coastal zone is criss-crossed by man-made canals. Both oil and gas development and the growth of ports have played a major role in creation of new waterways in Louisiana's coastal marsh. These canals change the hydrology of the natural marsh system and create spoil disposal problems. It is estimated that 25 per cent of the 16.5 square-mile average annual net land loss during the past 30 years is the direct result of petroleum industry dredging. In addition, the construction of channels, such as the Mississippi River Gulf Outlet (M.R.G.O.), has increased saltwater intrusion. In the case of the M.R.G.O., St. Bernard Parish officials estimate that thousands of acres of marshland have already been destroyed as a result of the construction of this channel. Smaller canals such as those dredged for oil and gas activity also create hydrological alterations. These canals are often dredged to install pipelines and the necessity of dredging many new canals could be allayed through multiple use of pipeline corridors.

Waste Discharge

Sources of water pollution can be divided into two major categories. The first category is referred to as point source which includes such activities as sewage treatment and industrial waste treatment. The second category is referred to as non-point source and it includes runoff from such activities as housing, industrial development, and agriculture. The net adverse impact

on the coastal waters and wetlands as a result of these two major sources is a reduction in the general water quality of the coastal region. This in turn presents a potential hazard to human health and the natural productivity of the region.

Waste Disposal

Coastal wetlands have often been used as waste disposal sites for solid or stored liquid wastes. Leachates from both types of wastes can adversely affect water quality. Storage of hazardous or nuclear wastes in the coastal zone creates a potential for serious pollution incidents if the integrity of such storage is breached by natural corrosion, weathering or natural hazards.

2) Institutional Problems

Fragmented Governmental Process

Presently, a user has to make separate permit applications to numerous local, state, and federal agencies. This results in costly delays and uncertainty. There are overlapping jurisdictions with no one agency having the responsibility for effectively carrying out policy. This uncoordinated, splintered procedure has caused undue hardship on coastal residents (LACCMR, 1972).

Uncoordinated Research and Planning

Effective management of the coastal zone depends on a variety of scientific, technological, legal, institutional and socio-economic factors or capabilities. Among these are:

- a. fundamental understanding of complex coastal zone ecosystems.
- b. valid techniques for predicting economic and environmental impacts.
- c. efficient institutional arrangements, regulations and enforcement provisions.

None of these capabilities or goals can be achieved without systematic knowledge derived from coordinated research and planning. At present there is an inadequate number of trained personnel. It is necessary that the informational effort maximize existing research and planning resources.

Fragmented Management Responsibilities

Twenty-three state agencies take part in resource management in varying degrees. Because of a lack of coordination, a great deal of overlap in jurisdiction and responsibility has existed. Perhaps more serious than overlapping responsibility are gaps in

the management of wetlands. At present, state agencies frequently oversee only one resource or one facet of one resource to the neglect of the rest. The present system of management does not fully acknowledge that the coastal area contains exceedingly complex systems impacted by differing natural and manmade stresses (LACCMR, 1973:200-201). In addition, a lack of coordination among state agencies results in these agencies approaching federal agencies singly. This weakens the state's position in dealing with federal agencies.

Lack of Consideration of Cumulative Effects

The cumulative effect of numerous small scale uses is a critical consideration which is presently being neglected. Although one small individual project may have little impact, many projects of the same size in a given area could have serious effects.

Lack of Overall Long-Range State Policy

Louisiana has lacked clear-cut state policies as to how coastal resources -air, water, minerals, fish, wildlife, recreation, and land - should be used in future years. Consequently, officials responsible for making complex decisions regarding use of coastal resources are making these decisions in a "policy vacuum" (LACCMR 1973:200).

Lack of Public Awareness of Coastal Issues

Unfortunately, in the past many people have taken the state's abundant resources for granted. Consequently, the citizens of Louisiana have not been able to maximize the use of these valuable resources. A recent statewide poll indicates, however, that 71 percent of the respondents said the state should have a coastal resources management program. Citizens in Louisiana have shown a growing interest in how decisions are made about the utilization of valuable coastal resources. A concerted effort needs to be made to inform Louisiana's citizens of their coastal and marine heritage and resource dependence. Adequate funding and personnel is needed to accomplish this task (Lindsey, et al, 1974; & LACCMR, 1973:224-245).

3) Resource Problems

Subsidence

Wetland soils are susceptible to subsidence or sinking when drained. Subsidence in some areas is estimated to be as much as three or four feet. Although draining wetland areas costs society as a whole in terms of the benefits wetlands provide, costs associated with subsidence problems are borne by the individual landowners. Earle found that the subsidence problem is common in Orleans, Jefferson, and St. Bernard Parishes. For example, major structural repairs to a home may cost between \$1,200 and \$6,000 per home (Earle, 1975). One business

firm repairs about one hundred homes a year at an average cost of \$3,000. It is estimated that the cost of developing a subdivision (exclusive of homes) in recently reclaimed wetlands is 50 percent greater than in areas of firmer soil (Mumphrey, et al., 1976). Subsidence problems also cause catastrophic results such as the gasoline explosions which occurred in Jefferson Parish.

Historical and Archaeological Sites

Many cultural resources are highly vulnerable to development activities. Often archeological sites are not identified until development activity begins. Historical sites are frequently neglected to the point of decay. By that time, it is often too late to preserve them or to make scientific investigations.

Coastal Land Loss

In the past, new land built by deposition of river sediments more than offset land loss through erosion; however, this is no longer the case. Studies have documented an average yearly net loss of 16.5 square miles of land occurring through shoreline erosion, marsh deterioration, canal construction and other factors. Since 1940, the total land loss has been more than 500 square miles (LACCMR, 1973; Craig & Day, 1977; Adams, et al., 1976; Conner, et al., 1976; Adams, et al., 1978; Craig, et al., 1979).

Research studies have documented the relationship between fisheries yields and wetland acreage (See figure I-2). Given the economic importance of fisheries production to Louisiana, continued land loss bodes serious consequences for the economy of the state.

Fresh & Saltwater Imbalances

The problem of fresh and saltwater imbalances is increasing all along the coast. Oyster beds in Barataria Bay are an example. Saltwater is steadily advancing up the bay and forcing the retreat of prime oyster bed areas into the upper reaches of the bay (Van Sickle, et al., 1976 and LACCMR, 1973:33).

Saltwater intrusion has also been observed in the freshwater areas which humans use as a source of drinking water (LACCMR, 1973:142). Mean salinities in Lake Pontchartrain have increased from yearly averages of 1.3 ppt in the early 60's to the current averages of 4 to 9 ppt (LACCMR, 1973:143).

The reasons for increasing saltwater intrusion are many, but there are two primary causes: the necessary levee system along the Mississippi River and the dredging of new canals and waterways.

Levees and man-made canal systems have caused fresh and saltwater imbalances. Levees deprive the estuaries of the flow of freshwater. This has raised the salinity of the water in many places. During high river stages and rainy seasons, the canals move freshwater almost to the sea, changing brackish areas to freshwater; during low river stages, the canals allow the rapid inland advance of sea water.

Coastal Water Quality

The water quality of the coastal wetlands is related to the quality of the freshwater in the rivers in the coastal area. For this reason, high quality water in the river basins is extremely important. Several factors have already affected water quality. Industrial wastes and domestic sewage discharged or released into the Mississippi River and other rivers contribute to high bacterial concentrations and the presence of toxic pollutants downstream. Turbidity caused by suspended particles such as silt is increasing in many of our streams as land clearing associated with agriculture, silviculture, industry or urbanization increases. Turbidity and siltation in some areas have increased to the point where productivity in some areas has been lowered because sunlight cannot penetrate the turbid water (LACCMR, 1973, and Craig & Day, 1977).

Eutrophication (overenrichment) of coastal waters is widespread. For example, scientific data indicate that Lake Pontchartrain is already eutrophic now and will become excessively so by the end of the century (Craig & Day, 1977).

Other coastal water quality problems affecting seafood production include contamination by water-borne diseases, illustrated in southwestern Louisiana. Cholera bacteria have been detected in a water sample taken in the Old Intracoastal Waterway between White Lake and Vermilion Bay. Untreated sewage flowing into coastal waterways or rivers flowing into the coastal zone is the possible though unconfirmed source of the cholera outbreak.

Recently, the Department of Health and Human Resources found it necessary to close 80,000 acres of oyster bed grounds south of Bayou Lamoque and east of the Mississippi River in the area of Plaquemines Parish. Coliform counts in this area were running ten times the national standard set by the Food and Drug Administration.

Barrier Islands

The gulf islands are invaluable as wildlife habitat and scenic-recreation areas. Barrier islands, such as Timbalier Island, Grand Isle, and Grand Terre, are also an important natural defense against marine erosion processes and hurricanes. The tidal passes associated with barrier islands can be viewed in part as control valves of the estuaries (Gagliano 1973) because they regulate the amount of salinity intrusion and storm energy that enters the estuaries.

The barrier islands along the coast are being eroded. In the Barataria Basin, the barrier islands of Grand Isle and Grand Terre were listed as areas of "critical erosion" by the U.S. Army Corps of Engineers (National Shoreline Study). Between 1960-1972, 172 acres (18 percent) of the principal Grand Terre island was eroded away. Between 1932 and 1969 the average rate of barrier island erosion in the Barataria Basin was 119 acres per year. The width of the tidal passes in the Barataria Bay area is increasing as is the rate of increase of width (Van Sickle et al, 1976).

The coastal erosion of the barrier islands is due to insufficient sedimentation from the Mississippi River, regional subsidence, hurricane damage, and man-induced changes such as dredging of canals on the bayside of a number of islands (Gagliano, 1973), and traversing of barrier islands by pipelines.

Natural Areas, Wildlife and Fisheries Habitat

Louisiana's extensive coastal wetlands are great natural producers of food. These vast marshlands and coastal waters sustain renewable resources which serve many commercial and recreational functions year after year.

Studies of fish and wildlife production indicate that fish and wildlife are dependent on suitable habitat above all else for survival. Wetlands and other habitat have been destroyed by dredge and fill projects, saltwater intrusion, impoundments, leveeing, and channel dredging (LACCMR, 1973:7). For example, land loss has already resulted in an economic loss in fishery products, estimated at between \$8 and \$17 million dollars annually (Craig and Day, 1977, Conner et al., 1976, and CEI, 1976). The leveeing of the Mississippi River, for example, has adversely affected coastal wetlands by blocking the flow of freshwater and nutrients. This has increased salt water intrusion and already affected the habitat of many important fish and wildlife species.

CHAPTER II

PROGRAM POLICIES

A) Introduction

The problems and issues identified in the previous chapter have long been recognized by the Louisiana Legislature through the enactment of several coastal management laws, culminating in Act. 361, the Louisiana State and Local Coastal Resources Act of 1978. With the passage of Act 361, the State of Louisiana initiated a major effort to develop a coastal management program at both the state and local levels that would be approvable under Section 306 of the CZMA. In Act 361, Section 213.2, the legislature declared the following to be public policy of the state:

(1) To protect, develop, and where feasible, restore or enhance the resources of the state's coastal zone.

(2) (a) To assure that, to the maximum extent feasible, constitutional and statutory authorities affecting uses of the coastal zone should be included within the Louisiana Coastal Resources Program and that guidelines and regulations adopted pursuant thereto shall not be interpreted to allow expansion of governmental authority beyond those laws.

(b) To express certain regulatory and non-regulatory policies for the coastal zone management program. Regulatory policies are to form a basis for administrative decisions to approve or disapprove activities only to the extent that such policies are contained in the statutes of this state or regulations duly adopted and promulgated pursuant thereto. They are to be applicable to each governmental body only to the extent each governmental body has jurisdiction and authority to enforce such policies. Other policies are nonregulatory. They are included in the Coastal Zone Management Plan to help set out priorities in administrative decisions and to inform the public and decision makers of a coherent state framework, but such policies are not binding on private parties.

(3) To support and encourage multiple use of coastal resources consistent with the maintenance and enhancement of renewable resource management and productivity, the need to provide for adequate economic growth and development and the minimization of adverse effects of one resource use upon another, without imposing any undue restriction on any user.

- (4) To employ procedures and practices that resolve conflicts among competing uses within the coastal zone in accordance with the purpose of this Part and simplify administrative procedures.
- (5) To develop and implement a coastal resources management program which is based on consideration of our resources, the environment, the needs of the people of the state, the nation, and of state and local government.
- (6) To enhance opportunities for the use and enjoyment of the recreational values of the coastal zone.
- (7) To develop and implement a reasonable and equitable coastal resources management program with sufficient expertise, technical proficiency, and legal authority to enable Louisiana to determine the future course of development and conservation of the coastal zone and to ensure that state and local governments have the primary authority for managing coastal resources.

In order to achieve the state policy in Act 361, the Legislature instructed the Secretary of the Department of Transportation and Development (DOTD) to develop an overall state coastal management program composed as follows:

The secretary shall develop the overall state coastal management program consisting of all applicable constitutional provisions, laws, and regulations of this state which affect the coastal zone in accordance with the provisions of this Part and shall include within the program such other applicable constitutional or statutory provisions or other regulatory or management programs or activities as may be necessary to achieve the purposes of this Part or necessary to implement the guidelines hereinafter set forth (Section 213.8(A), Act 361).

The remainder of this chapter sets forth the policies that are proposed for the Louisiana Coastal Resources Program (LCRP), including the coastal use guidelines and the selected constitutional and statutory provisions that will serve as the basis of decisions under the LCRP.

B) Coastal Use Guidelines

The Legislature recognized when it enacted Act 361 that existing constitutional and statutory provisions were insufficient to provide the policies and criteria necessary to guide management decisions in the coastal zone. The Legislature, therefore, provided for the promulgation of coastal use guidelines in Section 213.8 of Act 361. The means by which the state will implement the guidelines is explained fully in Chapter IV; it is worth noting at this point, however, that the guidelines will serve primarily as the substantive standards and criteria for the following purposes:

- o DOTD issuance of coastal use permits for activities subject to the state coastal use permit system;
- o OC-DNR and DWF issuance of "in-lieu" permits;
- o DOTD review and approval of local coastal programs;
- o Local government issuance of coastal use permits subject to a coastal use permit system administered pursuant to an approved local plan;
- o DOTD and in certain instances gubernatorial review of the activities of State agencies, local governments, and deepwater ports for consistency with the LCRP;
- o DOTD/ gubernatorial review of the consistency of the actions of federal agencies with the LCRP pursuant to CZMA Section 307, in addition to other state policies incorporated into the LCRP

Goals for Development of the Guidelines

In order to provide additional guidance for the development of the coastal use guidelines, the Legislature established the following goals in Section 213.8(C) of Act 361:

- (1) To encourage full use of coastal resources while recognizing it is in the public interest of the people of Louisiana to establish a proper balance between development and conservation.
- (2) Recognize that some areas of the coastal zone are more suited for development than other areas and hence use guidelines which may differ for the same uses in different areas.
- (3) Require careful consideration of the impacts of uses on water flow, circulation, quantity, and quality and require that the discharge or release of any pollutant or toxic material into the water or air of the coastal zone be within all applicable limits established by law, or by federal, state, or local regulatory authority.
- (4) Recognize the value of special features of the coastal zone such as barrier islands, fishery nursery grounds, recreation areas, ports and other areas where developments and facilities are dependent upon the utilization of or access to coastal waters, and areas particularly suited for industrial, commercial, or residential development and manage those areas so as to enhance their value to the people of Louisiana.
- (5) Minimize, whenever feasible and practical, detrimental impacts on natural areas and wildlife habitat and fisheries by such means as encouraging minimum change of natural systems and by multiple use of existing canals, directional drilling, and other practical techniques.
- (6) Provide for adequate corridors within the coastal zone for transportation, industrialization, or urbanization and encouraging the

location of such corridors in already developed or disturbed areas when feasible or practicable.

- (7) Reduce governmental red tape and costly delays and ensure more predictable decisions on permit applications.
- (8) Encourage such multiple uses of the coastal zone as are consistent with the purposes of this Part.
- (9) Minimize detrimental effects of foreseeable cumulative impacts on coastal resources from proposed or authorized uses.
- (10) Provide ways to enhance opportunities for the use and enjoyment of the recreational values of the coastal zone.
- (11) Require the consideration of available scientific understanding of natural systems, available engineering technology and economics in the development of management programs.
- (12) Establish procedures and criteria to ensure that appropriate consideration is given to uses of regional, state, or national importance, energy facility siting and the national interests in coastal resources.

The Guideline Development Process

The process for adoption of the Coastal Use Guidelines is established by Section 213.8(B) of Act 361. Pursuant to this section, the guidelines are initially developed by the Secretary of DOTD in consultation with the Secretaries of Department of Natural Resources (DNR) and Department of Wildlife and Fisheries (DWF). After public hearings on the guidelines and consideration of the comments received, the guidelines are submitted to the Louisiana Coastal Commission. The Commission may approve or disapprove individual guidelines giving the reasons in writing for each guideline disapproved. The Commission has sixty days to act, and lack of official action constitutes approval. Any guidelines disapproved are returned to the secretaries of the departments of Transportation and Development, Natural Resources, and Wildlife and Fisheries, acting jointly, for further consideration. The secretaries may submit revised guidelines to the Commission within thirty days. The Commission then has thirty days to act on the guidelines as revised. Subsequent to action by the commission, the guidelines are to be submitted to the House Committee on Natural Resources and Senate Committee on Natural Resources and, if rejected by the Committees, to the Governor for final determination. The Secretary shall adopt those guidelines approved by the Commission upon review by the Committees or Governor.

Draft guidelines developed by the Secretary of DOTD in conjunction with secretaries of the DNR and the DWF were made available in the March 1979 Hearing Draft document of the LCRP. Following two public hearings on the guidelines and the Hearing Draft of the LCRP in April, 1979, revised guidelines were submitted to the Louisiana Coastal Commission on May 30, 1979.

The coastal commission met six times to review and vote on each individual guideline, completing its review on August 14, 1979. The guidelines included in this chapter are the complete set guidelines that have been approved by the coastal commission. Following the completion of review process for this document and consideration of the comments received, the guidelines will be reviewed by the Natural Resources Committees of the House and Senate, and if rejected by these Committees, by the Governor. If approved upon reviewed by the Committees or the Governor, they will be adopted by the Secretary of DOTD. The coastal use permit system will go into effect thirty days after adoption of the guidelines.

How to Use the Coastal Use Guidelines

The guidelines have been written in order to implement the policies (Section 213.2) and goals (Section 213.8(C)) of Act 361. The legislative guidance contained in Act 361 requires decision-making criteria that will protect, develop, and where feasible, restore the natural resources of the state while providing for adequate economic growth and development. In order to accomplish these sometimes conflicting goals the guidelines are organized as a set of performance standards for evaluating projects or proposals on their individual merits for compliance with the guidelines. This "performance standards" approach deals primarily with the impacts of a proposed action on coastal resources. Under this approach, policies need not be developed for all aspects of a use but only for those which would have direct and significant impacts on coastal waters.

The alternative approach of designating which uses are permissible in different geographic areas of the coast is seen by LCRP as an option that may be utilized by local governments (Section 213.9, Act 361). This type of approach by local governments is fully encouraged and supported. However, in terms of the details involved in its implementation, this approach would be inappropriate for state management of the coastal zone as a whole. Such a state level program would not allow sufficient flexibility for future decision-making at the state level, with changing technology and advances in development alternatives may offer ways to mitigate or even ameliorate environmental or other impacts. Therefore, the performance standard approach seems best suited to the needs for management of coastal Louisiana.

The coastal use guidelines will be implemented through the coastal use permit and in-lieu permit system and review and certification of the activities of other state and federal agencies (discussed in detail in Chapters IV and VII).

The guidelines are divided into two basic categories. General guidelines 1.1 through 1.10 apply to all uses or activities subject to the guidelines and explain how the guidelines are to be interpreted and utilized. The specific guidelines in sections 2 through 10 apply to specific classes of uses and activities which are likely to have direct and significant impact on coastal waters. The specific guidelines provide direction as to how and where uses and activities are to be carried out and as to specific adverse impacts which are to be avoided or minimized.

All proposed uses or activities must comply with all applicable guidelines. If any specific guideline applicable to a project contains an unqualified "shall" or "shall not", the guideline must be followed in all cases. If any applicable guideline contains the modifier "to the maximum extent practicable", the mandatory language of the guideline must be followed unless an affirmative finding is made, as a result of the process contained in Guideline 1.8, that the use or activity should be allowed to proceed, subject to any necessary modifications or conditions. All projects are expected to be so designed and located that they conform with all applicable guidelines, regardless of the type of standard that is contained in them.

Amendments to the Guidelines

Pursuant to Section 213.8(B) the coastal use guidelines are to be followed in the development of the state coastal program and local coastal programs. The Secretary of DOTD, jointly with the secretaries of DNR and DWF, are to review the guidelines at least once each year to consider amendments to the guidelines based on experience gained in issuing coastal use permits and the results of research and planning activities. Any additions, deletions, or modifications will be subject to the same adoption process required for the initial proposed guidelines.

Table II-1 contains the coastal use guidelines developed to date by the Secretaries of DOTD, DNR, and DWF; proposed to the Commission by the Secretary of DOTD; and approved by the Commission at its meeting prior to and on August 14, 1979. Following the guidelines is a description of the other policies incorporated into the LCRP from existing provisions of law.

REVISED GUIDELINES
AUGUST 14, 1979

LOUISIANA DEPARTMENT OF
TRANSPORTATION AND DEVELOPMENT
LOUISIANA COASTAL RESOURCES PROGRAM

GUIDELINES APPLICABLE TO ALL USES

Guideline 1.1 The guidelines must be read in their entirety. Any proposed use may be subject to the requirements of more than one guideline or section of guidelines and all applicable guidelines must be complied with.

Guideline 1.2 Conformance with applicable water and air quality laws, standards and regulations, and with those other laws, standards and regulations which have been incorporated into the coastal resources program shall be deemed in conformance with the program except to the extent that these guidelines would impose additional requirements.

Guideline 1.3 The guidelines include both general provisions applicable to all uses and specific provisions applicable only to certain types of uses. The general guidelines apply in all situations. The specific guidelines apply only to the situations they address. Specific and general guidelines should be interpreted to be consistent with each other. In the event there is an inconsistency, the specific should prevail.

Guideline 1.4 These guidelines are not intended to nor shall they be interpreted so as to result in an involuntary acquisition or taking of property.

Guideline 1.5 No use or activity shall be carried out or conducted in such a manner as to constitute a violation of the terms of a grant or donation of any lands or waterbottoms to the State or any subdivision thereof. Revocations of such grants and donations shall be avoided.

Guideline 1.6 Information regarding the following general factors shall be utilized by the permitting authority in evaluating whether the proposed use is in compliance with the guidelines.

- a) type, nature and location of use.
- b) elevation, soil and water conditions and flood and storm hazard characteristics of site.
- c) techniques and materials used in construction, operation and maintenance of use.
- d) existing drainage patterns and water regimes of surrounding area including flow, circulation, quality, quantity and salinity; and impacts on them.
- e) availability of feasible alternative sites or methods for implementing the use.
- f) designation of the area for certain uses as part of a local program.

- g) economic need for use and extent of impacts of use on economy of locality.
- h) extent of resulting public and private benefits.
- i) extent of coastal water dependency of the use.
- j) existence of necessary infrastructure to support the use and public costs resulting from use.
- k) extent of impacts on existing and traditional uses of the area and on future uses for which the area is suited.
- l) proximity to and extent of impacts on important natural features such as beaches, barrier islands, tidal passes, wildlife and aquatic habitats, and forestlands.
- m) the extent to which regional, state and national interests are served including the national interest in resources and the siting of facilities in the coastal zones as identified in the coastal resources program.
- n) proximity to, and extent of impacts on, special areas, particular areas, or other areas of particular concern of the state program or local programs.
- o) likelihood of, and extent of impacts of, resulting secondary impacts and cumulative impacts.
- p) proximity to and extent of impacts on public lands or works, or historic, recreational or cultural resources.
- q) extent of impacts on navigation, fishing, public access, and recreational opportunities.
- r) extent of compatibility with natural and cultural setting.
- s) extent of long term benefits or adverse impacts.

Guideline 1.7 It is the policy of the coastal resources program to avoid the following adverse impacts. To this end, all uses and activities shall be planned, sited, designed, constructed, operated and maintained to avoid to the maximum extent practicable significant:

- a) reductions in the natural supply of sediment and nutrients to the coastal system by alterations of freshwater flow.
- b) adverse economic impacts on the locality of the use and affected governmental bodies.
- c) detrimental discharges of inorganic nutrient compounds into coastal waters.

- d) alterations in the natural concentration of oxygen in coastal waters.
- e) destruction or adverse alterations of streams, wetland, tidal passes, inshore waters and waterbottoms, beaches, dunes, barrier islands, and other natural biologically valuable areas or protective coastal features.
- f) adverse disruption of existing social patterns.
- g) alterations of the natural temperature regime of coastal waters.
- h) detrimental changes in existing salinity regimes.
- i) detrimental changes in littoral and sediment transport processes.
- j) adverse effects of cumulative impacts.
- k) detrimental discharges of suspended solids into coastal waters, including turbidity resulting from dredging.
- l) reductions or blockage of water flow or natural circulation patterns within or into an estuarine system or a wetland forest.
- m) discharges of pathogens or toxic substances into coastal waters.
- n) adverse alteration or destruction of archaeological, historical or other cultural resources.
- o) fostering of detrimental secondary impacts in undisturbed or biologically highly productive wetland areas.
- p) adverse alteration or destruction of unique or valuable habitats, critical habitat for endangered species, important wildlife or fishery breeding or nursery areas, designated wildlife management or sanctuary areas, or forestlands.
- q) adverse alteration or destruction of public parks, shoreline access points, public works, designated recreation areas, scenic rivers, or other areas of public use and concern.
- r) adverse disruptions of coastal wildlife and fishery migratory patterns.
- s) land loss, erosion and subsidence.
- t) increases in the potential for flood, hurricane or other storm damage, or increases in the likelihood that damage will occur from such hazards.
- u) reductions in the long term biological productivity of the coastal ecosystem.

Guideline 1.8 In those guidelines in which the modifier "maximum extent practicable" is used, the proposed use is in compliance with the guideline if the standard modified by the term is complied with. If the modified standard is not complied with, the use will be in compliance with the guideline if the permitting authority finds, after a systematic consideration of all pertinent information regarding the use, the site and the impacts of the use as set forth in guideline 1.6, and a balancing of their relative significance, that the benefits resulting from the proposed use would clearly outweigh the adverse impacts resulting from non-compliance with the modified standard and there are no feasible and practical alternative locations, methods and practices for the use that are in compliance with the modified standard and:

- a) significant public benefits will result from the use, or;
- b) the use would serve important regional, state or national interests, including the national interest in resources and the siting of facilities in the coastal zone identified in the coastal resources program, or;
- c) the use is coastal water dependent.

The systematic consideration process shall also result in a determination of those conditions necessary for the use to be in compliance with the guideline. Those conditions shall assure that the use is carried out utilizing those locations, methods and practices which maximize conformance to the modified standard; are technically, economically, environmentally, socially and legally feasible and practical and minimize or offset those adverse impacts listed in guideline 1.7 and in the guideline at issue.

Guideline 1.9 Uses shall to the maximum extent practicable be designed and carried out to permit multiple concurrent uses which are appropriate for the location and to avoid unnecessary conflicts with other uses of the vicinity.

Guideline 1.10 These guidelines are not intended to be, nor shall they be, interpreted to allow expansion of governmental authority beyond that established by La. R.S. 49:213.1 through 213.21, as amended; nor shall these guidelines be interpreted so as to require permits for specific uses legally commenced or established prior to the effective date of the coastal use permit program nor to normal maintenance or repair of such uses.

Guidelines For Levees

Guideline 2.1 The leveeing of unmodified or biologically productive wetlands shall be avoided to the maximum extent practicable.

Guideline 2.2 Levees shall be planned and sited to avoid segmentation of wetland areas and systems to the maximum extent practicable.

Guideline 2.3 Levees constructed for the purpose of developing or otherwise changing the use of a wetland area shall be avoided to the maximum extent practicable.

Guideline 2.4 Hurricane and flood protection levees shall be located at the non-wetland/wetland interface or landward to the maximum extent practicable.

Guideline 2.5 Impoundment levees shall only be constructed in wetland areas as part of approved water or marsh management projects or to prevent release of pollutants.

Guideline 2.6 Hurricane or flood protection levee systems shall be designed, built and thereafter operated and maintained utilizing best practical techniques to minimize disruptions of existing hydrologic patterns, and the interchange of water, beneficial nutrients and aquatic organisms between enclosed wetlands and those outside the levee system.

Guidelines For Linear Facilities

Guideline 3.1 Linear use alignments shall be planned to avoid adverse impacts on areas of high biological productivity or irreplaceable resource areas.

Guideline 3.2 Linear facilities involving the use of dredging or filling shall be avoided in wetland and estuarine areas to the maximum extent practicable.

Guideline 3.3 Linear facilities involving dredging shall be of the minimum practical size and length.

Guideline 3.4 To the maximum extent practicable, pipelines shall be installed through the "push ditch" method and the ditch backfilled.

Guideline 3.5 Existing corridors, rights-of-way, canals, and streams shall be utilized to the maximum extent practicable for linear facilities.

Guideline 3.6 Linear facilities and alignments shall be, to the maximum extent practicable, designed and constructed to permit multiple uses consistent with the nature of the facility.

Guideline 3.7 Linear facilities involving dredging shall not traverse or adversely affect any barrier island.

Guideline 3.8 Linear facilities involving dredging shall not traverse beaches, tidal passes, protective reefs or other natural gulf shoreline unless no other alternative exists. If a beach, tidal pass, reef or other natural gulf shoreline must be traversed for a non-navigation canal, they shall be restored at least to their natural condition immediately upon completion of construction. Tidal passes shall not be permanently widened or deepened except when necessary to conduct the use. The best available restoration techniques which improve the traversed area's ability to serve as a shoreline shall be used.

Guideline 3.9 Linear facilities shall be planned, designed, located and built using the best practical techniques to minimize disruption of natural hydrologic and sediment transport patterns, sheet flow, and water quality, and to minimize adverse impacts on wetlands.

Guideline 3.10 Linear facilities shall be planned, designed, and built using the best practical techniques to prevent bank slumping and erosion, saltwater intrusion, and to minimize the potential for inland movement of storm-generated surges. Consideration shall be given to the use of locks in navigation canals and channels which connect more saline areas with fresher areas.

Guideline 3.11 All non-navigation canals, channels and ditches which connect more saline areas with fresher areas shall be plugged at all waterway crossings and at intervals between crossings in order to compartmentalize them. The plugs shall be properly maintained.

Guideline 3.12 The multiple use of existing canals, directional drilling and other practical techniques shall be utilized to the maximum extent practicable to minimize the number and size of access canals, to minimize changes of natural systems and to minimize adverse impacts on natural areas and wildlife and fisheries habitat.

Guideline 3.13 All pipelines shall be constructed in accordance with parts 191, 192, and 195 of Title 49 of the Code of Federal Regulations, as amended, and in conformance with the Commissioner of Conservation's Pipeline Safety Rules and Regulations and those safety requirements established by La. R.S. 45:408, whichever would require higher standards.

Guideline 3.14 Areas dredged for linear facilities shall be backfilled or otherwise restored to the pre-existing conditions upon cessation of use for navigation purposes to the maximum extent practicable.

Guideline 3.15 The best practical techniques for site restoration and revegetation shall be utilized for all linear facilities.

Guideline 3.16 Confined and dead end canals shall be avoided to the maximum extent practicable. Approved canals must be designed and constructed using the best practical techniques to avoid water stagnation and eutrophication.

Guidelines For Dredged Spoil Deposition

Guideline 4.1 Spoil shall be deposited utilizing the best practical techniques to avoid disruption of water movement, flow, circulation and quality.

Guideline 4.2 Spoil shall be used beneficially to the maximum extent practicable to improve productivity or create new habitat, reduce or compensate for environmental damage done by dredging activities, or prevent environmental damage. Otherwise, existing spoil disposal areas or upland disposal shall be utilized to the maximum extent practicable rather than creating new disposal areas.

Guideline 4.3 Spoil shall not be disposed of in a manner which could result in the impounding or draining of wetlands or the creation of development sites unless the spoil deposition is part of an approved levee or land surface alteration project.

Guideline 4.4 Spoil shall not be disposed of on marsh, known oyster or clam reefs or in areas of submersed vegetation to the maximum extent practicable.

Guideline 4.5 Spoil shall not be disposed of in such a manner as to create a hindrance to navigation or fishing, or hinder timber growth.

Guideline 4.6 Spoil disposal areas shall be designed and constructed and maintained using the best practical techniques to retain the spoil at the site, reduce turbidity, and reduce shoreline erosion when appropriate.

Guideline 4.7 The alienation of state-owned property shall not result from spoil deposition activities without the consent of the Department of Natural Resources.

Guidelines For Shoreline Modification

Guideline 5.1 Non-structural methods of shoreline protection shall be utilized to the maximum extent practicable.

Guideline 5.2 Shoreline modification structures shall be designed and built using best practical techniques to minimize adverse environmental impacts.

Guideline 5.3 Shoreline modification structures shall be lighted or marked in accordance with U.S. Coast Guard regulations, not interfere with navigation, and should foster fishing, other recreational opportunities, and public access.

Guideline 5.4 Shoreline modification structures shall be built using best practical materials and techniques to avoid the introduction of pollutants and toxic substances into coastal waters.

Guideline 5.5 Piers and docks and other harbor structures shall be designed and built using best practical techniques to avoid obstruction of water circulation.

Guideline 5.6 Marinas, and similar commercial and recreational developments shall to the the maximum extent practicable not be located so as to result in adverse impacts on open productive oyster beds, or submersed grass beds.

Guideline 5.7 Neglected or abandoned shoreline modification structures, piers, docks, mooring and other harbor structures shall be removed at the owner's expense, when appropriate.

Guideline 5.8 Shoreline stabilization structures shall not be built for the purpose of creating fill areas for development unless part of an approved surface alteration use.

Guideline 5.9 Jetties, groins, breakwaters and similar structures shall be planned, designed and constructed so as to avoid to the maximum extent practicable downstream land loss and erosion.

Guidelines For Surface Alterations

Guideline 6.1 Industrial, commercial, urban, residential, and recreational uses are necessary to provide adequate economic growth and development. To this end, such uses will be encouraged in those areas of the coastal zone that are suitable for development. Those uses shall be consistent with the other guidelines and shall, to the maximum extent practicable, take place only:

- a) on lands five feet or more above sea level or within fast lands;
or
- b) on lands which have foundation conditions sufficiently stable to support the use, and where flood and storm hazards are minimal or where protection from these hazards can be reasonably well achieved, and where the public safety would not be unreasonably endangered; and
 - 1) the land is already in high intensity of development use, or
 - 2) there is adequate supporting infrastructure, or
 - 3) the vicinity has a tradition of use for similar habitation or development

Guideline 6.2 Public and private works projects such as levees, drainage improvements, roads, airports, ports, and public utilities are necessary to protect and support needed development and shall be encouraged. Such projects shall, to the maximum extent practicable, take place only when:

- a) they protect or serve those areas suitable for development pursuant to Guideline 6.1; and
- b) they are consistent with the other guidelines; and
- c) they are consistent with all relevant adopted state, local and regional plans.

Guideline 6.3 BLANK (Deleted)

Guideline 6.4 To the maximum extent practicable wetland areas shall not be drained or filled. Any approved drain or fill project shall be designed and constructed using best practical techniques to minimize present and future property damage and adverse environmental impacts.

Guideline 6.5 Coastal water dependent uses shall be given special consideration in permitting because of their reduced choice of alternatives.

Guideline 6.6 Areas modified by surface alteration activities shall, to the maximum extent practicable, be revegetated, refilled, cleaned and restored to their predevelopment condition upon termination of the use.

Guideline 6.7 Site clearing shall to the maximum extent practicable be limited to those areas immediately required for physical development.

Guideline 6.8 Surface alterations shall, to the maximum extent practicable, be located away from critical wildlife areas and vegetation areas. Alterations in wildlife preserves and management areas shall be conducted in strict accord with the requirements of the wildlife management body.

Guideline 6.9 Surface alterations which have high adverse impacts on natural functions shall not occur, to the maximum extent practicable, on barrier islands and beaches, isolated cheniers, isolated natural ridges or levees, or in wildlife and aquatic species breeding or spawning areas, or in important migratory routes.

Guideline 6.10 The creation of low dissolved oxygen conditions in the water or traps for heavy metals shall be avoided to the maximum extent practicable.

Guideline 6.11 Surface mining and shell dredging shall be carried out utilizing the best practical techniques to minimize adverse environmental impacts.

Guideline 6.12 The creation of underwater obstructions which adversely affect fishing or navigation shall be avoided to the maximum extent practicable.

Guideline 6.13 Surface alteration sites and facilities shall be designed, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances into the environment and minimize other adverse impacts.

Guideline 6.14 To the maximum extent practicable only material that is free of contaminants and compatible with the environmental setting shall be used as fill.

Guidelines For Hydrologic And Sediment Transport Modifications

Guideline 7.1 The controlled diversion of sediment-laden waters to initiate new cycles of marsh building and sediment nourishment shall be encouraged and utilized whenever such diversion will enhance the viability and productivity of the outfall area. Such diversions shall incorporate a plan for monitoring and reduction and/or amelioration of the effects of pollutants present in the freshwater source.

Guideline 7.2 Sediment deposition systems may be used to offset land loss, to create or restore wetland areas or enhance building characteristics of a development site. Such systems shall only be utilized as part of an approved plan. Sediment from these systems shall only be discharged in the area that the proposed use is to be accomplished.

Guideline 7.3 Undesirable deposition of sediments in sensitive habitat or navigation areas shall be avoided through the use of the best preventive techniques.

Guideline 7.4 The diversion of freshwater through siphons and controlled conduits and channels, and overland flow to offset saltwater intrusion and to introduce nutrients into wetlands shall be encouraged and utilized whenever such diversion will enhance the viability and productivity of the outfall area. Such diversions shall incorporate a plan for monitoring and reduction and/or amelioration of the effects of pollutants present in the freshwater source.

Guideline 7.5 Water or marsh management plans shall result in an overall benefit to the productivity of the area.

Guideline 7.6 Water control structures shall be assessed separately based on their individual merits and impacts and in relation to their overall water or marsh management plan of which they are a part.

Guideline 7.7 Weirs and similar water control structures shall be designed and built using the best practical techniques to prevent "cut arounds," permit tidal exchange in tidal areas, and minimize obstruction of the migration of aquatic organisms.

Guideline 7.8 Impoundments which prevent normal tidal exchange and/or the migration of aquatic organisms shall not be constructed in brackish and saline areas to the maximum extent practicable.

Guideline 7.9 Withdrawal of surface and ground water shall not result in saltwater intrusion or land subsidence to the maximum extent practicable.

Guidelines For Disposal Of Wastes

Guideline 8.1 The location and operation of waste storage, treatment, and disposal facilities shall be avoided in wetlands to the maximum extent practicable, and best practical techniques shall be used to minimize adverse impacts which may result from such use.

Guideline 8.2 The generation, transportation, treatment, storage and disposal of hazardous wastes shall be pursuant to the substantive requirements of the Department of Natural Resources adopted pursuant to Act 334 of 1978 and approved pursuant to the Resource Conservation and Recovery Act. of 1976 P. O. 94-580, and of the Office of Conservation for injection below surface.

Guideline 8.3 Waste facilities located in wetlands shall be designed and built to withstand all expectable adverse conditions without releasing pollutants.

Guideline 8.4 Waste facilities shall be designed and constructed using best practical techniques to prevent leaching, control leachate production, and prevent the movement of leachate away from the facility.

Guideline 8.5 The use of overland flow systems for non-toxic, biodegradable wastes, and the use of sump lagoons and reservoirs utilizing aquatic vegetation to remove pollutants and nutrients shall be encouraged.

Guideline 8.6 All waste disposal sites shall be marked and, to the maximum extent practicable, all components of waste shall be identified.

Guideline 8.7 Waste facilities in wetlands with identifiable pollution problems that are not feasible and practical to correct shall be closed and either removed or sealed, and shall be properly revegetated using the best practical techniques.

Guideline 8.8 Waste shall be disposed of only at approved disposal sites.

Guideline 8.9 Radioactive wastes shall not be temporarily or permanently disposed of in the coastal zone.

Guidelines For Uses That Result In The Alteration
Of Waters Draining Into Coastal Waters

Guideline 9.1 Upland and upstream water management programs which affect coastal waters and wetlands shall be designed and constructed to preserve or enhance existing water quality, volume, and rate of flow to the maximum extent practicable.

Guideline 9.2 Runoff from developed areas shall to the maximum extent practicable be managed to simulate natural water patterns, quantity, quality and rate of flow.

Guideline 9.3 Runoff and erosion from agricultural lands shall be minimized through the best practical techniques.

Guidelines for Oil, Gas and Other Mineral Activities

Guideline 10.1 Geophysical surveying shall utilize the best practical techniques to minimize disturbance or damage to wetlands, fish and wildlife and other coastal resources.

Guideline 10.2 To the maximum extent practicable, the number of mineral exploration and production sites in wetland areas requiring flotation access shall be held to the minimum number, consistent with good recovery and conservation practices and the need for energy development, by directional drilling, multiple use of existing access canals and other practical techniques.

Guideline 10.3 Exploration, production and refining activities shall, to the maximum extent practicable, be located away from critical wildlife areas and vegetation areas. Mineral operations in wildlife preserves and management areas shall be conducted in strict accordance with the requirements of the wildlife management body.

Guideline 10.4 Mineral exploration and production facilities shall be to the maximum extent practicable designed, constructed and maintained in such a manner to maintain natural water flow regimes, avoid blocking surface drainage, and avoid erosion.

Guideline 10.5 Access routes to mineral exploration, production and refining sites shall be designed and aligned so as to avoid adverse impacts on critical wildlife and vegetation areas to the maximum extent practicable.

Guideline 10.6 Drilling and production sites shall be prepared, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances into the environment.

Guideline 10.7 All drilling activities, supplies, and equipment shall be kept on barges, on drilling rigs, within ring levees, or on the well site.

Guideline 10.8 Drilling ring levees shall to the maximum extent practicable be replaced with smaller production levees or removed entirely.

Guideline 10.9 All drilling and production equipment, structures, and storage facilities shall be designed and constructed utilizing best practical techniques to withstand all expectable adverse conditions without releasing pollutants.

Guideline 10.10 Mineral exploration, production and refining facilities shall be designed and constructed using best practical techniques to minimize adverse environmental impacts.

Guideline 10.11 Effective environmental protection and emergency or contingency plans shall be developed and complied with for all mineral operations.

Guideline 10.12 The use of dispersants, emulsifiers and other similar chemical agents on oil spills is prohibited without the prior approval of the Coast Guard or Environmental Protection Agency on-Scene Coordinator, in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan.

Guideline 10.13 Mineral exploration and production sites shall be cleared, revegetated, detoxified and otherwise restored as near as practicable to their original condition upon termination of operations to the maximum extent practicable.

Guideline 10.14 The creation of underwater obstructions which adversely affect fishing or navigation shall be avoided to the maximum extent practicable.

Guideline Definitions

Levees - any use or activity which creates an embankment to control or prevent water movement, to retain water or other material, or to raise a road or other lineal use above normal or flood water levels. Examples include levees, dikes and embankments of any sort.

Linear Facilities - those uses and activities which result in creation of structures or works which are primarily linear in nature. Examples include pipelines, roads, canals, channels, and powerlines.

Shoreline Modifications - those uses and activities planned or constructed with the intention of directly or indirectly changing or preventing change of a shoreline. Examples include bulkheading, piers, docks, wharves, slips and short canals, and jetties.

Spoil Deposition - the deposition of any excavated or dredged material.

Surface Alterations - those uses and activities which change the surface or usability of a land area or water bottom. Examples include fill deposition, land reclamation, beach nourishment, dredging (primarily areal), clearing, draining, surface mining, construction and operation of transportation, mineral, energy and industrial facilities, and industrial, commercial and urban developments.

Hydrologic and Sediment Transport Modifications - those uses and activities intended to change water circulation, direction of flow, velocity, level, or quality or quantity of transported sediment. Examples include locks, water gates, impoundments, jetties, groins, fixed and variable weirs, dams, diversion pipes, siphons, canals, and surface and groundwater withdrawals.

Waste Disposal - those uses and activities which involve the collections, storage and discarding or disposing of any solid or liquid material. Examples include littering; landfill; open dumping; incineration; industrial waste treatment facilities; sewerage treatment; storage in pits, ponds or lagoons; ocean dumping and subsurface disposal.

Alterations of Waters Draining in Coastal Waters - those uses or activities that would alter, change, or introduce polluting substances into runoff and thereby modify the quality of coastal waters. Examples include water control impoundments, upland and water management programs, and drainage projects from urban, agricultural and industrial developments.

Oil, Gas and Other Mineral Activities - those uses and activities which are directly involved in the exploration, production, and refining of oil, gas and other minerals. Examples include geophysical surveying, establishment of drill sites and access to them, drilling, on site storage of supplies, products and waste materials, production, refining, and spill cleanup.

Coastal Water Dependent Uses - those which must be carried out on, in or adjacent to coastal water areas or wetlands because the use requires access to the water body or wetland or requires the consumption, harvesting or other direct use of coastal resources, or requires the use of coastal water

in the manufacturing or transportation of goods. Examples include surface and subsurface mineral extraction, fishing, ports and necessary supporting commercial and industrial facilities, facilities for the construction, repair and maintenance of vessels, navigation projects, and fishery processing plants.

Best Practical Techniques - best practical techniques shall mean those methods or techniques which would result in the greatest possible minimization of the adverse impacts listed in Guideline 1.7 and in specific guidelines applicable to the proposed use. Those methods or techniques shall be the best methods or techniques which are in use in the industry or trade or among practitioners of the use, and which are feasible and practical for utilization.

Water or Marsh Management Plan - a systematic development and control plan to improve and increase biological productivity, or to minimize land loss, saltwater intrusion, erosion or other such environmental problems, or to enhance recreation.

Impoundment Levees - those levees and associated water control structures whose primary purpose is to contain water within the levee system either for the prevention of the release of pollutants, to create fresh water reservoirs, or for management of fish or wildlife resources.

Hurricane or Flood Protection Levees - those levees and associated water control structures whose primary purpose is to prevent occasional surges of flood or storm generated high water. Such levee systems do not include those built to permit drainage or development of enclosed wetland areas.

Development Levees - those levees and associated water control structures whose purpose is to allow control of water levels within the area enclosed by the levees to facilitate drainage or development within the leveed areas. Such levee systems also commonly serve for hurricane or flood protection, but are not so defined for purposes of these guidelines.

Feasible and Practical - those locations, methods and/or practices which are of established usefulness and efficiency and allow the use or activity to be carried out successfully.

Minerals - oil, gas, sulfur, geothermal, geopressured, salt, or other naturally occurring energy or chemical resources which are produced from below the surface in the coastal zone. Not included are such surface resources as clam or oyster shells, dirt, sand, or gravel.

Sediment Deposition Systems - controlled diversions of sediment-laden water in order to initiate land building or sediment nourishment or to minimize undesirable deposition of sediment in navigation channels or habitat areas. Typical activities include diversion channels, jetties, groins or sediment pumps.

Radioactive Wastes - Wastes containing source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

C) Other State Policies Incorporated into the Program

Section 213.8A of Act 361 directs the Secretary of DOTD, in developing the LCRP, to include all applicable legal and management provisions that affect the coastal zone or are necessary to achieve the purposes of Act 361 or to implement the guidelines effectively. It states:

The Secretary shall develop the overall state coastal management program consisting of all applicable constitutional provisions, laws and regulations of this state which affect the coastal zone in accordance with the provisions of this Part and shall include within the program such other applicable constitutional or statutory provisions, or other regulatory or management programs or activities as may be necessary to achieve the purposes of this Part or necessary to implement the guidelines hereinafter set forth.

The constitutional provisions and other statutory provisions, regulations, and management and regulatory programs incorporated into the LCRP are identified and described in Appendix 1. A description of how these other authorities are integrated into the LCRP and coordinated during program implementation is presented in Chapter IV. Since all of these policies are incorporated into the LCRP, federal agencies must ensure that their proposed actions are consistent with these policies as well as the coastal use guidelines. (CZMA, Section 307.)

CHAPTER III

BOUNDARY

A) INTRODUCTION

Section 305(b)(1) of the Coastal Zone Management Act of 1972, as amended, requires the management program for each coastal state to include:

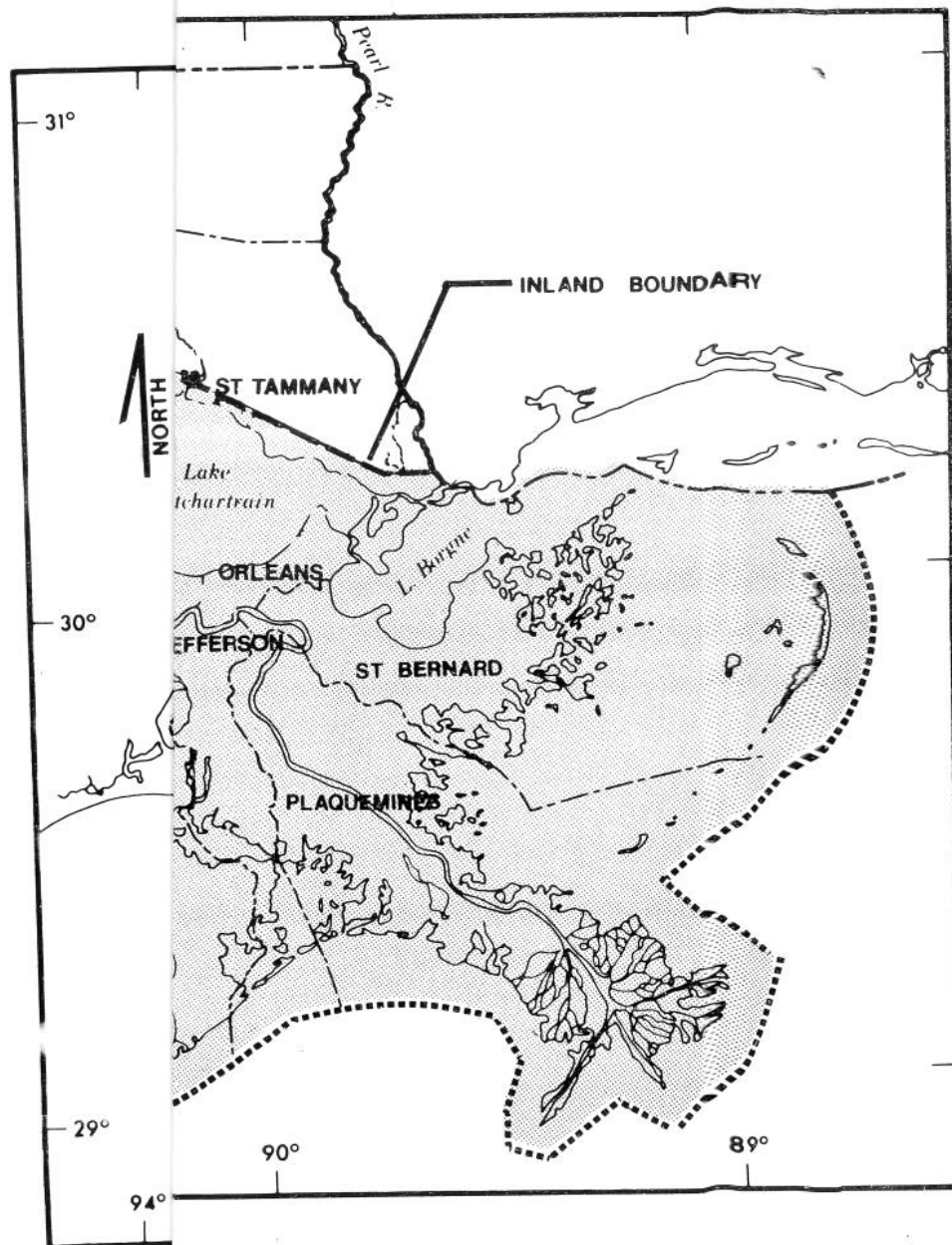
An identification of the boundaries of the coastal zone subject to the management program.

Federal coastal zone management program approval regulations, 15 C.F.R., Section 923.30-923.34, divide the boundaries of the coastal zone into four elements: the inland boundary, the seaward boundary, areas excluded from the coastal zone and interstate boundaries.

The federal 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 section 923.21 of 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."



Excluded from state coastal zones are "those lands owned, leased, held in trust, or whose use is otherwise subject solely to the discretion of the federal government, its officers or agents." Activities on these lands must be consistent, however, with state coastal management which directly affect state coastal zone programs.

B) LOUISIANA COASTAL ZONE BOUNDARIES

The Louisiana coastal zone boundary as described by Act 361 and subsequent amendments complies with the requirements of the federal CZMA. All islands, beaches, salt marshes, wetlands and areas necessary to control uses which have direct and significant impacts on coastal waters are included in the Louisiana coastal zone. (Section 923.31-923.33, Federal Program Approval Regulations). The original boundary as described in Act 361 has been revised twice. The first modification, which was provided for in the Act, allowed for minor revisions in the boundary to follow corporate limits of municipalities which were originally divided. The second revision of the coastal zone boundary came in 1979 when the legislature amended Act 361 to include all of St. James, St. John the Baptist, St. Charles parishes, and a larger portion of Livingston Parish.

Section 213.4 of Act. 361, as amended, provides for a narrative description of the boundary of the Louisiana Coastal Zone (see appendix b). This boundary is shown in Figure III-1. Pursuant to Act 361, Sec. 213.4(d) DOTD has promulgated a legal description of the inland boundary of the coastal zone, which is set forth in appendix j. DOTD is now in the process of preparing new large scale maps of the coastal zone boundary as amended by the 1979 Louisiana Legislature.

The overview in Chapter I describes the vast and complex nature of coastal Louisiana. Seasonal flooding and variation in salinity levels create a dynamic environment that is particularly difficult to delineate through the establishment of an inland boundary. A number of inland boundary options have been considered in developing the LCRP (see Areas of Controversy, page 3). The current inland boundary was chosen because it contains all the significant coastal resource areas and uses which directly and significantly affect coastal water. The inland boundary also uses existing parish lines, highways, and dominant physical features, e.g., Intracoastal Waterway, to delineate the coastal zone in a clearer manner for interested parties. The end result is an area extending inland from the Gulf coast sixteen to thirty two miles and containing approximately 5.3 million acres.

°Inland Boundary The following is a general description of the inland boundary based on the boundary defined in Act 361. The inland boundary for the State of Louisiana contains all or part of seventeen 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, 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.

°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).

°Coastal Zone Boundaries in Adjoining States Neither Texas or Mississippi currently have approved coastal zone management programs. Mississippi has had a preliminary program preliminarily approved by OCZM pursuant to Sec. 305(d) of the CZMA. Texas has also submitted a program for preliminary approval under Sec. 305(d). Under both these programs, the coastal zone inland boundary would include the first tier of counties along the coast. Louisiana has consulted and coordinated with both Texas and Mississippi over the adjoining boundaries to ensure that all common resource areas are being managed compatibly.

°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.

C) EXCLUDED FEDERAL LANDS

In accordance with section 304(a) of the Coastal Zone Management Act of 1972, 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.

To identify Federally owned and controlled lands in the Louisiana coastal zone, a survey was forwarded to each Federal agency through the Southwest Federal Regional Council in 1975. The major Federal agency land holdings in Louisiana are as follows:

U. S. Department of Interior

The great majority of these lands are National Wildlife Refuges administered by the U. S. Fish and Wildlife Service in Plaquemines, Iberia and Cameron parishes. The Department of Interior also owns and controls the Chalmette National Park in St. Bernard Parish and the newly acquired Jean Lafitte National Park in Jefferson Parish.

N.A.S.A.

The National Aeronautics and Space Administration owns two facilities in the coastal zone, the Michoud Assembly Facility in Orleans Parish and the Slidell Computer Facilities in St. Tammany Parish.

U.S. Department of Transportation The Department of Transportation's holdings are Coast Guard Stations in Cameron, Jefferson, Orleans and Plaquemines, and the Aids to Navigation Team Headquarters in Terrebonne Parish.

U. S. Army Corps of Engineers

The U.S. Army Corps of Engineers has jurisdiction over 202,188 acres in Louisiana's Coastal Zone Boundary. The Corps owns in fee simple 17,481 acres of land in the Coastal Zone which consists mostly of the Bonnet Carre Spillway and the Mississippi South and Southwest Passes. The Corps also owns other small acreages of land throughout the Coastal Zone consisting mainly of navigational locks and channels.

The Army Corps of Engineers also has easements of 184,707 acres of land in Louisiana Coastal Zone. Most of these easements are on lands adjacent to navigational canals, channels and the Atchafalaya and Morganza spillways.

Table III-1 lists the approximate areas of major federally controlled lands by department.

TABLE III-1

APPROXIMATE AREAS OF MAJOR FEDERALLY CONTROLLED LANDS
IN THE LOUISIANA COASTAL ZONE

<u>Department of Agency</u>	<u>Acreage</u>
U. S. Department of Interior	228,067
N.A.S.A.	905
U. S. Department of Transportation	2,247
U. S. Department of Defense	
U. S. Army Corps of Engineers	202,206
U. S. Department of the Navy	5,335
U. S. Department of the Air Force	<u>20</u>
TOTAL	438,780 acres

CHAPTER IV ORGANIZATION AND AUTHORITIES

A) INTRODUCTION

The Department of Transportation and Development has primary responsibility for coastal zone management in Louisiana. However, a number of other agencies are involved in the development and implementation of the program including the Department of Wildlife and Fisheries, the Department of Natural Resources, the Louisiana Coastal Commission, and the 17 coastal parishes. In addition, a number of state agencies have existing responsibilities for managing specific resources or activities in the coastal zone.

This chapter contains two major sections. Section B describes the organizational roles that various state and local entities will have in implementing the program and includes those responsibilities directly prescribed in Act 361 and the existing roles of state agencies which have been incorporated into the LCRP by DOTD. Section C explains the various means that the entities described in Section B will use to implement the policies of the LCRP described in Chapter II. These means include implementation of the coastal use permit program, the use of other state regulatory programs and other procedures to provide intergovernmental coordination and consistency with the program.

B) ORGANIZATIONAL RESPONSIBILITIES FOR PROGRAM IMPLEMENTATION

Organizational responsibilities for implementation of the Louisiana Coastal Resources Program are based on the authority granted by Act 361. In order to understand the organizational provisions of the state program, it is necessary to understand the entities which administer the program and their relationship to the Department of Transportation and Development (DOTD), the state agency designated by the Legislature and the Governor to administer the LCRP (Section 213.9, Act 361). The following are state and local organizational responsibilities as provided for by Act 361.

1) The Department of Transportation and Development

The major organizational component of Louisiana's Coastal Resources Program is DOTD and its Coastal Management Section established by Section 213.6 of Act 361. DOTD's responsibilities concerning the development and implementation of the LCRP are as follows:

Administration of Federal CZM Programs

DOTD is the designated state agency for administration of Sections 305, 306, 307 and 308 of the CZMA. In this capacity, DOTD administers Management Program Development Grants (CZMA, Section 305), Administrative Grants (CZMA, Section 306), Federal Consistency (CZMA, Section 307) and the Coastal Energy Impact Program (CEIP) (CZMA, Section 308). The Secretary of DOTD determines which projects, among those eligible, will be funded with CEIP moneys allocated to Louisiana under the federal CEIP program.

Development of Coastal Use Guidelines

DOTD is responsible, in conjunction with DWF and DNR, for development of coastal use guidelines pursuant to Section 213.8 of the Act.

Implementation of Coastal Use Permit Program

DOTD will issue permits, monitor permitted uses to ensure compliance, and recommend enforcement measures for violations under the state coastal use permitting program. In this capacity, DOTD is required to develop rules and regulations for various permitting functions, including permit procedures, Section 213.11 B; emergency actions, Section 213.11 F; general permits, Section 213.11 E; and exemptions, Section 213.15 B.

Delineation of Uses of State and Local Concern

DOTD is responsible, in conjunction with the secretaries of DWF and DRN, for the development of rules for the further delineation, classification, modification, and change of classification of uses of state concern and uses of local concern, Section 213.5 C.

Development and Review of Local Coastal Programs

DOTD is responsible for the orderly development, review, approval and administration of local coastal programs pursuant to Section 213.9 B, D.

Provision of Assistance to Local Governments

DOTD is responsible for providing financial and technical assistance to local governments to develop, implement, and administer local coastal management programs pursuant to Section 213.9(J) of the Act.

Designation and Management of Special Areas

DOTD is responsible for the development of rules for the identification, designation, and utilization of special areas and the establishment of guidelines or priorities of uses in each area pursuant to Section 213.10B of the Act. In addition DOTD is responsible for providing financial and technical assistance to local governments for special projects and special areas pursuant to Section 213.10E of the Act.

Boundary Delineation

DOTD is required to adopt a fully delineated and mapped coastal zone boundary, including voluntary amendments to follow the corporate limits of any municipality divided by the boundary pursuant to Section 213.4 D of the Act (see Chapter III).

Consistency Determinations

DOTD is responsible for making determinations whether permits issued by or activities conducted by state and federal agencies are consistent with the state program and approved local programs pursuant to Section 213.13 C of the Act. However, consistency determinations involving activities of DOTD and DOTD permits other than coastal use permits will be made by the governor.

Review of Deepwater Port Activities

DOTD will ensure that the activities of deepwater ports, which do not require a coastal use permit, are consistent with the LCRP and affected approved local programs pursuant to Section 213.12 of the Act.

Shoreline Indexing and Freshwater Diversion Planning

DOTD is responsible for implementing the critical wetland, coastline and barrier island indexing system, barrier island projects and freshwater diversion plans pursuant to Section 213.10 G and F of the Act.

Development of Coordinated Permit Process

DOTD is required to develop a coordinated permitting process in cooperation with other governmental bodies, pursuant to Section 213.14 B of the Act.

Provision of Staff for the Louisiana Coastal Commission

DOTD is responsible for providing staff functions for the Louisiana Coastal Commission pursuant to Section 213.7 A of the Act.

Research and Planning

DOTD is to conduct investigations, studies, planning, and research pursuant to Section 213.6 B (2) of the Act. In addition, DOTD's existing responsibilities will be closely coordinated with the LCRP. The responsibilities include: the planning, construction and control of the highways and aviation facilities in the state, the review of the construction and operation of public works, and the regulation of those facilities of the superport in Louisiana's jurisdiction. DOTD's responsibilities for levee and drainage system protection must also be closely coordinated with the LCRP.

2) Louisiana Coastal Commission

The Louisiana Coastal Commission (LCC or Commission) was established by Act 361 as an independent body within the Department of Transportation and Development, with staff functions being provided by DOTD. The LCC is responsible for a broad range of activities relating to both the development and implementation of the LCRP.

In setting forth the composition of the LCC the legislature sought to ensure the representation of a broad range of local government, state agency and private economic and social interests. The LCC is composed of twenty-three members. One appointed by each of the local governing authorities of the parishes of Cameron, St. Tammany, Vermilion, Iberia, St. Mary, Terrebonne, Lafourche, Jefferson, Plaquemines, St. Bernard and Orleans. In addition the governor has appointed eleven members representing the following interests: the oil and gas industry; agriculture and forestry; commercial fishing and trapping; sport fishing, hunting and outdoor recreation; ports, shipping and transportation; preservation and environmental protection; coastal landowners; municipalities; the utility industry; producers of solid minerals; and industrial development. The Secretary of the Department of Wildlife and Fisheries is a voting member.

Of the governor's appointees, one is from Calcasieu Parish; one from St. Charles Parish; one from St. John the Baptist Parish; one from Tangipahoa Parish; and one from St. James Parish. All appointments by the governor to the commission must be confirmed by the Senate. Local governments and the governor have also appointed an alternate for each of the members that they appoint. Please refer to Appendix k for the names of the present LCC members. All members of the LCC serve at the pleasure of the appointing authority. Their terms are two years. The LCC is required to meet as often as necessary to conduct its business but not less frequently than once every three months. A quorum consists of at least twelve members of the commission. The primary functions of the commission are as follows:

Development of Coastal Use Guidelines

The LCC plays an important role in development of the coastal use guidelines by having the authority to approve or disapprove guidelines. Only those guidelines approved by the LCC, or, following rejection by the LCC, by the Natural Resources Committees of the Legislature or the Governor pursuant to the review and approval process set out in Section 213.8(B) of the Act, will become part of the LCRP.

Appeals of Permit Decisions Made Under the State Program and Approved Local Programs

The LCC is the appeals body for coastal use permit decisions made by DOTD or local governments with approved local programs pursuant to Section 213.7(A) of the Act.

Approval of Local Programs

The LCC is the appeals body for decisions of the Secretary on the approval of local programs pursuant to Section 213.7(A) and 213.9(G) of the Act.

Guidelines and Priorities of Uses in Special Areas

The LCC reviews the specific guidelines and priorities of uses for special areas designated pursuant to Section 213.10(B) of the Act.

Uses of State and Local Concern

The LCC is the appeals body for decisions as to whether a proposed use is a use of state or local concern pursuant to Section 213.11(C)(1) of the Act.

Periodic Review of Guidelines

The LCC may act as a review board to recommend changes in the program guidelines to insure that the program functions efficiently and fulfills the goals for which it was developed.

Periodic Review of the Program

The LCC may act as a public sounding board for review of the administration of the LCRP. This could provide for ongoing review of the program to ensure that it functions efficiently and accomplishes the goals of balancing conservation and development.

3) Local Governments

Act 361 provides parishes located within the coastal zone a unique opportunity to play an important role in further development and implementation of the LCRP. Parishes are authorized, though not required, to develop local coastal management programs for approval by DOTD pursuant to Section 213.9 of the Act. Once its local program is approved, a parish may administer the coastal use permitting program for uses of local concern proposed within the parish and receive implementation funding from the state on a matching fund basis provided under Section 213.9(J). State agencies are also required to coordinate with the local governments with approved programs to assure that their actions affecting the coastal zone are consistent with the local program pursuant to Section 213.13(B) of the Act. Federal agencies must also ensure that their actions are consistent with such programs (Section 307, CZMA). Moreover, coastal use permits issued by DOTD and "in-lieu" permits issued by DNR and DWF must also be consistent with approved local programs. In summary, while local government participation in the LCRP is not required by Act 361, the participation of most parishes in the development of the LCRP to date and the benefits from further participation noted above indicate that most, if not all, parishes will seek to develop local coastal programs.

4) State Agency Roles

Several State agencies, in addition to the DOTD, will play key roles in the implementation of the LCRP. These include new roles for the Departments of Natural Resources and Wildlife and Fisheries prescribed by Act 361 and pre-existing responsibilities which have been incorporated into the LCRP by DOTD pursuant to Section 213.13 of Act 361.

Act 361 provides the Department of Wildlife and Fisheries (DWF) and Department of Natural Resources (DNR) with specific functions in the LCRP development process. The Secretaries of DWF and DNR participate with DOTD in the development and review of the coastal use guidelines

pursuant to Section 213.8(C) of the Act. DWF and DNR have participated with DOTD in developing rules for further delineation and modification of the list of uses of state concern or local concern which will be subject to the coastal use permit program. In cooperation with DOTD, they will participate in determining whether the activities of, and permits issued by, certain other state agencies are consistent with the state program and approved local program, pursuant to Section 213.12(D) of the Act. Those agencies will also be responsible for the issuance of in-lieu permits pursuant to Section 213.12 of the Act.

Act 361 also provides for inclusion of existing state regulatory and non-regulatory programs into the LCRP order to achieve the overall purposes of the Act. The following are summaries of existing state agency responsibilities for the programs that will be included in the LCRP.

Department of Wildlife and Fisheries (DWF)

In addition to the roles and responsibilities provided by Act 361, the Department of Wildlife and Fisheries has primary responsibility for the control and supervision of the wildlife and fisheries of the state, including the management, protection, conservation and replenishment of wildlife, fish and aquatic life; the management of wildlife management areas, refuges and preserves, aquatic weed control, scenic rivers, and uses of waterbottoms and dredge and fill activities. DWF's responsibilities will need to be closely coordinated with the coastal use permit process in order to insure proper management of these resources.

Department of Natural Resources (DNR)

This department has primary responsibility for the conservation, management, and development of water, minerals, timber, and other natural resources of the state and for the administration and supervision of state lands. Within this department but retaining independent authority and control over their functions are the Commissioner of Conservation in the Office of Conservation, and the State Mineral Board, in the Office of Mineral Resources. Their activities will also need close coordination with the LCRP.

Department of Health and Human Resources (DHHR)

This department shall be primarily responsible for the development and providing of health, medical, and social services for the prevention of disease and for certain aspects of protecting the environment, including air quality, oyster and shell fish control, waste materials, sewage disposal, noise, and noxious odors.

Department of Culture, Recreation and Tourism (DCRT)

This department shall have primary responsibility for the development, maintenance, and operation of library, park, recreation, museum, and other cultural facilities; the statewide development and implementation of cultural, recreational, and tourism programs; and planning for future leisure needs. DCRT's responsibilities for protecting archeological and historic sites in the coastal zone will be coordinated with the LCRP.

Department of Public Service (DPS)

DPS's responsibility for certain aspects of pipeline safety will need to be coordinated with the LCRP.

Some of the above existing state agency roles will be altered as a result of the enactment of H.B. 433, "The Louisiana Environmental Affairs Act" (La. R.S. 30:1051-1147) by the 1979 session of the Louisiana Legislature. This Act, which is effective January 1, 1980, provides for the creation of a new Office of Environmental Affairs (OEA) in DNR and the Environmental Control Commission (ECC). OEA will have responsibility for several programs currently within DNR or other state agencies. Specifically, OEA will be responsible for air and water quality, solid waste disposal, nuclear energy and radiation control, and hazardous wastes. The ECC will be made up of the Secretaries of DNR, DWF, DHHR, DOTD, DCRT, and the Departments of Commerce and Agriculture. The ECC will set overall environmental policy for implementation of OEA. While H.B. 433 does not directly affect the implementation of Act 361 by DOTD, the effective implementation of both acts will require close coordination following the initial organization of the OEA and ECC in early 1980.

C) METHODS OF PROGRAM IMPLEMENTATION

This section will describe the various means that the State will use to implement the policies of the LCRP discussed in Chapter II of this document. The implementation of the LCRP will be based on a combination of five implementation mechanisms distinguishable by the procedures utilized to manage various activities. These five procedures are for the management of:

- Activities subject to the coastal use permit program.
- Activities subject to existing state permit programs incorporated into the LCRP.
- Activities of deepwater ports exempted from the coastal use permit process.
- State and local government activities not requiring a coastal use permit, but directly affecting the coastal zone.
- Federal government activities directly affecting the coastal zone and Federal license and permits for activities affecting the coastal zone.

The uses subject to management pursuant to the LCRP include those activities subject to the five review procedures noted above. The uses exempt from LCRP review basically include all activities exempted from the various review procedures listed above, i.e., those uses specifically exempted from the Coastal Use Permit process and other state permit programs incorporated into the LCRP and Federal, state and local government actions which do not directly affect the Louisiana coastal zone. Both categories will be more explicitly described in the remaining sections of this chapter.

The uses subject to management listed above will be managed using approaches described in first two techniques of control provided for in Section 306(e)(1) of the CZMA: Local implementation of criteria established by the state (Section 306(e) (1)(A)); and direct state land and water use regulations (Section 306(e)(1)(B)). The principal means of implementing the program will be the direct state control technique. DOTD and other state agencies will ensure that uses in the coastal zone comply with the policies of the program through implementation of the coastal use permit program and the in-lieu permit program, both of which will be administered consistently with the coastal use guidelines. Complementing the implementation of the coastal use guidelines, other state agencies will implement their policy mandates through their own permit programs.

Local governments may however voluntarily develop and submit a local coastal program for review and approval by DOTD pursuant to procedures meeting the requirements of Section 306(E)(1)(A) of the CZMA and Section 213.9 of Act 361. After approval of its local program by DOTD, a local government is delegated the responsibility for the management of a set of uses, i.e., uses of local concern. DOTD retains the authority to directly regulate the remaining class of uses, i.e., uses of state concern.

The remainder of this section will describe in detail how each of the above review procedures will be used to implement the policies of the LCRP, with the exception of the federal consistency procedures which are discussed in Chapter VI.

1) The Coastal Use Permit Program

Act 361 provides for the development of the coastal use permit program as the principal means of implementing the policies contained in the Act and the coastal use guidelines developed pursuant to the Act. The coastal use permit program will be implemented by both DOTD and local governments. Initially, the coastal use permit program will be implemented entirely by DOTD, with local governments assuming a portion of the permit responsibilities as their local coastal programs are approved by DOTD.

In addition to mandating the development of the coastal use guidelines, included in Chapter II of this document, Act 361 requires the development of additional substantive and procedural rules related to, among other things, the implementation of the coastal use permit program. The rules have been developed by DOTD and included in Appendix c1 of this document. Of principal importance to the implementation of the coastal use permit program are the following rules:

Appendix c1

- rules identifying uses requiring a coastal use permit and permit procedures promulgated pursuant to Section 213.11(b) of the Act
- rules identifying uses not requiring a permit pursuant to Section 213.15(B) of the Act
- procedures for emergency repairs pursuant to Section 213.11(F) of the Act
- rules and procedures for permit application, issuance and denial pursuant to Section 213.11(B) of the Act
- rules for modifying, suspending, or revoking coastal use permits pursuant to Sections 213.11(B) and 213.17(C) of the Act
- rules for the issuance of general permits pursuant to Section 213.11(E) of the Act
- procedures for determining whether a proposed use is a use of local or state concern pursuant to Section 213.5(C) of the Act

Appendix c2

- rules for the development and approval of local programs pursuant to Section 213.9(B) of the Act

Appendix c5

- definitions to be used in implementing the LCRP

The above rules and other rules included in Appendix c are draft proposed rules, with notice of intent to adopt having been published by DOTD in March 20, 1979 Louisiana Register. These rules may undergo further refinement as a result of the DEIS process prior to their review by the Senate and House Natural Resource Committees and the Governor pursuant to Section 213.18 of the Act.

The remainder of this section will discuss the uses subject to the coastal use permit program, the process for the development and approval of local coastal programs and a brief summary of the coastal use permit process.

Uses Subject to the Coastal Use Permit Program

Act 361 provides guidance as to whether uses are subject to the coastal use permit process, whether such uses should be uses of state or local concern, and identifies a set of activities which are exempt from the coastal use permit process.

Section 213.3(3) of Act 361 defines a "use" subject to the coastal permit program as "any use or activity within the coastal zone which has a direct and significant impact on coastal waters." "Coastal waters" are defined in Section 213.3(3) to include:

"Bays, lakes, inlets, estuaries, rivers, bayous, and other bodies of water within the boundaries of the coastal zone which have measurable seawater content (under normal weather conditions) over a period of years."

In order to provide additional guidance to persons undertaking uses within the coastal area, the DOTD has identified in rules and procedures for coastal use permits, promulgated pursuant to Section 213.11(B) of the Act (contained in appendix c1 Part 1), those uses occurring within the coastal zone boundary which shall require coastal use permits or "in lieu" permits unless exempted by Act 361 or regulations of DOTD. These uses are:

1. Dredging or filling and discharges of dredged or fill material.
2. Levee siting, construction, operation and maintenance.
3. Hurricane or flood protection facilities, including siting, construction, operation and maintenance of such facilities.
4. Urban development, including the siting, construction and operation of residential, commercial, industrial and governmental structures, and transportation facilities.
5. Energy development activities including siting, construction, and operation of generating, processing and transmission facilities, pipeline facilities, and exploration for and production of oil, natural gas, and geothermal energy.
6. Mining activities, including surface, subsurface, and underground mining, geothermal energy, sand or gravel mining and shell dredging.
7. Wastewater discharges, including point and non-point sources.
8. Surface water control or consumption, including marsh management projects.
9. Shoreline modification projects and harbor structures.
10. Waste disposal activities.
11. Recreation developments, including construction and operation of public and private recreational facilities and marinas.
12. Industrial development including siting, construction and operation of such facilities; and
13. Any other activities or projects that would require a permit or consent from the U. S. Army Corps of Engineers, the Environmental Protection Agency, the Louisiana Department of Natural Resources, or the Louisiana Stream Control Commission.

14. Activities which impact barrier islands, salt domes, cheniers, and beaches; and
15. Drainage projects

Section 213.15 of the Act provides that the following uses, which normally do not have direct and significant impact on coastal waters, are exempt from the coastal use permit program, except as provided for below in items (1) and (2):

- (1) Activities occurring wholly on lands five feet or more above mean sea level except when the secretary finds, subject to appeal to the commission, that the particular activity would have direct and significant impacts on coastal waters.
- (2) Activities occurring within fast lands except when the secretary finds, subject to appeal to the commission, that the particular activity would have direct and significant impacts on coastal waters.
- (3) Agricultural, forestry, and aquaculture activities on lands consistently used in the past for such activities.
- (4) Hunting, fishing, trapping, and the preservation of scenic, historic, and scientific areas and wildlife preserves.
- (5) Normal maintenance or repair of existing structures including emergency repairs of damage caused by accident, fire, or the elements.
- (6) Uses and activities within the special area established in Section 213.10(C) which have been permitted by the Offshore Terminal Authority in keeping with its environmental protection plan.
- (7) Construction of a residence or camp.
- (8) Construction and modification of navigational aids such as channel markers and anchor buoys.

"Fast lands," on which certain activities would be exempt, are defined in Section 213.3(9) as:

lands surrounded by publicly owned, maintained, or otherwise validly existing levees, or natural formations, as of the effective date of this Part or as may be lawfully constructed in the future, which levees or natural formations would normally prevent activities, not to include the pumping of water for drainage purposes, within the surrounded area from having direct and significant impacts on coastal waters.

Any use or activity which, prior to the initiation of the coastal use permit program, has been lawfully commenced in good faith and for which all required permits have been obtained is consistent with the Coastal Management Program and no coastal use permit is required for

it. (see appendix c1, Part II, H(1)b). Moreover, such use or activity shall thereafter be consistent with the program even if renewals of previously issued permits become necessary or if new permits are required by other governmental bodies provided that there is no significant change in the nature, shape, size, location or impacts of the use or activity. To be so exempted, a use or activity must have met the following requirements prior to the date of the coastal use permit program:

- 1) Actual construction or operation of the use or activity must have been begun, in good faith; and
- 2) All permits, licenses and clearances required by governmental bodies must have been obtained and the use or activity must be in compliance with them; and,
- 3) No significant change in the nature, size, location or impacts of the use or activity take place.

DOTD rules interpreting the above statutory exemptions are found in Appendix c1 of this document. The rules contained in Appendix c1 also further clarify situations when permits will not be required when undertaking a use necessary to correct emergency situations pursuant to Section 213.11(F) of the Act and procedures to be utilized in the granting of general permits for small scale uses pursuant to Section 213.11(B) of the Act.

Act 361 also provides guidance as to those uses which are most appropriately managed by either the state or local level of government through the coastal use permit program. Section 213.13 of the Act defines these two classes of uses as "Uses of State Concern" and "Uses of Local Concern." Until such time as local coastal programs are approved by DOTD pursuant to the procedures summarized below, DOTD will be responsible for permitting both types of uses. Upon approval of its local program, a local government will be granted the authority to issue permits for uses of local concern. The permitting of uses of state concern, however, remains the responsibility of DOTD regardless of the status of the local program for the area within which a use is proposed.

Act 361, Section 213.5(A)(1), provides the following uses are uses of state concern:

Uses of state concern: Those uses which directly and significantly affect coastal waters and which are in need of coastal management and which have impacts of greater than local significance or which significantly affect interests of regional, state, or national concern. Uses of state concern shall include, but not be limited to:

- (a) Any dredge or fill activity which intersects with more than one water body.
- (b) Projects involving use of state owned lands or water bottoms.
- (c) State publicly funded projects.
- (d) National interest projects.
- (e) Projects occurring in more than one parish.

- (f) All mineral activities, including exploration for and production of, oil, gas, and other minerals, all dredge and fill uses associated therewith, and all other associated uses.
- (g) All pipelines for the gathering, transportation or transmission of oil, gas and other minerals.
- (h) Energy facility siting and development.
- (i) Uses of local concern which may significantly affect interest of regional, state or national concern.

Uses of local concern are defined and listed in Act 361, §213.5(A)(2) as:

Uses of local concern: Those uses which directly and significantly affect coastal waters and are in need of coastal management but are not uses of state concern and which should be regulated primarily at the local level if the local government has an approved program. Uses of local concern shall include, but not be limited to:

- (a) Privately funded projects which are not uses of state concern.
- (b) Publicly funded projects which are not uses of state concern.
- (c) Maintenance of uses of local concern.
- (d) Jetties or breakwaters.
- (e) Dredge or fill projects not intersecting more than one water body.
- (f) Bulkheads.
- (g) Piers.
- (h) Camps and cattlewalks.
- (i) Maintenance dredging.
- (j) Private water control structures of less than \$15,000 in cost.
- (k) Uses on cheniers, salt domes, or similar land forms.

In order to provide for the orderly determination of whether a proposed use is a use of state or local concern in cases where a use is proposed in a parish with an approved local program and there is insufficient guidance contained in the above statutory language, Section 213.5(C) and 213.11(C) of the Act provide for the development of rules by DOTD setting forth procedures for the determination as to whether a proposed use is a use of state or local concern. Proposed DOTD rules for such determinations are contained in Appendix c1, Part VI. Pursuant to the legislative policy set forth in Section 213.11(C)(1), the initial determination shall be made by the local government, subject to review and approval of the administrator of the Coastal Management Section of DOTD, whose determination may be appealed by the local government to the LCC. Criteria for such determinations are as follows:

- (a) The specific terms of the uses as classified in the Act.
- (b) The relationship of a proposed use to a particular use classified in the Act.
- (c) If a use is not predominately classified as either state or local by the Act or the use overlaps the two classifications, it shall be of local concern unless it:

1. Is being carried out with state or federal funds.

2. Involves the use of, or has significant impacts on, state or federal lands, water bottoms or works.
3. Is mineral or energy production and transportation related.
4. Involves the use of, or has significant impacts on, barrier islands or beaches or any other shoreline which forms part of the baseline for Louisiana's offshore jurisdiction.
5. Will result in major changes in the quantity or quality of water flow and circulation or in salinity or sediment transport regimes.
6. Has significant interparish or interstate impacts.

Local Government Role in the Coastal Use Permit Program

One of the major objectives of the development phase of the LCRP has been to support the development of local government coastal management capabilities. The primary means of accomplishing this has been through financial and technical assistance. The involvement of individual parishes in developing local coastal management programs began in fiscal year 1976-1977. Figure IV-2 indicate the amount of federal Section 305 program development funds which have been spent to support local planning efforts.

FIGURE IV-2

Financial Assistance to Local Governments

	Federal	Local Match	Total
1976-77	\$225,000	\$112,500	\$337,500
1977-78	\$450,000	\$112,500	\$562,000
1978-79 (6 months)	\$482,000	\$160,000	\$642,000
May-September, 1979	\$ 99,600	\$ 32,900	\$132,500
	<u>\$1,256,600</u>	<u>\$417,900</u>	<u>\$1,674,000</u>

Act 361 continues this objective by providing for a strong local role in the development and implementation of the LCRP. Once its program has been approved by DOTD, pursuant to standards and criteria provided by the Act, the following benefits become available to a local government:

- 1) Uses of local concern proposed within the parish's coastal zone shall be subject to the issuance of coastal use permits by local government.
- 2) The coastal use permit decision by DOTD for uses of state concern proposed within the parish's coastal zone must be consistent with the state program and the approved local program. In all instances local government comments shall be given substantial consideration.

- 3) Governmental bodies shall fully coordinate their activities directly affecting the coastal zone with the state program and affected approved local programs to ensure consistency.
- 4) The parish shall be eligible for implementation funding on a matching grant basis to be provided by DOTD.

Although the state believes that the development and approval of local coastal programs is in the best interests of both the state and each individual parish, and will continue to make available financial and technical assistance to support such activities, it must be understood that the development, approval and implementation of local coastal programs is not required for the implementation of the enforceable policies of the program. This is because DOTD will be responsible for the permitting of uses of both state and local concern upon completion of the approval process for the coastal use guidelines and implementation of the coastal use permit process. Thus if one or several parishes voluntarily decide not to develop local programs or are unable to develop a local program which is approvable pursuant to the standards and criteria provided by Act 361 and rules developed thereto, DOTD retains the authority to implement the policies of the coastal use guidelines through direct state implementation of the coastal use permit program. It should also be noted that Section 213.9(H)(3) provides that DOTD has the ability to monitor local implementation of its program to ensure that proposed uses are consistent with the approved local program. In cases where the administrator of the Coastal Management Section of DOTD determines that a local program is not being implemented consistently with the approved program or the state program, the approval of the local programs may be revoked. If this occurs the authority to issue coastal use permits will revert back to the DOTD.

The Local Coastal Management Program Development and Approval Process

Section 213.9 requires that the DOTD develop and adopt, after notice and public hearing, rules and procedures for the development, approval, modification and periodic review of local programs. Section 213.9(C) provides that:

The rules and procedures adopted pursuant to this Section shall be consistent with the state guidelines and shall provide particularly, but not exclusively, that:

- (1) Local government, in developing local programs, shall afford full opportunity for municipalities, state and local government bodies, and the general public to participate in the development and implementation of the local program.
- (2) A public hearing to receive comments on a proposed local program shall be held in the area to be subject to the program by the local government proposing the program or its duly appointed local committee.
- (3) A local program developed under this Section shall be consistent with the state guidelines and with the policies and objectives of this part and particularly, but not exclusively, consist of:

- (a) A description of the natural resources and the natural resource users of the coastal zone area within the parish, the social and economic needs within particular areas of the coastal zone of the parish, and the general order or priority in which those needs which directly and significantly affect coastal waters should be met within the coastal zone of the parish.
- (b) Procedures to be used by the local government to regulate uses of local concern.
- (c) Special procedures and methods for considering uses within special areas, uses of greater than local benefit, and uses affecting the state and national interest.

The proposed rules developed by DOTD pursuant to the above section of the Act are included in their entirety in Appendix c2.

The Coastal Use Permit Process

One of the purposes and goals of Act 361 is to expedite the permitting process by cutting red tape. Most applications should be processed and the decision upon them rendered within a 45-day period; those requiring a public hearing and those the decisions upon which are appealed will take a longer period. The permit review process is typical of many such procedures; however, it is to be conducted within a limited time frame. The following is a brief summary of the permit process as set forth in the Rules and Procedures for Control Use Permits found in appendix c1.

Permit applications are submitted to DOTD or a local government with an approved program. If it is submitted to the local government, a copy is sent to DOTD within two (2) days.

Within 10 days of receipt of an application, DOTD will give public notice of the application, distribute copies to appropriate state, federal and local agencies and request public and governmental comment. The decision as to whether a public hearing should be held will be made at this time. If the application is found to be incomplete or inaccurate after the review has begun or if additional information from the applicant is necessary in evaluating the application, the processing will be stopped until the information is provided.

The application will then be reviewed for compliance with the guidelines, the other laws and regulations incorporated into the LCRP, relevant local programs and other aspects of the LCRP. A field inspection may be made.

Within 30 days of the public notice or within 15 days after the public hearing, a decision to approve or deny the permit must be made. If the permit is granted, a draft will be sent to the applicant for his acceptance of the permit conditions. Upon return of the signed draft and signature by the permitting official, the permit is issued. Public notice of the decision on the permit is given.

Within 30 days after public notice of the decision, the applicant, the Secretary of DOTD, any affected local government or affected local, state or federal agency, an "aggrieved person" or any person adversely affected by a decision may appeal to the coastal commission. Such appeals are heard at public hearings and are adjudicative in nature. Within 45 days of receipt of the appeal petition, the commission must make its decision.

At this point--and only at this point--may judicial review of the administrative decision be sought. The Act requires the courts to give "preference and priority" to any such case and allows trial de novo to be held. Trials will be held in the parish where the use is situated.

Program Implementation and Monitoring

The DOTD is currently developing the administrative mechanisms necessary to implement the coastal use permitting process. These efforts include increasing the size of the staff of the Coastal Management Section of DOTD and the establishment of procedures whereby the Department of Wildlife and Fisheries (DWF) and Department of Natural Resources (DNR) staff will assist in program implementation and monitoring.

The staff of the Coastal Management Section is currently being expanded with plans calling for a doubling of in-house professional and clerical staff prior to program implementation in early 1980. Current plans also call for legal assistance to be provided to the Coastal Management Section by both DOTD's legal section and the Tidelands Section of the Attorney General's Office.

The Administrator of the Coastal Management Section of DOTD is directed in Section 213.6(B)(3) of Act 361 to systematically monitor and conduct surveillance of permitted uses to ensure that conditions of coastal use permits are satisfied. To accomplish this, the LCRP has contracted with DWF to develop a process to conduct field investigations by trained personnel to determine if the conditions of the permits have been met. The field personnel in DWF will also do field investigation of selected permit applications to provide additional information on the proposed site, likely impacts and feasible alternatives. A field investigation checklist of relevant environmental indicators is being developed by DWF in conjunction with the technical support group within the Coastal Management Section of DOTD. The data from these investigations will be computerized to provide additional sources of biological and ecological information about the coastal area.

Monitoring will also be accomplished through an agreement with DNR-Office of Conservation. Presently DNR conducts field investigation at numerous stages of oil, gas and mineral exploration, production and abandonment activities. In carrying out their "in-lieu" permit responsibilities, these field investigations will assure that these mineral activities are conducted consistently with the guidelines. DOTD will also work with state and federal agencies to coordinate the use of high altitude photography as a means to monitor changes in coastal land use and environmental conditions. These efforts are further discussed in Chapter VII.

Enforcement and Penalties

Section 213.17(A) of Act 361, requires the Administrator and each local government with an approved program to initiate a field surveillance program to ensure enforcement of the management program. The LCRP will rely on DWF and OC-DNR to provide field personnel that will monitor the coastal area for compliance to the conditions of the coastal use permit and for non-complying uses.

The Secretary and each local government with an approved program has the authority pursuant to Act 361, Section 213.17(B) to issue cease and desist orders or suspend, revoke, or modify coastal use permits. Also the Secretary, the Administrator, the Attorney General or local governments with an approved program, may bring injunctive or declaratory actions to ensure that no uses are made of the coastal zone which have not been permitted or do not comply with the conditions of the coastal use permit.

Section 213.17(E) of Act 361, authorizes the court to impose civil liability, assess damages, require restoration or impose other reasonable sanctions for uses conducted with the coastal zone that have not received a coastal use permit. The court may also impose a fine of not less than one hundred dollars (\$100.00) or not more than five hundred dollars (\$500.00), or imprisonment for not more than ninety (90) days, or both for violation of any of the rules and regulations of the LCRP or terms or conditions of the coastal use permit.

Civil Enforcement for the LCRP will be primarily handled by the Attorney General's Office. The DOTD will supply funds to the Attorney General's Office to provide enforcement, litigation sources, legal advice to the Coastal Management staff of DOTD, and to assist in the training of district attorneys. Criminal enforcement will be handled by the appropriate district attorney's office.

2) Activities Subject to Existing State Permit Programs Incorporated Into the LCRP

Act 361 provides for the incorporation of existing state regulatory programs into the LCRP in order to provide comprehensive management of uses that may have direct and significant impacts on the coastal waters (Section 213.8(A), Act 361). The regulatory programs incorporated into the LCRP are listed and described in Appendix-1 of this document. The incorporated permit programs include the two which Act 361 incorporated directly into the LCRP in lieu of a coastal use permit (DNR's permits for oil, gas and other minerals and DWF's oyster bedding grounds program) (Section 213.2(B) and (C), Act 361), air and water quality permits, and other state permits that manage activities that often affect coastal resources. Another reason for the inclusion of such permit programs is to identify for private and public applicants the most likely state permits that will be required for activities in or affecting the coastal zone. Pursuant to Section 213.4 of Act 361, the Secretary will cooperate with the agencies responsible for state permits to expedite and streamline state and federal permitting through coordinated coastal permitting process described in Chapter VII.

In-Lieu Permits

In order to eliminate overlaps between the administration of existing DNR and DWF permits and the coastal use permit issued by DOTD or local governments, Section 213.12(B) and (C) of Act 361 provides for DWF and DRN issuance and administration of in-lieu permits for the activities listed in Section 213.12. Under this process, permits issued pursuant to existing statutory authority by the Office of Conservation in the DNR for the location, drilling, exploration and production of oil, gas, sulphur and other minerals and leases and licenses issued by the DWF for the seeding, cultivation, planting or marking of oyster bedding grounds are to be issued in lieu of the coastal use permitting process. However, such permits must be consistent with the coastal use guidelines, the state program and affected approved local programs. DOTD is currently developing memoranda of understanding (MOU's) with both DNR and DWF to ensure the successful implementation of the in-lieu permit process. These MOU's are discussed below.

Other State Permits

As indicated above, several other state regulatory programs have been incorporated into the LCRP. These programs will continue to implement their own statutory mandates without direct reference to the coastal use guidelines. Since most major activities requiring a coastal use permit will also require one or more other state permits, the DOTD will, however, seek to coordinate the coastal use permit review with the review procedure of other state permits. This coordination will include the sharing of information and the development of the coordinated permit process described in Chapter VII. The major state permit programs incorporated into the LCRP are summarized below (please refer to Appendix 1 for a complete listing).

- Oil, Gas and Mineral Operation Permits

Many of the activities in the coastal zone that will require coastal use permits will be oil, gas, and mineral operations that will also need permits from the Office of Conservation, DNR, that are not covered by the above DNR in-lieu permit. Because of the state and national interest in facilitating energy production while at the same time avoiding or minimizing adverse impacts to coastal resources, these permits will be closely coordinated with the LCRP at the state and local level. Where appropriate, joint applications for state and federal permits applicable to these activities will be prepared as part of the LCRP. The Secretary of DOTD is authorized to sign interagency agreements with DNR to facilitate the overall state permitting process.

- State Lands Management

The proprietary activities of the state related to state owned water-bottoms, wetlands, and other state owned areas often directly affect the coastal zone. When a state agency conducts its own activities in the coastal zone, Act 361 requires that it ensure that its activities are consistent to the maximum extent practicable with the LCRP and any approved local program through the coastal use permit program. Private parties will also need a coastal use permit whenever the use of state lands directly and significantly impacts coastal waters.

- Air and Water Quality Permits

Section 307(f) of the CZMA requires that the federal and state requirements of the Federal Water Pollution Control Act and the Clean Air Act shall be incorporated into all state coastal management programs, and shall be the water pollution control and air pollution control requirements of the state program. The LCRP incorporates existing state air and water programs as required. As mentioned in Section B of this Chapter, these programs will be the responsibility of the new Office of Environmental Affairs (OAE) in DNR as of January 1, 1980. The coastal use permit program will be closely coordinated with this new office.

- Solid, Nuclear, and Hazardous Waste Permits

Because of the potential adverse impacts from activities related to the transportation, storage, and use of waste products on the coastal zone, the existing state permit programs controlling these activities have been incorporated into the LCRP. In the future, these permits will also be the responsibility of OEA in DNR. It is a primary objective of the LCRP that adverse impacts on coastal resources from these activities will be avoided or minimized.

3) Deepwater Port Activities

Act 361 provides for special procedures for the management of deepwater port activities. Section 213.13 provides:

Deepwater port commissions and deepwater port, harbor and terminal districts, as defined in Article VI, Sections 43 and 44 of the Louisiana Constitution of 1974, shall not be required to obtain coastal use permits. Provided, however, that their activities shall be consistent to the maximum extent practicable with the state program and affected approved local programs.

Deepwater port commissions and deepwater port, harbor and terminal districts are defined in Article VI, Section 44(7) of the 1974 Constitution as "those commissions or districts within whose territorial jurisdiction exist facilities capable of accommodating vessels of at least twenty-five feet of draft and of engaging in foreign commerce." The only ports in Louisiana that meet this criteria are: The Port of Lake Charles, the Port of Greater Baton Rouge, the South Louisiana Port Commission, the Port of New Orleans, and the Port of Plaquemines. The Port of Lake Charles and the Port of Baton Rouge are entirely outside of the coastal zone. All activities of the South Central Louisiana Port Commission are on the Mississippi River. While many activities of the Port of New Orleans are located on the Mississippi River, they also conduct extensive activities in the tidewater area, the Innerharbor Navigation Canal, the Industrial Canal, the Mississippi River-Gulf Outlet, and the Gulf Intracoastal Waterway.

The Coastal Resources Program will utilize two methods to assure that the actions and activities of these deepwater ports are consistent with the Coastal Resources Program and affected approved local programs. The first is through the consistency review procedure provided for in Section 213.13(D), and the other through Memorandum of Understanding entered into with the appropriate port, harbor and commissions.

To implement the first method of assuring consistency of the deep-water port activities, the LCRP will, on an ongoing basis, review Corps of Engineers permit applications, and A-95 materials, to determine if any port activities have not previously been coordinated with the Secretary. If some are found to be inconsistent with the LCRP, the Secretary shall notify the Secretaries of DNR and DWF, and the affected deepwater port commission, pursuant to 213.13(D) of the Act. Section 213.13(d) requires that the port authorities coordinate with the Secretaries. Comments from the Secretaries must, to the maximum extent practicable, be incorporated into the action commented on. If the port authority does not follow these requirements, mandamus would be available; however, the course most likely to be utilized to achieve consistency would be through a negative federal consistency determination.

Because of the location and number of activities of the Port of New Orleans in coastal areas, it is anticipated that an interim Memorandum of Understanding will be entered into with the Port of Orleans until such time as, and if, they are designated as a Special Area. This Memorandum of Understanding will provide that the Port will coordinate with the LCRP staff on activities at early planning stages and at least prior to requesting permits from other governmental agencies. The staff of the Port of Orleans is aware of the fact that their activities in the coastal area will need to be consistent with the guidelines.

The utilization of the Special Area designation is being seriously considered for the Port of New Orleans because of the nature of the impacts of port development activities and plans on coastal areas and because of the critical importance of the port to the economy of the state. A more detailed explanation of this proposal is set forth in Chapter V. If, in the future, such a designation would be appropriate for other deepwater ports, full consideration will be given to such a course of action.

4) State and Local Government Activities Directly Affecting the Coastal Zone

Section 213.13(B) of the Act provides:

Any governmental body undertaking, conducting, or supporting activities directly affecting the coastal zone shall insure that such activities shall be consistent to the maximum extent practicable with the state program and any affected approved local program having geographical jurisdiction over the action.

Coastal use permits are required for governmental actions having direct and significant impacts on coastal waters, e.g. development projects, that occur in the coastal zone, thereby assuring consistency with the program. However, governmental actions outside the coastal zone and those exempted from the coastal use permitting process are also to be consistent if they directly affect the coastal zone. These activities will generally fall into two categories: (1) the governmental body carries out a development project outside the coastal zone that directly affect the coastal zone, (2) the governmental body funds or plans a development project. Assurance that these activities are consistent with the LCRP will be through two methods.

First, M.O.U.'s will be entered into with the majority of the state agencies which carry out development projects in the coastal zone, i.e., the Department of Transportation and Development's Office of Public Works and Office of Highways, the Department of Natural Resources and the Department of Wildlife and Fisheries. These M.O.U.'s will specify that the other agencies will conduct their activities consistent with the guidelines and coordinate with the LCRP at early planning stages to assure consistency. In this regard, it must be pointed out that other state laws presently require any state agency conducting activities which affect state-owned water bodies to coordinate with the Office of Public Works and the Department of Wildlife and Fisheries for engineering suitability and impacts on wildlife and fishery activities. M.O.U.'s with these agencies will assure that they will coordinate their review with the guidelines and notify the LCRP staff of any activities that may directly affect the coastal zone.

The second method will be through a review of U. S. Army Corps of Engineer permits and A-95 materials to insure that all construction, funding and planning activities of state and local governments are consistent with the Coastal Resources Program if they occur in or directly affect the coastal zone. Private activities funded by the agencies which are conducted in the coastal zone will normally require a coastal use permit, thereby assuring that they are consistent with the program. The governmental actions are subject to consistency review pursuant to §213.13 B, C, and D.

D) ACQUISITION OF PROPERTY

Subsection 306(d)(2) of the CZMA requires that the state have the authority:

"(2) to acquire fee simple and less than fee simple interest in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the Management Program."

While Section 213.19(D) of Act 361 prohibits the direct or indirect involuntary acquisition of privately owned property and further states that involuntary acquisition is not necessary to achieve the intents and purposes of the Act, voluntary acquisition is permitted. Such authority will be useful in obtaining full ownership or servitudes over land for the positive programs provided for in Section 213.12(E),(F), and (G) of the Act. Moreover, all other state agencies have the authority to acquire property by expropriation for their own purposes. Thus, for example, a recreation project which would be consistent with, and encouraged by the LCRP, could be carried out using expropriation powers of the Department of Culture, Recreation and Tourism.

E) MEMORANDA OF UNDERSTANDING

1) In-Lieu Permit Process

The Coastal Management Section of DOTD (CMS-DOTD), OC-DNR and DWF have defined the basic parameters of MOU's to be entered into prior to January, 1980 which will define the procedures by which the "in-lieu" permit process will be implemented. Of primary importance will be the MOU with OC-DNR because of the extent and nature of impacts of oil and

gas activities. The basic process will involve OC-DNR forwarding copies of all applications for mineral activities which have direct and significant impacts on coastal waters to CMS-DOTD for the giving of public notice and further distribution to other agencies. OC-DNR and CMS-DOTD each will review the application for compliance with each agency's requirements, with primary responsibility for determining compliance being the agency with expertise on particular aspects. CMS-DOTD will provide comments within 30 days. Staff meetings will be held to coordinate decisions on the feasibility of alternative sites and methods of implementing the proposals. OC-DNR personnel will provide field reviews, inspections and monitoring of activities subject to in-lieu permits for compliance with the LCRP. Appropriate standard conditions will be incorporated in OC-DNR permits to provide for minimization of the review time for "in-lieu" permits.

The interagency agreements regarding DWF oyster licenses and leases to be issued as "in-lieu" permits are much simpler. DWF will notify CMS-DOTD of all applications for such licenses and leases and will incorporate CMS-DOTD comments, if any, in the terms of the permit. CRP-DOTD will notify DWF of any coastal use permit applications that may impact oyster grounds.

2) Other Agencies

Preliminary agreements on interagency policy for the implementation of the LCRP have been reached with DCRT, DHHR and DNR-DSL. These agreements will be incorporated into MOU's prior to January 1, 1980.

The agreement with DCRT relates to state parks and archaeological and historic resources. DCRT will be given special notice of all applications impacting state parks and will provide commenting on such applications. CMS-DOTD will include sufficient information in application form to provide DCRT sufficient information for reviews. CMS-DOTD will assure that DCRT Antiquities Code is complied with. DCRT will review applications for impacts on cultural resource and provide professional advice and comments.

DHHR and CMS-DOTD will provide copies of all applications to each other. DHHR will provide timely comments when appropriate. CMS-DOTD will provide comments. DHHR and CMS-DOTD will coordinate at early stages on DHHR grant activities to assure that works constructed with those grants are consistent with the LCRP.

DNR-DSL and CMS-DOTD will send each other copies of all applications received and coastal use application forms will contain sufficient information for DSL review and permitting applications for coastal use permits can serve as applications for DSL permits. DSL will require that their permittees obtain with coastal use permits and DSL permit decisions will be consistent with the LCRP. CMS-DOTD will assure that permittees comply with DSL requirements. DSL will provide timely comments on coastal use permit applications for compliance with their requirements and for impacts on state lands from a proprietary perspective. Joint public hearings may be held if necessary.

The LCRP is in the process of developing memoranda of understanding with DWF, DNR-Office of Conservation, DNR-Division of State Lands, DHHR and DCRT that will begin to achieve the objectives for a coordinated permitting process set out in Act 361. These agreements will establish the procedures that will be followed in the joint review of permits, the method of joint public notice and the joint public hearing procedures. The LCRP will work with each agency to determine what information will be required on the permit application so the permit review process can be expedited.

The LCRP will also seek to integrate the coordinated permitting process with a computerized permit tracking system to ensure that the evaluation of each application will be more effective in terms of time, cost and quality of review.

F) COORDINATED PERMIT PROCESS

Section 213.14(B) of Act 361 directs the Secretary of DOTD, the administrator, local government and all other relevant governmental bodies to establish a coordinated coastal permitting process through interagency agreements. The objective is to expedite and streamline the issuing of coastal use permits and all other permits or approvals from other governmental bodies that have separate regulatory jurisdiction or authority over uses of the coastal zone.

The coordinated coastal permitting process should consist of an application form which contains sufficient information so that all affected governmental agencies can carry out their review responsibilities, a "one window" system for applications, one public hearing and a reduction in the period for permit review.

CHAPTER V SPECIAL MANAGEMENT AREAS

A) INTRODUCTION

The coastal zone of Louisiana is a diverse area containing a wide range of resources from delicate barrier islands and fresh water marshes to areas ideally suited for industrial and port development. In some cases, the distinct opportunities, needs, and problems of such areas cannot be addressed by the guidelines included in Chapter II. Such special areas require special management techniques in order to develop and preserve their unique characteristics. Both the federal CZMA and Act 361 address this problem by requiring procedures for the management of special areas.

There are two types of special management areas listed in the federal CZMA: Areas of Particular Concern (APC's) and Areas for Preservation and Restoration (APR's). The CZMA requires that a state management program contain:

"an inventory and designation of areas of particular concern within the coastal zone" (Section 305(b)(3)).

"Broad guidelines on priorities of uses in particular areas including those uses of lowest priorities" (Section 305(b)(5)).

"Provisions for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological or esthetic values" (Section 306(c)(9)).

Louisiana relies on the procedures contained in Act 361 and the management program for several existing special areas to meet the requirements of the CZMA for special management areas. The remaining sections of this chapter will describe the special management policies and procedures contained in Act 361, the management program for two existing special areas, the Marsh Island Wildlife Refuge and Game Preserve and the area subject to the jurisdiction of the Louisiana Offshore Terminal Authority. A number of potential special areas that are presently being considered by the state for management as special areas will be presented.

B) SPECIAL AREA MANAGEMENT PROVISIONS OF ACT 361

Louisiana's Act 361 provides for the nomination, designation and management of special management areas. The Act provides in Section 213.10(B) for the adoption by the Secretary of DOTD of rules for the identification

and designation of special areas and for the establishment of guidelines and priorities of uses in each of these areas. Section 213.10 (A) states that:

Special areas are areas within the coastal zone which have unique and valuable characteristics requiring special management procedures. Special areas may include important geological formations, such as beaches, barrier islands, shell deposits, salt domes, or formations containing deposits of oil, gas or other minerals; historical or archaeological sites; corridors for transportation, industrialization or urbanization, areas subject to flooding, subsidence, salt water intrusion or the like; unique, scarce, fragile, vulnerable, highly productive or essential habitat for living resources; ports or other developments of facilities dependent upon access to water; recreational areas; freshwater storage areas; and such other areas as may be determined pursuant to this Section.

The Department of Transportation and Development has developed rules for the nomination of special management areas as required by Section 213.10 of Act 361, the text of which is found in appendix c-4. These rules provide that any person or governmental body can nominate a special area in the coastal zone providing that they show that the area has unique and valuable characteristics that require special management procedures. These rules provide for an administrative review of special management areas by the Administrator of the Coastal Resources Program. The Administrator may, after public hearings, determine whether or not to designate the area as a special area. The guidelines and priorities of uses adopted by the Administrator for a designated special management area must be sent to the Louisiana Coastal Commission which has sixty days in which to review them. In the event the Administrator and the Commission are unable to agree on a set of guidelines and priorities of uses for a designated special area, final resolution shall be by the governor.

The requirements and procedures set forth in Section 213.10 of Act 361 meet the requirements of the CZMA for both areas of particular concern and areas for preservation and restoration. The categories of areas identified in Section 213.10 (A) include several categories appropriate as to preservation or restoration. Section 213.10(E) states:

The secretary is authorized to assist approved local programs and state and local agencies carrying out projects consistent with the guidelines, related to the management, development, preservation, or restoration of specific sites in the coastal zone or to the development of greater use and enjoyment of the resources of the coastal zone by financial, technical, or other means, including aid in obtaining federal funds. (emphasis added)

Act 361 as amended also contains several provisions which relate to improved identification and management of special areas in the coastal zone.

Section 213.10 (G) provides that DOTD develop an indexing system for wetlands, coastlines, and barrier islands which are critical or subject to rapid change. This system will improve the identification of such

areas for nomination as special management areas, and also help to identify such areas for special consideration under applicable provisions of the coastal use guidelines.

Section 213.10 (F) provides for development by DOTD of a freshwater diversion plan for the State, including specific recommendations as to locations most in need of diversion of fresh and/or sediment laden waters. Such recommendations shall include projected costs, and the order of priority. The State diversion plan and specific recommendations will be the first step in a comprehensive effort by the State to compensate for wetlands lost due to natural processes, previous human activities, and unavoidable new activities.

C) EXISTING SPECIAL AREAS

Two existing and special management areas have been chosen by DOTD for inclusion in the LCRP at this time. The two existing special management areas are: those areas subject to the jurisdiction of the Offshore Terminal Authority and the Marsh Island Wildlife Refuge.

1) The Area Subject to the Jurisdiction of the Offshore Terminal Authority

The superport was nominated as "special area" because of the unique needs and problems associated with deepwater marine terminals. The superport area requires management guidelines that are specific to the superport and the area which are effected by it. These were developed and placed in effect in 1975, and modified in 1977.

The development of a deepwater marine terminal in Louisiana stated in 1972 when a proposal was made to construct a "superport" off the coast of Louisiana. Governor-elect Edwin Edwards organized a task force in 1972 to study the feasibility of developing a deepwater, offshore marine terminal which would have the capability of handling the new large "super-tankers". The task force, after examining the economic, environmental, and practical aspects of a deepwater terminal reported favorably on the project. The Louisiana legislature passed enabling legislation for the superport in the same year. However; Federal legislation for deepwater ports was delayed in the congress for two years until January, 1974. The development of the superport was further delayed until the rules and regulations developed by the U.S. Coast Guard were published in November of 1975, in the Federal Registrar.

LOOP, INC. (Louisiana Offshore Oil Port, Inc.) applied for the license to develop the superport one month after the federal regulations were published in December, 1975. The federal Department of Transportation license was issued on January 17, 1977. LOOP accepted the license, thereby agreeing to its conditions on August 1, 1977. The Louisiana Offshore Terminal Authority on January 27, 1977 issued its license which LOOP accepted on August 1, 1977.

Section 213.10(C) of Act 361 designates the areas and facilities subject to the jurisdiction of the Offshore Terminal Authority as a "Special Area." The Louisiana Offshore Oil Port (LOOP or Superport) is an 'extremely

important development for the economy of Louisiana. Crude oil production within Louisiana is currently on the decline. The record production, 2,562,000 barrels a day, of crude oil occurred in 1971. Production of crude oil was down to 1,542,000 barrels a day by 1977, a decline of forty percent from the record production. Should such trends continue, the large drop in crude oil production could severely depress Louisiana's economy, which is heavily dependent on its petrochemical industry. One study indicates that the development of the Superport could as much as double the need for refinery capacity in Louisiana by the year 2000, bringing thousands of new jobs with it (Kaiser Engineer's Report to LOTA, 1976). The Superport represents the most economical and environmentally satisfactory way to transport oil produced outside of the state to Louisiana refineries.

The site chosen for the Superport was determined through an examination of all available existing geological and environmental data which could be used for the selection of a deep draft harbor and terminal site. The method for determining the location was to examine and compare all the potential and actual stresses on the natural and human environment which could reasonably be expected to occur and then to determine the best economic/ecologic formula for a site that would result in the least total stress on the environment at a reasonable cost. The regulations in the Superport Environmental Protection Plan (Louisiana Offshore Terminal Authority, 1977) for the Superport project will constitute the management guidelines for these activities.

The Superport special management area is the corridor of the pipeline within the jurisdiction of the Louisiana Offshore Terminal Authority between the LOOP Offshore Terminal and the St. James Terminal on the Mississippi River. For purposes of the federal Act, only the area of the corridor within the boundary of the coastal zone will be considered a special management area See (Fig. V1). All aspects of operations between the Louisiana Offshore Oil Port (LOOP) and the St. James Terminal will be subject to the Superport Environmental Protection Plan (Louisiana Offshore Terminal Authority, 1977). The area in which the regulatory jurisdiction of the Louisiana Offshore Terminal Authority applies is the right-of-way secured by the operators of the main pipeline within the pipeline alignments specified in the application submitted to the Offshore Terminal Authority. The exact boundaries of the special management area may be changed by order of the Authority upon application by the licensee. Facilities other than those operated in connection with LOOP which tie into the LOOP pipelines will only be subject to the Superport Environmental Protection Plan (LOOP) at the point of their connection with the main pipeline.

The Superport Environmental Protection Plan requires the Offshore Terminal Authority to conduct appropriate environmental monitoring and inspection programs and to conduct research projects related to construction and operation of the deepwater port and its related land-based facilities in order to prevent loss or damage to the State's environment from the construction and operation of the superport. An area adjacent to the pipeline corridor has been described in the Environmental Protection Plan as the area which could be adversely impacted by an incident involving the pipeline facilities connected to LOOP along the pipeline corridor.

Fig. 5 - 1



A larger area has been designated by the Offshore Terminal Authority as an area for continuing environmental monitoring. See Offshore Terminal Authority, "Environmental Monitoring Program for the Louisiana Offshore Oil Port and Related Facilities," June, 1977.

The Offshore Terminal Authority is required to clean up any discharges of oil or any substance which may cause loss or damage to the environment and, should any damage occur, to take appropriate action to compensate for such environmental losses.

The priorities for uses allowed in the Superport area are the following:

Uses of High Priority

1. All uses and activities related to the transportation and storage of petroleum products from LOOP Offshore Terminal.
2. All other facilities, and all development related to their construction, such as roads or canals, which provide alternative, concurrent uses of the area, consistent with LOOP related use, for recreation, research and aquaculture, where those uses are suitable for and compatible with the natural environment in the particular area. In the design of all such facilities, particular consideration shall be given to their possible use as stations for monitoring weather, air and water characteristics (including pollution levels) and flora and fauna populations.

Uses of Low Priority

3. Uses prohibited in the Superport special area are any activities which are not activities relating to the transportation and storage of petroleum from the LOOP Offshore Terminal and which are damaging to the environment, or are inconsistent with uses associated with the Superport.

2) Marsh Island Wildlife Refuge and Game Preserve

Marsh Island was donated to the state of Louisiana in 1920, as a Wildlife Refuge and Game Preserve. The island is located in the southern part of Iberia parish and covers approximately 73,000 acres of land. Marsh Island is an important natural area for birds and wildlife. Wading birds such as herons, egrets, ibises and anhingas use this protected area as a rookery. The wildlife refuge is also a preserve for the American alligator and for large concentrations of ducks and geese. Marsh Island was donated to the State subject to strict conditions concerning hunting, fishing, and manufacturing. The deed to the island requires that its use be restricted to use as a wildlife refuge and game preserve. Marsh Island is designated as a special management area because it has special needs as a wildlife management area, and because special management requirements such as regulations on oil and gas exploration and development apply within the Marsh Island Preserve which do not apply to the rest of the coastal zone. The restrictions listed in the deed of the island will constitute its management guidelines.

The guidelines concerning the use of the Marsh Island Wildlife Refuge and Game Preserve state that:

1. It be used as a wildlife refuge and game preserve owned and maintained by the State of Louisiana.
2. That the State of Louisiana shall make it illegal to enter the refuge or preserve without consent or to hunt game, except as necessary for the benefit of the refuge and preserve.
3. That the use of the land shall not be donated or devoted to any other purpose other than that of a refuge or preserve for wildlife nor shall any business, industry, manufacture or development; except for gas and oil be allowed in the refuge.
4. That any exploration and development of oil and gas be done in such a way as to produce the minimum amount of disturbance to the land and wildlife of the refuge.

Based on these guidelines, the following are the priorities of uses for Marsh Island.

Uses of High Priority:

1. Uses performed by the State of Louisiana in managing the area as a wildlife refuge and game preserve in public ownership.
2. Public uses consistent with the area's functions as a wildlife refuge and game preserve.
3. Authorized hunting determined to be beneficial to the area's functions as a wildlife refuge and game preserve.
4. Oil and gas exploration and development which is performed in such a way as to produce the minimum amount of disturbance to the land and wildlife of the area.

Uses of Low Priority:

1. Unauthorized hunting.
2. Oil or gas exploration or development which is not carried out so as to produce the minimum amount of disturbance to the land and wildlife of the refuge.
3. Any business, industry, manufacturing, or development, except oil and gas development as specified above.
4. Any other use of the area except use as a wildlife refuge and game preserve.

D) OTHER POTENTIAL SPECIAL MANAGEMENT AREAS

Prior to the passage of Act 361, the Coastal Resources Program funded two

technical studies identifying potential special areas, Unique Features of the Louisiana Coastal Zone and Potential Preservation and Restoration Areas. Both of these documents have been made available to the public and parish officials and will be useful for parish planning and the special area nominating process. Federal agencies were contacted during program development for suggestions on designations of areas for special management. Based on these previous efforts and comments received on the March, 1979 State Hearing Draft on the LCRP, the DOTD staff has identified the following areas as potential special areas. Although the DOTD has not formally proposed these areas pursuant to the designation process mandated by Act 361, such designations will be pursued during the first year of program implementation. Reviewers of this document are invited to provide comments on the areas discussed below.

The Port of New Orleans

The Port of New Orleans is the second largest port in the United States; over 14,000 ocean-going vessels and 100,000 barges move through New Orleans in a year. The Port acts as the gateway for commerce between the central United States and the rest of the world. Over one quarter of all the waterborne commerce moved in the U.S. is moved on the Mississippi River between Baton Rouge and the Gulf of Mexico. The total value of the foreign trade (import and export) moved on the lower Mississippi River is estimated at 23 billion dollars and generates over 300 million dollars in custom duties annually. The Port of New Orleans accounts for ten percent of the gross state product. (Letter by Hebert R. Haar, Jr., Associate Port Director).

A recent study prepared by the U.S. Army Corps of Engineers, the New Orleans-Baton Rouge Metropolitan Area study (NOBRMA), indicates that the Port of New Orleans will have to accommodate increasing amounts of commerce including newer and larger vessels in the future. The NOBRMA study indicates that by the year 2020 the volume of waterborne commerce in the New Orleans region will triple. The NOBRMA study also indicates that all types of commercial ocean-going vessels are increasing in size and that new facilities will be needed to accommodate them.

The Port of New Orleans and the major navigable waterways including the Mississippi River, Mississippi River Gulf Outlet, Gulf Intracoastal Waterway, Inner Harbor-Navigation Canal, and Harvey Canal that connect it to the Gulf must to be maintained and in some cases modified to accommodate this increased amount of commerce and the new larger ocean-going vessels of the future. Channels will need to be enlarged and existing navigation structures are going to have to be replaced. It is in the national interest that the Port of New Orleans and the Mississippi River navigation system be modernized in order to remain a viable international seaport.

The Port of New Orleans is exempt from the coastal use permit system established by Section 213.13 of Act 361. This section exempts deepwater port commissions and deepwater port, harbor and terminal districts from having to obtain coastal use permits, but requires them to "be consistent to the maximum extent practicable with the state and any affected approved local program."

The Coastal Management Section of DOTD and the staff of the Port of New Orleans believe that because of the tremendous economic and physical impacts of the Port of New Orleans and its navigable waterways as well as the unique needs of the Port, that the Port and its navigable waterways should be managed as a special area.

The special area would consist of those land and water areas, subject to the jurisdiction of the Board of Commissioners of the Port of New Orleans, which are required for the operation and development of the Port of New Orleans. The Coastal Management Section of DOTD and the staff of the Port of New Orleans are working together to develop a management program that will allow the Port of New Orleans to remain a viable international deepwater port and at the same time minimize any detrimental effects that any dredge and fill operations may have on the coastal zone.

The basic guidelines developed for the management program would balance the continuing need for the modernization of the port area and its navigable water corridors with increased concern about the environmental damage that these corridors create. The management program would address the need for the modernization of the port facilities and the necessity of widening and deepening particular navigation channels. The program would also contain measures for addressing erosion and siltation problems which are affecting many of the present shipping canals. Additional efforts would be made to limit the amount of saltwater intrusion caused by the existence of navigation channels. The management program would also contain guidelines on the use of spoil disposal as a method for the creation and restoration of marshlands. In summary this program would allow for the necessary continuing development of the Port of New Orleans and also provide mitigation the damages to wildlife habitats associated with port and channel expansion.

Barrier Islands

The value of the barrier islands to Louisiana cannot be underestimated. The safety of the coastal zone and the ecology of the wetlands are dependent on these islands. The extent of Louisiana's Submerged Lands Act jurisdiction is also dependent on their existence.

Barrier islands represent the first line of defense against hurricane forces and marine processes. Tidal inlets associated with the islands, reefs and Gulf shore are also the control valves of the estuaries, regulating the inflow and outflow of Gulf water. The islands are also invaluable as wildlife habitats and scenic-recreation areas. These features are, however, undergoing rapid changes as a result of coastal erosion, regional subsidence, hurricane damage, and the alteration of the natural sediment cycle of the Mississippi River. Canal dredging through the barrier islands and on the bay side of a number of the islands for oil rig locations and pipelines has also seriously increased their vulnerability to storm surge damage.

The unique problems of barrier islands require special management techniques which would not apply to other coastal features. For this reason, DOTD is considering the designation of Louisiana's barrier islands as a generic special management area.

Various methods to protect and restore the barrier islands would be developed as part of a barrier island special management plan. These include natural and manmade solutions to curb erosion, special regulations concerning dredging and other activities, the use of appropriate dredge material for the restoration of barrier islands, and the development of methods to recreate the natural sediment cycle to the barrier islands including the development of pumping or siphon stations, similar to the Violet Siphon in St. Bernard Parish, to reroute river water and sediment.

The development of such management plans for barrier islands would be integrated with DOTD studies pursuant to an amendment to Act 361 made in the 1979 legislative session. Section 213.10 (G) of Title 49 of the Louisiana statutes, specifically requires DOTD to develop an indexing system of critical areas and areas subject to rapid change, including barrier islands. It also mandates DOTD to undertake a pilot program to create artificial barrier islands to determine their effectiveness in controlling shoreline erosion.

Areas of High Erosion

One approach to erosion control along the muddy shorelines of large coastal lakes and bays, recognized in Section 213.10 (G), would be the construction of artificial barrier islands using structural methods. The islands typically would be one fourth to one half mile in length and separated from the shore by a shallow lagoon. Passes would be left between individual islands.

Although this type of erosion protection would be relatively expensive, it has a number of important advantages. Islands would not only prevent erosion, but would also reduce storm surge without destroying the important natural land-water interface along the estuary margin. Marshes and swamps could be maintained in a natural condition landward of the lagoons. The islands would not only significantly reduce the erosion problem without damaging the estuary, but could actually enhance the total environment.

Barrier island construction would create new, diversified habitats. These would include beaches, vegetated island crests, lagoon fringing marshes, tidal passes and lagoons. Increased recreational opportunities resulting from this approach are particularly attractive. The beaches and passes would be ideal for surf fishing and other water contact recreation. Island backslopes and crests provide picnic areas and camp sites, and lagoons could function as small boat shelters. The new natural environments could also provide wildlife and fishery habitats. These would include lagoons for oyster beds, passes for fin fish and crustaceans, fringing marshes and lagoons as estuarine nursery areas and habitat for migratory waterfowl, fringing marshes and regulated island crests as mammal and reptile habitats, and beaches, passes and island crests as habitats for shore and wading birds.

Man-made barrier islands should be constructed on the margins of large lakes and bays in places where the wetlands are of high value for recreation and/or as estuarine nursery areas and wildlife habitat. A typical application would be along the western margin of Lake Borgne, where erosion is not only destroying valuable marshes, but also is destroying a

number of historic and archeological sites (LACCMR, 1972).

Special Areas of Rapid Delta Growth

Although much of the coastline of Louisiana is eroding at an alarming rate, some parts of the coast are still accreting land through the natural sediment deposition process. The most active area of this kind is the Atchafalaya River delta. Such areas with high natural accretion rates may be proposed as special management areas. The purpose of such designations would be to protect the natural sediment cycles that create accretion and, where possible, to develop engineering techniques that would trap the maximum amount of sediments possible and accelerate the natural accretion rate.

The approach envisioned is to attain a maximum rate of deposition in the present delta-front areas. This will bring about the emergence of delta in that area within the shortest possible time. Such an approach requires that maximum use be made of the available natural deltaic processes. This means that the greatest possible volume of sediments should be used for the growth of a subaerial delta to its maximum extent and that delta growth should be managed to form the most beneficial pattern. Deposition in deep water must be minimized, for in deep water more sediment is needed before the delta surface emerges and marsh development can proceed, and in deep water more sediment is lost to offshore transport.

The type of development that is recommended here would provide the optimum combination of benefits at a minimum cost. The management of delta growth for a large number of distributaries also means a large number of interdistributary basins, or low areas between the natural levees of those distributaries. These basins would enhance the retention of silts and clays that are now transported offshore. Maximum retention would achieve the desired acceleration of emergence in the present delta front area and the establishment of sediment-retaining marsh vegetation (Coastal Environments, Inc., 1977).

Wetland Areas Suitable for Enhancement by Freshwater Diversion

Many marsh areas in Louisiana have had their natural freshwater cycle interrupted by flood protection controls along the rivers and bayous. This break in the freshwater cycle has had detrimental effects on marshlands, by reducing the introduction of sediments and freshwater to the marsh areas. Freshwater is a necessary flushing agent to marshes bringing in new sediments and reducing the ratio of salt to freshwater. Without these inundations of freshwater and sediments, marsh areas cease to build and the ratio of salt to freshwater increases. The salt water intrusion caused by the lack of freshwater to displace it kills the previously fresh and brackish water vegetation and causes erosion.

In order to restart the building processes of the marshlands and reduce salt water intrusion, river waters have to be reintroduced into marsh areas to initiate the natural freshwater cycle. This can be accomplished with freshwater diversion pumping stations or siphons, similar to the Violet Siphon being built in St. Bernard Parish. Special management areas may be developed for the purpose of introducing freshwater back into estuarine

areas. These areas will require special management techniques and environmental engineering to maximize their usefulness to broad estuarine areas.

DOTD will identify, during the first year of program implementation, such sites that are suitable for freshwater diversion projects pursuant to a 1979 amendment to section 213.10 of Act 361. This amendment requires DOTD to prepare a freshwater diversion plan for the state in order to offset land loss and saltwater encroachment in Louisiana's central wetlands. This plan must include the identification of priority areas for freshwater diversion and projected project costs. The elements of the plan will provide the basis for future special area designations.

Special Corridor Areas

Louisiana historically has grown along the natural levees of the Mississippi River and its tributaries. These corridors developed because the levee areas form ridges that are suitable to build upon and safe from flooding. These naturally high areas have stable mineral soils and lie alongside natural transportation routes. Large population centers such as New Orleans and Baton Rouge developed beside these corridors, especially the Mississippi River, because of the proximity to world shipping lanes and accessibility to the central United States. The river corridors also attracted many industries, especially bulk shippers such as the oil and grain industries, due to the economical water and train transportation systems which the levee and river interface provided.

The goals for the guidelines of the Louisiana Coastal Management Program recognize the importance of these natural and existing man-made corridors. Goals 2 and 6 of Section 213.8 of Act 361 specifically state:

"(2) Recognize that some areas of the coastal zone are more suited for development than other areas and hence use guidelines which may differ from the same uses in different areas."

"(6) Provide for adequate corridors within the coastal zone for transportation, industrialization, or urbanization and encouraging the location of such corridors in already developed or disturbed areas when feasible or practicable."

Guidelines 5.3 states:

"Existing corridors, rights-of-way, canals, and streams shall be utilized to the maximum extent practicable for linear facilities."

Guideline 6.1 states:

Industrial, commercial, urban, residential, and recreational uses are necessary to provide adequate economic growth and development. To this end, such uses will be encouraged in those areas of the coastal zone that are suitable for development. These uses shall be consistent with the other guidelines and shall, to the maximum extent practicable, take place only on:

- a) lands five feet or more above sea level or within fast lands; or
- b) lands which have foundation conditions sufficiently stable to support the use, and where flood and storm hazards are minimal or where protection from these hazards can be reasonably well achieved, and where the public safety would not be unreasonably endangered; and
 - 1) the land is already in high intensity of development use, or
 - 2) there is adequate supporting infrastructure, or
 - 3) the vicinity has a tradition of use for similar habitation or development.

Guideline 6.2 states:

Public and private works projects such as levees, drainage improvements, roads, airports, ports, and public utilities are necessary to protect and support needed development and shall be encouraged. Such projects shall, to the maximum extent practicable, take place only when:

- a) they protect or serve those areas suitable for development pursuant to Guideline 6.1; and
- b) they are consistent with the other guidelines; and
- c) they are consistent with all relevant adopted state, local and regional plans.

The development of these corridors is an important element in developing the proper balance between conservation and development of the coastal zone. Present corridors represent areas that are already heavily developed and which are the primary areas where future development is projected to occur. The rationale for developing these corridors is to provide an adequate area for development, so that uncontrolled expansion of development into renewable resource areas can be minimized and the damages to highly biological or cultural resources reduced.

Public works projects should be focused on the corridors to strengthen and further define them. Highways, flood protection levees and structures, drainage projects, and other facilities should be combined wherever possible to minimize land acquisition and costs. Water resource management, mass transit systems, and regional waste collection treatment systems should likewise be incorporated into the corridors.

The LCRP will explore a number of planning options during the first year of program implementation to encourage special area planning and management for such corridor areas. These will include special funding programs for local governments to complement the funding to be provided for local program development and as joint state-local planning efforts.

CHAPTER VI
NATIONAL INTEREST, FEDERAL CONSISTENCY,
AND USES OF REGIONAL BENEFIT

A) CONSIDERATION OF THE NATIONAL INTEREST

1) Introduction

Recognizing the distinct and irreplaceable nature of the nation's coast, the United States Congress, in enacting the Coastal Zone Management Act of 1972 found that, "...there is a national interest in the effective management, beneficial use, protection, and development of the coastal zone." Further, Section 306(c)(8) of the Coastal Zone Management Act specifically requires that state management programs provide for adequate consideration of the national interest involved in the siting of facilities (including energy facilities...) necessary to meet requirements which are other than local in nature. This requirement is intended to assure that national concerns over facility siting are considered in the development and implementation of the coastal zone management programs.

In order to meet the requirements of subsection 306(c)(8) of the Coastal Zone Management Act and the 15 CFR § 923.52 regulations, states must:

- 1) Describe which national interests in the planning for the siting of facilities considered during program development.
- 2) Indicate the sources relied upon for a description of the national interest in the planning for and siting of the facilities.
- 3) Indicate how and where the consideration of the national interests is reflected in the substance of the management program.
- 4) Describe the process for continued consideration of the national interests in the planning for and siting of facilities during program implementation, including a clear detailed description of administrative procedures and decision points where such interests will be considered.

The purpose of this section is to demonstrate that adequate consideration has been and will be given to facilities in which there is a national interest. However, in an overall balanced coastal management program it is important to recognize that other national interests, such as the national interest in resource conservation and protection, will be involved in decisions regarding the siting of identified national interest facilities. Consequently, these types of resource issues, wetland and endangered species protection, air and water quality, and historic and archeological concerns, have also been included in this discussion. The national interest in these resources and facilities is shared by Louisiana and is illustrated in the goals and policy statements of Act 361 and the guidelines promulgated there to. Louisiana does not exclude facilities in which there may be a national interest so long as they conform to requirements of applicable Louisiana authorities, which include consideration of the national interest in such facilities. This represents a balanced approach for assuring both proper resource protection and management and facility siting in such areas.

2) Act 361 and the National Interest

Act 361 provides that the national interest be considered in the development of the coastal use guidelines and that the program provide a mechanism for continued consideration of the national interest during program implementation. Act 361 states that it is the public policy of the state "to develop and implement a coastal resources management program which is based on consideration of our resources, the environment, the needs of the people of the state, the nation, and of state and local government" (Section 213.2(5)). Furthermore, one of the goals of the state guidelines is to "establish procedures and criteria to ensure that appropriate consideration is given to uses of regional, state, or national interest in coastal resources" (Section 213.8 (C)(12)). The national interests considered during the development of the LCRP, the sources relied upon, and a discussion of how the national interests are reflected in the LCRP are described in the section "Description of National Interest" contained below.

Pursuant to Section 213.8(C)(12) of the Act, the coastal use guidelines contain specific language requiring the continued consideration of the national interest during program implementation by requiring that such interests be considered in the application of the coastal use guidelines. Guideline 1.6(m) requires that "the extent to which regional, state, and national interests are served including the national interest in resources and siting of facilities in the coastal zone as identified in the coastal resources program" be utilized in determining whether the proposed use is in compliance with the guidelines. In addition Guideline 1.8 provides that the extent to which "the use would serve important regional, state, or national interests, including the national interest in resources and siting of facilities in the coastal zone identified in the coastal resources program" is one of the factors to be considered in determining whether a proposed use that is not in compliance with certain standards contained in the guidelines may none-the-less be permitted due to overriding concerns set forth in the guidelines. These procedures must be followed in the implementation of the coastal use permit program by DOTD and local governments with

approved programs, the implementation of the "in lieu permits" by DNR and DWF, as well as the development and the approval of local coastal programs by DOTD. These procedures, therefore, provide for a comprehensive mechanism for continued consideration of the national interest during program implementation. In considering the national interest in the above noted administrative actions, the LCRP will consider the national interest described in the subsection below and any additional new material from the following sources:

- Federal laws and regulations;
- Policy statements or Executive Orders from the President of the United States;
- Special reports, studies and comments from federal and state agencies;
- Statements received at public hearings concerning Coastal Use Permits, in-lieu permits, and the approval of local programs pursuant to Act 361; and
- Other statements of national interest issued by federal agencies.

3) Description of National Interests

This section will describe the national interests in the planning for and siting of facilities that have been considered in the development of the LCRP, the source relied upon for such descriptions and the identification of where such interests are reflected in the LCRP, either in the policies of Act 361, the coastal use guidelines developed pursuant to the Act or in other state laws incorporated into the LCRP.

In addition to reviewing the documents noted below, the Louisiana program has sought the participation and consideration of the views of affected federal agencies as one means of determining the national interest. On June 13, 1975, the LCRP (then located in the State Planning Office) requested the assistance of the Southwest Federal Regional Council (SWFRC) in the development of certain parts of the coastal zone management program. A questionnaire requesting federal agency assistance in delineating the national interest in Louisiana was submitted to these agencies for their response. On August 20, 1975, LCRP staff representatives met with the Southwest Federal Regional Council and presented an initial outline of state informational needs with regard to the national interest in coastal facilities. Finally, the LCRP has considered all comments received from federal agencies pursuant to their review of the LCRP Hearing Draft issued in March, 1979.

Tables VI-1 and VI-2 provide a listing of the facilities and resources which have a national interest. These interests are discussed in detail in subsequent sections of this chapter.

TABLE VI-1
NATIONAL INTEREST FACILITIES

National defense and aerospace.....	Military bases and installations; defense manufacturing facilities; aerospace facilities.
Energy production and transmission.....	Oil and gas rigs, storage, distribution and transmission facilities; power plants; deep-water ports; Liquified Natural Gas facilities; geothermal facilities; coal mining facilities.
Recreation.....	National seashores, parks, forests; large and outstanding beaches and recreational waterfronts.
Transportation.....	Interstate highways, railroads; airports; ports; aids to navigation including Coast Guard Stations

TABLE VI-2
RESOURCES IN WHICH THERE IS A NATIONAL INTEREST

Air and Water Quality
Wetlands and Endangered Species
Flood Plains and Barrier Islands
Historic and Cultural Resources
Fisheries and Other Living Marine Resources

a. Facilities

(1) National Defense

To determine the national interest in the planning for and siting of facilities utilized for national defense the following agencies and entities were consulted among others:

- Department of the Navy
- Department of Defense

Major objectives of the national interest in facilities utilized for national defense and aerospace are:

- To ensure the sovereignty of the nation and protect its citizens against physical harm or expropriation.
- To establish and maintain those facilities necessary to carry out the first objective.

The clearcut and overriding importance of national defense is recognized by the Louisiana Coastal Resources Program. Although the naval presence has declined in recent years, military commands are located in the Louisiana coastal area, and the establishment of new defense facilities for national security reasons remains a possibility. The Louisiana program excludes from its jurisdiction federally owned or leased lands and facilities. However, any activities undertaken by federal agencies on such properties are subject to the federal consistency requirements of Sec. 307 of the CZMA when they would directly affect Louisiana's coastal zone.

The Louisiana program will not question national security as a justification for new or expanded defense facilities. Louisiana will make every effort, however, to ensure maximum conformance with the Louisiana program through investigation of alternative sites and environmental mitigation measures. Federal consistency procedures will be applied to such activities as appropriate.

(2) Energy Production and Transmission

In determining the national interest in the planning for and siting of energy production and transmission facilities, the following legislation, documents, and federal agencies were consulted:

- The Department of Energy
- The National Energy Plan
- The Federal Power Commission
- The Federal Energy Administration
- The Bureau of Land Management
- The Maritime Administration
- The U. S. Geological Survey
- The Department of Transportation
- The U. S. Army Corps of Engineers
- The Energy Research and Development Administration
- The Nuclear Regulatory Commission

The most useful articulation of the national interest in energy facility planning and siting is found in the National Energy Plan. There are three overriding objectives:

- as an immediate objective that will become even more important in the future, to reduce dependence on foreign oil and vulnerability to supply interruptions;
- in the medium term, to keep U. S. imports sufficiently low to weather the period when world oil production approaches its capacity limitation; and
- in the long term, to have renewable and essentially inexhaustible sources of energy for sustained economic growth.

The salient features of the National Energy Plan are:

- conservation and fuel efficiency;
- national pricing and production policies;
- reasonable certainty and stability in government policies;
- substitution of abundant energy resources for those in short supply; and
- development of nonconventional technologies for the future.

Elements of the Louisiana Coastal Resources Program that are particularly applicable to the national interests in planning for and the siting of energy facilities may be summarized as follows:

- Act 361 includes as uses of state concern (Section 213.5(1)(f)(g)(h)), the following: (1) all mineral activities, including exploration for, and production of, oil, gas, and other minerals, all dredge and fill uses associated therewith, and all other associated uses, (2) all pipelines for the gathering, transportation or transmission of oil, gas and other minerals, (3) energy facility siting and development...
- The Act provides for membership on the Louisiana Coastal Commission of an oil and gas industry representative and a public utilities representative.
- Section 213.12(B), of the act, provides for integrated coastal permitting of oil and gas activities by stating that:

Permits issued pursuant to existing statutory authority of the Office of Conservation in the Department of Natural Resources for the location, drilling, exploration and production of oil, gas, sulphur or other minerals shall be issued in lieu of coastal use permits, provided that the office of conservation shall coordinate such permitting actions pursuant to §213.13(B) and (D) and shall ensure that all activities so permitted are consistent with the guidelines, the state program and any affected local program; and

- In the goals for the development of guidelines, Act 361, §213.8 (C)(12), provides for consideration in the permit decision-making process of a proposed project's relationship to, and impacts on, state and national interests, including the siting of energy facilities by the establishment in the coastal use guidelines of procedures and criteria to ensure that appropriate consideration is given to uses of regional, state, or national importance, energy facility siting and the national interests in coastal resources.

(3) Recreation

In determining the national interest in the planning for and siting of facilities to be used for recreation, the following documents, legislation and federal agencies were consulted:

- The Nation-Wide Outdoor Recreation Plan
- Historic Preservation Act
- Land & Water Conservation Fund Act
- Louisiana State Comprehensive Outdoor Recreation Plan
- Heritage Conservation and Recreation Service
- National Parks Service
- Fish and Wildlife Service

Major objectives of the national interest in recreational facilities have been determined to be:

- To consider recreation as an equal among competing uses of the coastal region;
- To provide high quality recreational opportunities to all people of the United States while protecting the coastal environment;
- To increase public recreation in high density areas;
- To improve coordination and management of recreation areas;
- To protect existing recreation areas from adverse contiguous uses; and
- To accelerate the identification and no-cost transfer of surplus and under-utilized federal property for recreational uses.

The Louisiana Coastal Resources Program has incorporated the national interests in recreational facilities by Act 361 recognizing the value of special features of the coastal zone such as recreation areas (§213.8(C)(4)) including:

- One goal for the development of guidelines under Act 361 is to, "Provide ways to enhance opportunities for use and enjoyment of recreational values of the coastal zone" (213.8(C)(10));
- Act 361 provides for membership on the Louisiana Coastal Commission of a hunting and outdoor recreation representative;
- Guideline 1.7(q) provides that activities be planned, sited, designed, constructed, operated, and maintained to avoid to the maximum extent practicable, significant adverse alteration or destruction of public parks, shoreline access points, public works, designated recreation areas, scenic rivers, or other areas of public use and concern; and
- Guideline 5.3 provides that shoreline modification structures should not interfere with navigation and should foster fishing and other recreational opportunities and public access.

(4) Transportation

In determining the national interest in the planning for and siting of transportation facilities, the following documents and federal agencies were consulted:

- Department of Transportation Act
- Railway Safety Act of 1970
- U. S. Coast Guard
- Department of Transportation
- Maritime Administration
- U. S. Army Corps of Engineers

The major objectives of the national interest in transportation have been determined to be:

- To develop a balanced national transportation system including well articulated and integrated surface, air, water, and subsurface modes.
- To provide fast, safe, efficient and convenient access via one or more modes of transportation for the movement of people, goods and services to, from, and through the coastal region.

The Louisiana Coastal Resources Program has considered these objectives in the following manner:

° Uses of state concern under Act 361 include:

- (1) State publicly funded projects;
- (2) Projects occurring in more than one parish;
- (3) All pipelines for gathering, transportation or transmission of oil, gas and other minerals;
- (4) Uses of local concern which may significantly affect interests of regional, state or national interests (§213.5(C)(e)(g)(i)).

- ° Act 361 provides that deep water port commissions and deep water port, harbor, and terminal districts are not required to obtain a coastal use permit provided that their activities shall be consistent with the state program and affected approved local programs (§123.13(A)), thereby simplifying coastal permitting procedures by such entities.
- ° Act 361 designates the Superport as a special area (§213.10(C)) and exempts the Superport from coastal use permit requirements (§213.15(A)(b)).
- ° Act 361 recognizes the value of special features such as ports and other areas where developments and facilities are dependent upon the utilization of or access to coastal waters (§123.8(c)(4)).
- ° Act 361 states that a goal for the development of coastal use guidelines is to:
 - §213.8(C)(6) Provide for adequate corridors within the coastal zone for transportation, industrialization, or urbanization and encourage the location of such corridors in already developed or disturbed areas when feasible or practicable.
- ° Act 361 provides for membership on the Louisiana Coastal Commission of a representative of ports, shipping, and transportation.
- ° The coastal use guidelines provide that:

Spoil shall not be disposed of in such a manner as to create a hindrance to navigation or fishing, or hinder timber growth. (4.5) and

Shoreline modification structures shall be lighted or marked in accordance with U. S. Coast Guard regulations, not interfere with navigation, and should foster fishing and other recreational opportunities and public access. (5.3).

- In general, Act 361 and the coastal use guidelines do not exclude various uses including transportation uses as long as these uses meet appropriate standards.
- The Port of New Orleans will be proposed as an area for designation as a special area.

b. Resources

(1) Air and Water Quality

In determining the national interest in both air and water quality, the following acts and federal agencies have been consulted:

- Clean Water Act of 1977
- Federal Clean Air Act
- U. S. Environmental Protection Agency

The major objectives of the national interest in air and water are to provide the citizens of the United States with air and water quality that will enhance their quality of life.

The Louisiana Coastal Resources Program has considered the national interest in air and water in the following manner:

- Act 361 provides for membership of a representative of nature preservation and environmental protection on the Louisiana Coastal Commission.
- The goals for the development of the coastal use guidelines include:

Require careful consideration of the impacts of uses on water flow, circulation, quantity, and quality and require that the discharge or release of any pollutant or toxic material into the water or air of the coastal zone be within all applicable limits established by law, or by federal, state, or local regulatory authority (§213.8(C)(3)).

- Guideline 1.2, applicable to all uses provides:

Conformance with applicable water and air quality laws, standards and regulations and with those other laws, standards and regulations which have been incorporated into the coastal resources program shall be deemed in conformance with the program except to the extent that these guidelines would impose additional requirements.

- The guidelines state:

Shoreline modification structures shall be built using best practical materials and techniques to avoid the introduction of pollutants and toxic substances into coastal waters. Guideline 5.4.

The creation of low dissolved oxygen conditions in the water or traps for heavy metals shall be avoided to the maximum extent practicable. Guideline 6.10.

(2) Wetlands and Endangered Species

Louisiana's coastal wetlands support many habitats critical to fish and wildlife which are often threatened by development activities. Wetlands also play vital roles in purifying water quality and retaining flood waters.

In determining the national interest in wetlands and endangered species, the Fish and Wildlife Service, the Corps of Engineers, and the National Marine Fisheries Service were consulted. Other sources consulted by the LCRP include:

- The Endangered Species Act of 1972
- Fish and Wildlife Coordination Act
- Marine Protection, Research and Sanctuaries Act of 1972
- Executive Order No. 11990 (protection of wetlands)
- Migratory Bird Act
- Executive Order No. 11988 (flood plain management)
- Fishery Conservation and Management Act of 1976

The national interest in wetlands and endangered species habitats has been interpreted to include:

- To avoid to the extent possible the long and short-term adverse impacts associated with the disruption or modification of wetlands and to avoid direct or indirect support of new construction in wetlands whenever there is a reasonable and prudent alternative;
- To provide means whereby ecosystems upon which endangered and threatened species depend may be preserved; and
- To provide a program for the conservation of endangered and threatened species.

The Louisiana Coastal Resources Program considers these objectives in the following manner:

- One of the goals for the development of the coastal use guidelines under Act 361 §213.8(C)(5) is to:

Minimize, whenever feasible and practical, detrimental impacts on natural areas and wildlife habitat and fisheries by such means as encouraging minimum change of natural systems and by multiple use of existing canals, directional drilling, and other practical techniques.

- Guideline (1.7)(p) states that all uses and activities shall be planned, sited, designed, constructed, operated and maintained to avoid to the maximum extent practicable significant adverse alteration or destruction of unique or valuable habitats, critical habitat for endangered species, important wildlife or fishery breeding or nursery areas, designated wildlife management or sanctuary areas, or forestlands.
- Several guidelines provide for specific protection of critical habitat areas and wetlands, including guidelines 1.7(e), 1.7(o), 2.1, 3.1, 4.2, 4.4, 6.4, 8.1, and 10.1.

(3) Flood Plains, Barrier Islands

In determining the national interest in flood plains, erosion hazard areas, and barrier islands, the following documents, legislation and federal agencies were consulted:

- Flood Disaster Protection Act
- National Flood Insurance Act of 1968
- Water Resources Development Planning Act of 1974
- The President's Executive Order on Floodplain Management (May 24, 1977)
- Department of Housing and Urban Development
- U. S. Army Corps of Engineers

The major objectives of the national interest in these areas is to avoid the long and short term adverse impacts associated with the occupancy and modification of floodplains, erosion hazard areas, and barrier islands.

The Louisiana Coastal Resources Program considers these major objectives in the following manner:

- The goals specified by Act 361 for the development of the coastal use guidelines recognize the value of special features such as barrier islands.
- The guidelines provide that:

- (a) Proximity to and extent of impacts on important natural features such as beaches and barrier islands be considered in the permit decision-making process (1.6(e)).
- (b) all uses and activities shall be planned, sited, designed, constructed, operated and maintained to avoid to the maximum extent practicable:
 - (1) destruction or adverse alterations of streams, wetlands, tidal passes, inshore waters and water bottoms, beaches, dunes, barrier islands, and other natural biologically valuable areas or protective coastal features (1.7(e)) and
 - (2) significant increases in the potential for flood, hurricane or other storm damage, or increases in the likelihood that damage will occur from such hazards (1.7(t)).
- (c) Linear facilities shall not traverse or adversely affect any barrier island.

(4) Historic Sites and Cultural Resources

In determining the national interest in historic sites, the following documents and federal agencies were consulted:

- The Antiquities Act of 1906
- Historic Sites Act of 1935
- Archaeological and Historical Preservation Act of 1974
- National Historic Preservation Act of 1966 (Executive Order 11593), amended under the Land and Water Conservation Fund Act of 1976.
- National Environmental Policy Act of 1969
- National Park Service

The major objectives of the national interest in historic sites and districts have been identified to be:

- To afford protection to significant historic (including archaeological sites) from adverse impacts;
- To consider cultural resources in assessing the environmental impacts of proposed activities.

The Louisiana Coastal Resources Program considers the national interest in historic sites in the following manner:

- Guideline 1.6(p) states that proximity to and extent of impacts on historic recreational or cultural resources will be considered in the permit decision-making.
- Guideline 1.7(n) states that activities shall be planned, sited, designed, constructed, operated and maintained to avoid to the maximum extent practicable significant adverse alteration or destruction of archaeological, historical, or other cultural resources.

(5) Fisheries and Other Living Marine Resources

In determining the national interest in living marine resources the following documents, specific legislation, and agencies were consulted:

- A Compilation of Federal Laws relating to Conservation and Development of our Nation's Fish and Wildlife Resources, Environmental Quality, and Oceanography. The Library of Congress, Congressional Research Service. January, 1975.
- A Marine Fisheries Program for the Nation. U. S. Department of Commerce. July 1976.
- Fishery Conservation and Management Act
- Fish and Wildlife Service
- Fish and Wildlife Coordination Act
- Army Corps of Engineers
- National Marine Fisheries Service

The major objectives of the national interest in living marine resources have been determined to be:

- To conserve, enhance and manage in a rational manner commercial fishing, which constitutes a major source of employment and contributes significantly to the food supply, economy and health of the nation;
- To strengthen the contribution of marine resources to recreation and other social needs;
- To develop and protect all species of wildlife, resources thereof and their habitat, and to control losses by damage to habitat areas through coordination with other resource management programs.

The salient features of the national interest in living marine resources are, therefore:

- emphasis on commercial fisheries;
- strengthening the relationship of marine resources to recreation;
- protection of marine resources; and
- protection of wildlife habitat.

Elements of the national interest in living marine resources with particular application to the Louisiana Coastal Resources Program are as follows:

- Act 361 provides for memberships on the Louisiana Coastal Commission representing commercial fishing and trapping, sport fishing, and nature preservation and environmental protection.
- The goals for the development of guidelines in Act 361 include:
 - (a) the recognition of fishery nursery grounds as a special feature of the coastal zone (§213.8(C)(4)); and,
 - (b) the minimization, where feasible and practical, of detrimental impacts on natural areas and wildlife habitat and fisheries by such means as encouraging minimum change of natural systems and by multiple use of existing canals, directional drilling, and other practical techniques (§213.15(A)(4)).
- The guidelines provide for:
 - (a) consideration in the permit decision-making process of the impacts on navigation, fishing, public access, and recreational opportunities (1.6(q)) and,
 - (b) the planning, siting, designing, constructing, operating and maintaining of all uses and activities in such manner to avoid to the maximum extent practicable significant: (a) adverse alteration or destruction of unique or valuable habitats, critical habitat for endangered species, important wildlife or fishing, breeding or nursery areas, designated wildlife management or sanctuary areas or forestlands (1.7(p)); (b) adverse disruptions of coastal wildlife and fishery migratory patterns (1.7(r)).
 - (c) Spoil shall not be disposed of on marsh, known oyster or clam reefs or in areas of submersed vegetation to the maximum extent practicable (4.4).
 - (d) Spoil shall not be disposed of in such a manner as to create a hinderance to navigation or fishing, or hinder timber growth (4.5).

B) FEDERAL CONSISTENCY

1) Introduction

The CZMA provides that certain actions of federal agencies which affect the coastal zone must be consistent with approved state coastal zone management programs.

Section 307(c) states,

- (1) Each federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs...
- (2) Any federal agency which shall undertake any development project in the coastal zone of a state shall ensure that the project is, to the maximum extent practicable, consistent with approved state management programs.

In addition, section 307(c)(3)(A) requires that,

Any applicant for a required federal license or permit... shall provide...certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program...

Section 307(c)(3)(B) requires that:

Any person who submits to the Secretary of the Interior any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and regulations under such Act shall attach to such plan a certification that each activity which is described in detail in such plan complies with such state's approved management program and will be carried out in a manner consistent with such program...

Section 307(d) requires that:

State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone...

Thus, the CZMA imposes a strong requirement on federal agencies to conduct their business in a manner that conforms with state and local coastal goals and objectives described in federally approved coastal management programs.

2) Procedures for Consistency Review

Federal agencies with administrative responsibilities in or affecting the Louisiana coastal zone are required to act in conformance with Section 307 of the CZMA and NOAA implementing regulations (15 CFR Section Part 930). Figure VI-1 summarizes the federal actions covered, the notification procedures and related matters.

Consistency reviews will be undertaken by the Secretary of DOTD, except that federal actions associated with uses carried out under the Secretary's authority shall be reviewed by the Governor. In the case of applicants for federal licenses and permits, applicants should submit consistency certifications to the Secretary, along with supporting information. DOTD will work with the relevant federal agencies toward the development of memoranda of understanding (MOU's) governing the processing of consistency for federal activities and development projects, and for the joint processing of applications for permits for activities affecting the state's coastal zone. Such MOU's could provide, among other things, for joint application forms, corresponding information requirements, coordinated time periods for permit application review, and joint public hearings where appropriate. The federal and state permitting processes could be further simplified and expedited, as well as rendered more predictable, by the development of joint substantive standards to be applied to such applications.

3) Standards for determining consistency

In determining whether federal activities, development projects, licenses and permits, OCS plans and financial assistance are consistent with the Louisiana Coastal Resource Program, the following shall be applied:

- (a) The goals and objectives found in Act 361, the coastal use guidelines, and rules and regulations promulgated thereunder; and
- (b) The policies included in other state laws identified in appendix 1 as part of the LCRP and the implementing regulations promulgated pursuant to such laws.

Figure VI-1

FEDERAL CONSISTENCY PROCEDURES

		CZMA Section	
		307(c)(1)&(2)	307(c)(3)(A)
			307(c)(3)(B)
			307(d)
Federal action	Direct federal activities including development projects	Federally licensed and permitted activities	Federally licensed and permitted activities described in detail in OCS plans
Coastal zone impact	Directly affecting the coastal zone	Affecting the coastal zone	Affecting the coastal zone
Responsibility to notify state agency	Federal agency proposing the action	Applicant for Federal license or permit	Department of the Interior
Notification procedure	Consistency determination	Consistency certification	Consistency certification
Consistency requirement	Consistent to the maximum extent practicable with CZM Program	Consistent with the CZM Program	Consistent with the CZM Program
			Federal assistance to state and local government
			A-95 clearinghouse receiving state or local government application for federal assistance
			OMB Circular A-95 notification procedure

Figure VI-1 (Continued)

		CZMA Section 307(c)(3)(A)		307(c)(3)(B)	307(d)
307(c)(1)&(2)					
State agency action	Agree or disagree; submission of recommended alternatives in the event of disagreement	Concur or object explain basis of objection	Concur or object explain basis of objection	Concur or object explain basis of objection	
Federal agency responsibility following a disagreement	Federal agency not required to disapprove action following state agency disagreement (unless judicially impelled to do so)	Federal agency may not approve license or permit following state agency objection	Federal agency may not approve federal licenses or permits described in detail in the OCS Plan following state agency objection	Federal agency may not grant assistance following state agency objection	
Administrative conflict resolution	Voluntary mediation by the Secretary of the U.S. Department of Commerce	Appeal to the Secretary of the U.S. Department of Commerce by applicant or independent review by Secretary of Commerce	Appeal to the Secretary of the U. S. Department of commerce by person or independent Secretarial review	Appeal to or voluntary mediation by the Secretary of the the U.S. Department of Commerce	

Source of procedures: 15 CFR 930, 44 Federal Register 37142, (June 25, 1979)

4) Federal activities including development projects Sections 307(c)(1) and (2)

Sections 307(c)(1), and (2) of the CZMA requires that federal activities, including development projects, directly affecting the coastal zone "shall be conducted in a manner which is, to the maximum extent practicable, consistent with approved state management programs."

The following activities and projects generally can be considered as directly affecting the coastal zone. These activities include:

- Federal agency coastal activities subject to state licenses and permits;
- Development projects in the coastal zone;
- Outer continental shelf activities adjacent to the coastal zone;
- Activities affecting or altering surface runoff quality or quantity in the coastal watershed, and the coastal zone;
- Dredge, fill, development, construction, or waste discharge in or into coastal waters;
- Any other activity which would, if carried on by a private party, require a state or local coastal use permit or in lieu permit under Act 361.
- Acquisition/disposal of federal property in the coastal zone.

In the case of federal lands excluded from the coastal zone, federal activities on these lands that have an impact on the coastal zone beyond the boundaries of the federal properties are deemed likely to directly affect the coastal zone. Federal agencies themselves must determine whether or not other activities or projects will directly affect the coastal zone and whether or not they are consistent, to the maximum extent practicable, with the LCRP. The federal agency must notify the State of Louisiana of such proposed actions and provide consistency determinations. Certain categories of federal actions can generally be considered not to directly affect the coastal zone. These include:

- Radio transmission and maintenance of navigation aids placed or authorized by the U. S. Coast Guard; and
- Any action for which the agency's environmental documentation procedures, established pursuant to the National Environmental Policy Act of 1969 and the regulations of the Council of Environmental Quality, do not require issuance of an Environmental Impact Statement or environmental assessment.

To save time and funds, and to avoid conflicts involving substantial commitments or resources, consistency should be assessed at the earliest possible time. Preferably, this should occur as an integral part of planning and budgetary decisions.

The Secretary of DOTD is responsible for reviewing federal agency determinations that their activities and projects are consistent with the LCRP. Each federal agency must provide DOTD with direct notification of such activities and projects which directly effect the Louisiana coastal zone.

5) Federal Licenses And Permits (Section 307(c)(3)(A))

Section 307(c)(3)(A) of the CZMA provides that any applicant for a federal license or permit to conduct an activity affecting land or water uses in the coastal zone must certify that the proposed activity complies with, and will be conducted in a manner consistent with, the management program, and submit all necessary information and data to the state. This certification will read as follows: "The proposed activity complies with Louisiana's approved coastal management program and will be conducted in a manner consistent with the program". The certification must be accompanied by sufficient information to support the applicant's consistency certification. Such information shall consist, of at a minimum, copies of all applications for relevant federal, state and local permits or clearances, a detailed description of the proposed activities and its associated facilities, and appropriate maps, diagrams and technical data necessary for this description. Such information shall not be needed if a coastal use permit is also required.

The Secretary of DOTD will then review the information and certification provided by the applicant, and the federal application, and at the earliest possible time notify the applicant and the federal agency of his concurrence or objection. The CZMA requires that, "No license or permit shall be granted by the federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act (within six months) the concurrence is conclusively presumed...." The Secretary of DOTD will normally make his consistency decision within three months or notify the applicant or federal agency of the basis for further delay. If not given within four months and the Secretary of DOTD has not notified the federal agency of a delay in processing the application, federal agencies and applicants may consider the proposal activity as being consistent with the Coastal Resource Program.

Figure VI-2 lists the kinds of federal licenses and permits which may affect the coastal zone, and which the state wishes to review for consistency with the LCRP. If it is found that the issuance of other kinds of federal permits and licenses would cause effects on coastal land and water uses, the state will inform the applicable federal agency and OCZM and await a determination whether such activities affect the coastal zone. During this period, the federal agency may not issue permits or licenses for such activities. If the activities are determined to affect the coastal zone the list of permits and licenses subject to federal consistency will be expanded through appropriate OCZM procedures for changes to the LCRP.

FIGURE VI-2 FEDERAL LICENSES AND PERMITS SUBJECT TO
CERTIFICATION OF CONSISTENCY

Types of Federal licenses or permits

Department of Agriculture:

- Permits for waterplants, dams, etc. under 16 USC 497
- Permits for construction of hotels, etc. on National Forest Service lands under 16 USC 497.

Department of Commerce:

- Permits for activities within Marine Sanctuaries under 33 USC 1401-1444

Department of Defense - U.S. Army Corp of Engineers:

- Permits and licenses required under Sections 9 and 10 of the River and Harbor Act of 1899...
- Permits and licenses required under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1912 (Ocean Dumping)...
- Permits and licenses required under Section 404 of the Federal Water Pollution Control Act of 1972 as amended...

Nuclear Regulatory Commission:

- Permits and licenses required for siting and operation of nuclear power plants fuel processing and disposal of nuclear wastes....

Environmental Protection Agency:

- Permits and licenses required under Section 402 and 404 of the Clean Water Act of 1977, as amended
- Permits and applications under the Clean Air Act of 1974 as amended...
- Permits under the Marine Protection, Research & Sanctuaries Act of 1972

Department of the Interior -

- Permits for pipeline rights-of-way (Bureau of Land Management)
- Permits for activities within national parks (National Park Service)
- Permits for activities within other lands managed by the Department of the Interior...

Department of the Interior - U. S. Geological Survey OCS production plans:

- Plans for exploration, development, and production of OCS gas and oil. (Review pursuant to Section (307(c)(3)(B) of the CZMA)

Department of Transportation - U.S. Coast Guard:

- Permits for construction of bridges under 33 USC 40, 4591-50/ and 525-534
- Permits for deepwater ports (33 CFR 158 et. seq.)

Department of Transportation - Federal Aviation Administration

- Permits for operation of airports

Department of Energy:

- Permits for construction and operation of facilities needed to import or export natural gas

The federal license or permit may not be issued by the federal agency if the Secretary of DOTD objects to the applicant's certification statement, unless the objection is overturned on an appeal to the Secretary of Commerce because the activity is consistent with the objections of the CZMA, or is necessary in the interest of national security (Section 307(c)(3)(A)). The issuance of a coastal use permit by DOTD will indicate compliance with the program. If an applicant to a federal agency has a valid coastal use permit issued by DOTD, it will also constitute consistency with the state program.

6) OCS Exploration Development and Production Plans (Sec. 307(c)(3)(B))

Persons submitting exploration, development, or production plans to the Secretary of the Interior pursuant to the requirements of the Outer Continental Shelf Lands Act, and regulations thereunder, shall, with respect to any exploration, development or production described in such plan, submit to the Department of Interior for transmittal to the Secretary of DOTD a copy of such plan accompanied by a certification that each activity which is described in detail in such plan will be carried out in a manner consistent with the CZM program. The certification must be accompanied by necessary data and information to support the person's finding. Federal licenses and permits for OCS activities described in detail in such plans shall not be issued by the federal agency if the Secretary of DOTD objects to the person's certification, unless the objection is overturned on an appeal to the Secretary of Commerce (Section 307(c)(3)(B)).

7) Federal Assistance (Section 307(d))

Section 307(d) of the CZMA establishes consistency requirements for federal financial assistance to state and local governments. Federal assistance includes any grant, loan, contract, subsidy, guarantee, insurance, or other form of financial aid provided under a federal program. If any such aid is for a project which affects the coastal zone it must be consistent with the LCRP. Applications submitted for federal assistance for an activity affecting the coastal zone shall follow the A-95 notification and review process to permit the Secretary of DOTD to review the consistency of the proposed federal assistance activity. If the Secretary of DOTD objects to the proposed federal assistance, the application cannot be approved unless the objection is overturned on an appeal to the Secretary of Commerce (Section 307(d)).

8) Processing Of Comments On Consistency

Louisiana will rely upon the public notice provided by the federal agency reviewing applications for the federal license or permit. If such notice does not satisfy the minimum requirements of OCZM regulations adopted pursuant to Section 307(c)(3), the Secretary will require that the additional notice required be given by the applicant. The Secretary will consult with affected federal agencies to determine whether the notices issued by these agencies comply with OCZM notice regulations. The Secretary will review all comments received within the time limit specified for a consistency finding by OCZM regulations. In addition, the Secretary will

make his own initial determination of consistency. If any comments are received suggesting that the action is not consistent, or if the Secretary of DOTD makes an initial determination that the action is not consistent, the Secretary of DOTD will attempt, through negotiation, to obtain modifications to the project or ensure that other appropriate steps are taken to achieve consistency. If the conflict cannot be solved to the mutual satisfaction of all reviewers, the Secretary of DOTD will review all comments and make a determination of consistency or lack of consistency on behalf of the State of Louisiana.

C) USES OF REGIONAL BENEFIT

1) Introduction

The CZMA requires that the state program be able to prevent local governments from unreasonably restricting uses of regional benefit. Section 306(e) states:

e. Prior to granting approval, the Secretary shall also find that the program provides: (2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

To meet this requirement, 15 CRF §923.12 requires the state to identify what constitutes uses of regional benefit and identify and utilize methods to assure that local land and water use regulations do not unreasonably restrict or exclude uses of regional benefit.

2) Identification of Uses of Regional Benefit

A use of regional benefit is a use which beneficially affects more than one parish or has beneficial interstate effects, and which has direct and significant impact on coastal waters. Uses of regional benefit include the following types of uses, if the particular use meets the above definition:

- (1) Interstate natural gas transmission pipelines;
- (2) Major state or federal transportation facilities such as highways and expressways
- (3) Major state or federal transportation facilities such as deepwater ports, and navigation projects
- (4) Public wildlife and fisheries management projects;
- (5) Public utility or cooperative energy generating plants;
- (6) State parks and beaches and other state owned recreational facilities;

3) Definition of Unreasonable

"Unreasonable", for purposes of compliance with Section 306(e)(2) of the CZMA, shall mean that which would constitute arbitrary, capricious or confiscatory action as defined in the jurisprudence involving zoning and land use regulations.

4) Methods to be utilized

Act 361 provides that one goal of the state management program is:

to ensure that appropriate consideration is given to uses of regional, state or national importance, energy facility siting and the national interests in coastal resources (Section 213.8(c)(12)).

The LCRP will rely on a number of authorities and methods to insure that local governments do not unreasonably restrict or exclude uses of regional benefit. Some of these arise directly from Act 361, some from other constitutional and statutory provisions, while others are derived from judicial review of local land use decisions.

a) Expropriation

The power to acquire lands by direct purchase or expropriation is the primary means by which the state can assure that sites are available for uses of regional benefit. While involuntary acquisition of private property is prohibited for purposes of Act 361, other state agencies and certain private corporations have independent authority to acquire lands through eminent domain. The power to exercise eminent domain has been granted to the state and all its political corporations and subdivisions exercising any state governmental powers; to corporations created to pipe and market natural gas, generate or transmit electricity for power, and to conduct and operate common carrier pipelines, La. R.S. 19:2; to all port, harbor and terminal districts, La. R.S. 34:23 et seq. and 34:1226 et seq.; and La. R.S. 19:141; to the Department of Transportation and Development for highways, La. R.S. 48:218, 441 and expressways, La. R.S. 48:1255, 1259; to the Wildlife and Fisheries Commission for wildlife and fisheries purposes, La. R.S. 56:702; to the State Parks and Recreation Commission for Parks, La. R.S. 56:1690; to the Wildlife and Fisheries Commission and State Parks and Recreation Commission to cooperate with the Corps of Engineers for outdoor recreation and fish and wildlife enhancement, La. R.S. 56:1741; and to the Department of Public Works, La. R.S. 38:3. These authorities are sufficient to ensure that land be made available for uses of regional benefit.

b. Federal jurisdiction over natural gas pipelines

Federal court decisions have made it clear that local governments may not "unreasonably regulate" natural gas pipelines subject to federal jurisdiction. United Gas Pipeline Company v. Terrebonne Parish, 445 F.2d 301 (CA5, 1971); Gulf Interstate Gas v. Rapides Parish, 115 F.Supp. 746 (W.D.La, 1953); New York State Natural Gas Corp. v. Elina, 182 F.Supp. 1 (W.D.N.Y., 1960).

c) Judicial review of local government action

Local governments without approved programs may regulate certain uses of regional benefit pursuant to authority granted by other laws and local governments with an approved program may regulate land use pursuant to other authority than Act 361 (Section 213.(5)(B)). A local governmental subdivision's (parish or municipality) basic grant of authority to regulate

land use is from Article VI, Section 17, of the Constitution of 1974. That section provides that "[s]ubject to uniform procedures established by law, a local governmental subdivision may (1) adopt regulations for land use, zoning, and historic preservation...and (4) adopt standards for use, construction, demolition and modification of areas and structures." According to an Attorney General's opinion of October 14, 1977, unless there are "uniform procedures established by law," local governmental bodies do not have the authority to adopt such land use regulations. Such "uniform procedures" have been established for municipalities and planning commissions, but none (other than Act 361) have been generally adopted for parish level governmental bodies--police juries. Parish level governmental bodies with home rule charters which predate the 1974 constitution and which permit land use regulations may have such authority. However, any regulation of private property is subject to a requirement of reasonableness by Article 1, Section 4, of the Constitution and any unreasonable exercise of the police power is prohibited. And, while land use regulation decisions are presumed valid, courts will overturn them if they are illegal, arbitrary, capricious, unreasonable or an abuse of discretion. Thus, any land use decision by a local government which would restrict or exclude a use of regional benefit must be reasonable.

d) Review under Act 361

Local governmental bodies for which "uniform procedures" have not been established by law do not have the authority to adopt land use regulations. While the Act does provide such uniform procedures, such authority is sufficiently limited to prevent unreasonable use of it. Uses of regional benefit are to be managed and permitted at the state level insofar as the coastal use permitting system is concerned, hence adverse local action is obviated for purpose of Act 361.

Section 213.5(A)(1) provides that uses of state concern, i.e., those to be managed and permitted at the state level, are those:

which have impacts of greater than local significance or which significantly affect interests of regional, state or national concern.

Such uses are listed in Sec. 213.5(A); additional uses may be designated as uses of state concern by the Secretary of DOTD.

Moreover, even if a use of regional benefit, or a necessary component thereof, should be subject to a local coastal use permit decision, the Act provides for state level administrative and judicial review of those decisions. They may be overturned by the coastal commission if found to be, inter alia, "unreasonable, arbitrary or capricious or characterized by an abuse of discretion, or a clearly unwarranted exercise of discretion" (Section 213.16(4)). Judicial review is pursuant to the Louisiana Administrative Procedures Act which provides for reversal if the decision is "arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion". La. R.S. 49:964(g)(5). Standing for appeals to the coastal commission is given to the applicant, the Secretary of DOTD, any affected federal, state or local governmental body, any aggrieved person or any person adversely affected by a coastal use permit decision (Section 213.11(D)).

In addition a local government with an approved local program must have "special procedures and methods for considering...uses of greater than local benefit" (Section 213.9(c)(3)(c)). These procedures and methods will be closely reviewed to assure that they do not result in unreasonable restrictions.

CHAPTER VII

PROGRAM OBJECTIVES AND ACTION ITEMS

It is recognized, given the complexity of the problems and issues identified in Chapter I and the comprehensive nature of the policies proposed in Chapter II, that it will be necessary to monitor and evaluate the implementation of the LCRP in order to determine if policy and other programmatic changes are necessary.

In order to measure the effectiveness of the LCRP a set of program objectives have been established. Briefly stated, these objectives are to:

- (1) maximize the use of areas best suited for development;
- (2) Minimize the loss habitat areas, including wetlands and intertidal areas;
- (3) provide for the rational siting of major facilities of state and national interest;
- (4) expedite and streamline the process for receiving coastal use and other regulatory permits; and
- (5) enhance local government management capabilities.

The following is a discussion of each objective under which are described action items which Louisiana will pursue during the first year of Section 306 program implementation funding. As part of the review process for this document, DOTD invites comments on the appropriateness of the proposed objective and action items:

1. Maximize the Use of Areas Best Suited for Development

Some areas of the Louisiana coastal zone are more suited for development than others. These areas include those areas on fastlands and natural levee ridges, those areas supplied with appropriate infrastructure; or those areas where high intensity development already exists. The Louisiana Legislature recognized the need to direct development to appropriate sites when it passed Act 361 (Section 213.9(C)(2)). The LCRP will achieve this objective through both regulatory and non-regulatory means.

The guidelines for surface alteration provide the most specific regulatory mechanism for guiding development to suitable sites. Other guidelines also provide guidance including those for linear and oil and gas facilities.

Non regulatory methods of achieving this objective will include information dissemination, planning and coordination. Resource and development suitability information pertaining to the coastal zone will be made available to state and local planning agencies and the public. The planning for special areas which have suitable sites for development will be funded (see Chapter V). Finally, DOTD will coordinate the LCRP with other state and federal programs in order to insure that development takes place in suitable areas. Examples of such programs would be the State Hazardous Waste Program and the Section 208 Water Quality Management Program.

2. Minimize the loss of Habitat Areas, Including Wetlands and Intertidal Areas

The LCRP will avoid or minimize adverse alteration to habitat areas through the regulation of activities which; unchecked, could degrade the coastal environment. The general guidelines as well as those for specific activities, such as linear facilities and dredged spoil deposition, are applicable to habitat areas.

In addition to a regulatory program, the LCRP will seek to enhance the wetlands habitat through the development of a dynamic management plan pursuant to Act 361 to provide for the controlled diversion of freshwater and sediment-laden waters. Such a management plan which incorporates controlled diversion of freshwater and sediment could accomplish the following in the span of a few years: (a) the reversal or abatement of land loss; (b) the creation of new land which provides additional wildlife habitat and acts as a buffer against hurricane-generated storm surges; and (c) the restoration of the freshwater-salt-water balance in the estuaries. All of these effects would result in increased fisheries production. A previous study, for example, estimates that the Mississippi River would be capable of building 12.3 square miles of new land per year if diversions were initiated along the lower reaches (Gagliano, et al., 1970).

DOTD will also initiate joint monitoring programs with state and federal agencies to provide information on natural and man-induced changes to coastal resources. Monitoring of the coastal resources will involve the use of high altitude color infrared (IR) photography and satellite collected data. Efforts will be made to reach agreements with appropriate federal agencies to ensure high altitude photography is available on a routine basis so that changes in land use, land cover, salt water intrusion and erosion can be detected and measured. Satellite generated information from NASA has already been used to measure the acreage of different types of marshes, beaches, and urban and agricultural lands in Louisiana's coastal areas. To further utilize this technology, DOTD has contracted with Louisiana State University Engineering Department to study the feasibility of computerizing information derived from aerial photograph and satellite imagery.

Finally, DOTD will assist approved local programs and state and local agencies carrying out projects consistent with the guidelines, related to the management, development, preservations, or restoration of special areas discussed in Chapter V. DOTD will also consider using Coastal Energy Impact Program (CEIP) funds available under Section 308 of the CZMA where appropriate. (Section 213.10(D), (E), Act. 361).

3. Provide for the Rational Siting of Major Facilities of State and National Interest

The LCRP, through its policies and guidelines, will direct major facilities towards the most suitable sites in the coastal zone. In this way the relationship of the facility to the site and the natural environment is optimized and adverse impacts of such facilities to the wetlands are minimized. Specifically, Guideline 1.8 provides for the balancing of public benefits and adverse impacts in the consideration of uses which serve an important regional, state and/or national interest. Furthermore, special provisions in this guideline provide for coastal water dependent activities as one of the priorities.

DOTD will carry out other non-regulatory activities to meet this objective including: cooperation and coordination with the Louisiana deep water and other port authorities and others to develop special area plans and procedures to assist in the pursuit of their activities in the coastal zone; and the initiation of special studies in cooperation with other public agencies, to develop criteria and standards for energy activities in the coastal zone, e.g., directional drilling studies.

4. Expedite and Steamline the Process for Receiving Coastal Use and Other Regulator Permits

The LCRP will seek to consolidate permitting requirements and reduce permit review time through the coordinated permitting process and a memoranda of understanding (M.O.U.) with the U.S. Army Corps of Engineers and other federal and state agencies. In addition, DOTD will use Section 306 funds to provide for computerized permit tracking to insure that the flow of permits will be smooth and efficient, and that permits will be reviewed in a timely fashion.

Specifically, Section 213.14(B) of Act 361 directs the Secretary of DOTD, the Administrator, local government and all other relevant governmental bodies to establish such a coordinated coastal permitting process through interagency agreements. The coordinated coastal permitting process should consist of a single application form which contains sufficient information so that all affected governmental agencies can carry out their review responsibilities, a "one window" system for applications, one public hearing and a reduction in the period for permit review.

The LCRP is developing memoranda of understanding with DWF, DNR-Office of Conservation, DNR-Divison of State Lands, DHHR AND DCRT that will begin to achieve the objectives for a coordinated

permitting process set out in Act 361. These agreements will establish the procedures that will be followed in the joint review of permits, the method of joint public notice and the joint public hearing procedures. The LCRP will work with each agency to determine what information will be required on the permit application so the permit review process can be expedited.

This coordinated permitting process will be integrated with a computerized permit tracking system resulting in a more effective evaluation of each application in terms of time, cost and quality of review. Duplication of work will be reduced and applicants will be assured of timely review. This system is designed to benefit the general public by assisting in approved decision-making and reduced paperwork for applicants.

DOTD will also prepare and publish guidebooks and other explanatory materials to aid developers and private citizens in understanding how the coastal use guidelines are to be used. The guidelines and accompanying guidebooks will provide clear "rules of the road" for permit applications and, thus, permit decisions will be predictable. The improvement in predictability and efficiency of governmental decision making will make the permit process less burdensome for the applicant.

5. Enhance Local Government's Management Capabilities

Through funding and technical assistance made available by the LCRP, local governments will continue to take part in the planning and management of the valuable coastal resources within their boundaries. A coordinated management effort involving both the state and local levels of government will best serve the people who live and work in Louisiana's coastal zone.

DOTD will enter into contracts with local governments to provide financial assistance on a matching fund basis to aid in the development and implementation of approved local programs (Section 213.9(J) Act 361). DOTD will also provide technical assistance in the form of expertise and resource and technical information.

PART III
ALTERNATIVES TO THE PROPOSED ACTION

PART III

ALTERNATIVES TO THE PROPOSED ACTION

Given the nature of the proposed action, which is approval of the Louisiana Coastal Resources Program pursuant to section 306 of the CZMA, all federal alternatives involve a decision to delay or deny approval. To delay or deny approval could be based on failure of the Louisiana program to meet any one of the requirements of the CZMA. In approving a CZM program affirmative findings must be made by the Assistant Administrator for Coastal Zone Management on more than twenty requirements.

As noted in Part I of this document, the development of the LCRP has been very controversial, and has required the resolution of numerous complex issues, many of which could have resulted in a program deficient with respect to the requirements of the CZMA. The Assistant Administrator for Coastal Zone Management has made a preliminary determination that any such deficiencies have been addressed and that Louisiana has met the requirements for program approval under Section 306 fo the CZMA.

However, in order to elicit public and agency comment and assure that the Assistant Administrator's initial determination is correct, this section identifies a number of issue areas where there may be possible deficiencies and considers the alternatives of delaying or denying approval based upon each issue area.

Before examining the alternatives, the following section identifies the generalized impacts that would result from delay or denial on any basis.

1. Loss of Federal funds to administer the program. Under Section 306, Louisiana would receive approximately \$2 million per year to administer its coastal management program. The loss of federal Section 306 funds would result in the inability of the state to provide adequate staffing and administrative support to coordinate and evaluate coastal actions and coastal use permits; and to assure that government agencies operate consistently with coastal policies. Local governments would also be without the pass-through funds necessary to identify and resolve local coastal resource issues through the development of local coastal management programs. State technical assistance to local governments, essential for the development of an effective coastal management program, would also be curtailed due to limited funds. To deny approval of this program would also make it difficult for the state to develop a number of critical non-regulatory aspects of the program including the coordinated permit process discussed in Chapter IV and the development of the special area programs discussed in Chapter V. Denial of approval would also jeopardize the eligibility of the state to receive Coastal Energy Impact Program (CEIP) funds pursuant to Section 308 of the CZMA.

The option of delaying approval would have the same general impacts noted above albeit of a shorter duration. The impact of delaying approval would nonetheless be severe due to the inability of the state to receive additional

Section 305(d) program development funds from OCZM. This is due to the lapsing of Congressional authorization for the Section 305 program which is scheduled to occur at the end of FY 79, i.e., September 30, 1979. Although the state has received Federal Section 305(d) funding to carry them through the end of January 1980, delaying program approval beyond that point in time will result in a severe financial burden to the State and significantly hinder present efforts to increase DOTD in-house coastal management staff.

2. Loss of consistency of federal actions with Louisiana's Coastal Zone Management Program and its policies. Program approval would mean that federal actions, in or directly affecting the Louisiana coastal zone, would have to be consistent with the state's program under Section 307(c) of the CZMA. This would be of particular concern to the State of Louisiana as its coastal zone is heavily influenced by federal activity. Loss of federal consistency in the state's coastal zone could have significant and adverse effects on the resources of the state's coastal zone.

Federal Alternatives

Alternative 1: The Assistant Administrator could delay or deny approval of the Louisiana Program if the proposed coastal use guidelines are not specific enough to ensure a sufficient degree of predictability in decisionmaking.

The proposed coastal use guidelines included in Chapter II are the principal policy base of the LCRP. In light of the crucial role that the guidelines will play in coastal decisionmaking it is imperative that the guidelines be understandable and provide a clear sense of direction and predictability for decision-makers who must take actions pursuant to or consistent with the LCRP.

Most reviewers of the draft guidelines which were made available in the March 1979 Hearing Draft, expressed the belief that the draft guidelines were too ambiguous, leaving too much discretion to the administrator of the program. Most reviewers noted that the use of numerous undefined terms such as "best available", "when appropriate", "if feasible" and "maximum extent practical" when used to modify standards contained in the guidelines would prevent predictable and consistent application of the guidelines by decision-makers. Many commenters also noted that it was difficult to understand how conflicting environmental protection and development objectives expressed in the guidelines would be balanced.

In response to the concerns raised by commenters and OCZM concerning the draft guidelines, DOTD made substantial revisions to the guidelines. These revisions include those made prior to the submission of revised guidelines to the Coastal Commission on May 30, 1979, as well as revisions made as a result of the two Coastal Commission reviews which were concluded on August 14, 1979. Although numerous revisions have been made, varying in both scope and detail, the major revisions fall into the following three categories:

- 1) a reduction of the number of terms used to modify guideline standards.

- 2) the development of a new guideline 1.8, which provides the "balancing test" for those standards modified by the term "to the maximum extent practicable"
- 3) the development of additional definitions to be used in the application of the guidelines.

Considerable effort was made toward simplifying the structure of individual guidelines in order to more clearly indicate their enforceability. Of critical importance was the effort to reduce the number of modifying terms such as "where practical", "if feasible" etc. As a result, most guidelines either use the mandatory language "shall" or "shall to the maximum extent practicable". Such changes provide for a clearer understanding of the enforceability of each individual guideline.

Directly related to the above efforts, a new guideline 1.8 was developed in order to clarify the application of the guideline standards modified by the term "to the maximum extent practicable". This guideline identifies the criteria that decision-makers must consider and make findings pursuant thereto prior to allowing an activity that would not be in compliance with either an individual or a number of guidelines. It also provides for the conditioning of the permits such that the adverse impacts identified in guideline 1.7 and guideline(s) at issue are minimized through the use of alternative locations, methods or practices.

Finally, DOTD has developed additional definitions in order to provide for more predictable applications of the guidelines. These definitions are included with the guidelines in Chapter II and in DOTD's procedural rules for the coastal use permit program in appendix c. Examples of key terms which have been defined include "hurricane or flood protection levees," "impoundment levees", "development levees", and "sediment deposition systems".

The Assistant Administrator believes that the above noted changes are a significant improvement and that the present guidelines provide adequate specificity and predictability for program implementation.

However, the Assistant Administrator could delay or deny program approval based on concerns raised as a result of the review of this document. In response to such action the state could:

- 1) make no additional changes in the guidelines, or
- 2) make additional changes to the guidelines as identified by OCZM. This would require an additional review of new or revised guidelines by the coastal commission prior to the final review by the House and Senate Natural Resources Committees, and the governor and adoption by DOTD.

Alternative II - The Assistant Administrator could delay or deny program approval if the exemptions to the coastal use permit program provided for by Act 361 are of significant scope such that the program does not provide for the management of all uses which could have a direct and significant impact on coastal waters.

As is the case with the legislative proceedings involving most comprehensive land and water use management programs, the issue of determining which uses would or would not be subject to the coastal use permit process was a major issue during the legislative action concerning Act 361. Section 231.15 of Act 361 as finally enacted provides for a number of exemptions from the coastal use permit program. While many of the exemptions, e.g. the "normal maintenance of existing structures ..." are common to most coastal legislation, a number of reviewers of the March 1979 Hearing Draft expressed concern over several classes of exemptions. The following is a discussion describing the issues related to those exemptions.

° Activities on Lands above 5' mean sea level and Fast lands

The first class of exemption include activities occurring wholly on lands five feet above mean sea level or within fast lands contained in Sections 213.15 A(1), (2) and (9) of the Act. These exemption were included in the Act based on the belief that uses of such areas would not normally have a "direct and significant impact on coastal waters", the crucial criteria of the CZMA to be used in determining those uses which must be subject to management by state coastal programs. Act 361 does, however, contain several important provisions relating to the above exemptions. First, in order to retain flexibility with regard to such uses, Sections 213.15A(1), (2) and (9) also provide that the Secretary of DOTD may require a coastal use permit for such exemptions when he(she) finds that a particular use would have a direct and significant impact on coastal waters. This finding is subject to appeal to the coastal commission, with the burden of proof being on the secretary.

Second, the definition of fast lands contained Section 2.3.3(9) of the Act limits such areas to lands surrounded by existing natural or man-made levees or future such formations such that activities, not including the pumping of water for drainage purposes, within the surrounded area would not have direct and significant impacts on coastal waters. Since this definition limits the application of the fast lands exemptions to uses occurring only on land surrounded by natural or man-made levees, it is reasonable to assume that uses within these levees would not involve the flow of water, sediment and other material which could have a direct and significant impact on coastal waters. As noted above, where they do, the secretary can reach the use under Act 361. In addition, the discharge of water drained from within fast land areas at specific outfalls would be subject to management as a point source under federal and state water pollution control programs, with the state standards having been incorporated into the LCRP.

° Residences and Camps

Several reviewers have expressed concern over the exemption for "the construction of a residence or camp" contained in Section 213.15, A(7) of the Act, indicating the potential for adverse cumulative impacts that might result from a concentration of such activities in a given area.

The LCRP has sought to minimize the cumulative impacts of such activities by clarifying the application of these exemption in the procedural rules for the coastal use permit program found in Appendix c1, part II. These rules provide that the exemption applies only to non-commercial and non-profit single family structures for use by the owner of the land and not to the building of more than one structure such as in subdividing, tract development, speculative building, or recreational community development. The rules also limit the exemption to include only such bulkheading, dredging and/or filling necessary for the structure itself and the installation and maintenance of sewage facilities.

° Agricultural, Forestry and Aquaculture Activities

Section 213.15(3) also provides that "agricultural, forestry and aquaculture activiteis on land consistently used in the past for such activities" are exempt for the coastal use permit program. In response to a number of comments on the Hearing Draft, the procedural rules found in appendix c1 provide, in part, that this exemption is only applicable when an activity is not intended to nor will it result in changing the use of the land to which the use has been consistently used for in the past.

° Activities within the Jurisdiction of the Offshore Terminal Authority

Section 213.15 A(6), exempts uses and activities within the jurisdiction of the Offshore Terminal Authority (OTA) from the coastal use permit program. While this exemption may seem significant, Section 213.10(c) which designates the areas subject to the jurisdiction of OTA as a special management area, stipulates that the Superport environmental protection plan required by R.S. 34: 3113 be the management guidelines for the area in question. As explained in Chapter V this protection plan is a result of an enormous amount of research and study, and provides sufficient environmental standards to minimize the impact of the Loop facility on the coastal resources of the state.

The Assistant Administrator believes that the above exemption to the coastal use permit program as provided for in Act 361 and DOTD procedural rules do not represent significant gaps in state authority preventing the management of uses that have direct and significant impact on coastal waters. However, the Assistant Administrator could deny or delay approval based on concerns raised as a result of the review of this document. In response to such action the state could:

- 1) make no changes to the program,
- 2) attempt to more clearly define or limit the exemptions contained in the Act, through changes in DOTD's procedural rules, or

The Assistant Administrator believes that the above exemption to the coastal use permit program as provided for in Act 361 and DOTD procedural rules do not represent significant gaps in state authority preventing the management of uses that have direct and significant impact on coastal waters. However, the Assistant Administrator could deny or delay approval based on concerns raised as a result of the review of this document. In response to such action the state could:

- 1) make no changes to the program,
- 2) attempt to more clearly define or limit the exemptions contained in the Act, through changes in DOTD's procedural rules, or
- 3) attempt to seek amendments to Act 361 during the 1980 state legislative session, which would clarify or limit such exemptions. This would result in a considerable delay in program approval.

PART IV
DESCRIPTION OF THE AFFECTED ENVIRONMENT

Part IV

Affected Environment

A brief description of the affected environment may be found in Chapter I, Overview. For a more indepth description and analysis of the Louisiana coastal zone see selected material from Appendix i, Annotated Bibliography of Work Products, including: (1) Louisiana Coastal Resources Inventory, Volume 1, which is an inventory by parish including recreational facilities, historical, cultural and tourist features, archaeological sites, and development areas of particular concern; (2) Louisiana Shorefront Access Plan which is a presentation of coastal shorefront access locations appropriate for acquisition or expansion as public recreation and preservation areas along with cost estimates and possible sources of funding; (3) Unique Ecological Features of the Louisiana Coast which describes 23 categories of unique ecological features (zoological, botanical, and geological) of the Louisiana Coast; (4) Cumulative Impact Studies in the Louisiana Coastal Zone: Eutrophication and Land Loss which is an examination of the causes and consequences of eutrophication and land loss in the coastal zone; and (5) The Coastal Zone: An Overview of Economic, Recreational and Demographic Patterns which is a general perspective. Please refer to the note at the end of Appendix i concerning the availability of the above documents.

PART V
ENVIRONMENTAL CONSEQUENCES

PART V
PROBABLE IMPACTS OF THE PROPOSED ACTION ON THE ENVIRONMENT

The federal action is the proposed approval of the LCRP as having met the requirements of the CZMA and, after approval, the awarding of federal grants-in-aid to assist Louisiana in implementing and administering its program. Also, approval places an obligation on federal agencies to act in a manner consistent, to the maximum extent practicable, with the approved program, thereby significantly impacting the federal decisionmaking process as it relates to land and water use activities and funding in the coastal zone. This part addresses the direct impacts associated with the above action, as well as the secondary impacts of implementing the state program.

A) DIRECT EFFECTS OF FEDERAL APPROVAL

The intent of the CZMA is to promote the wise use of the nation's coasts. The CZMA encourages states to achieve this goal through better coordination of government actions, explicit recognition of the long-term consequences of development decisions, and the institution of a more rational decisionmaking process. This process, which could affect much of the future activity in the coastal zone, will have a substantial environmental impact.

The approval of the LCRP by the federal government will have an effect on both the environmental and socioeconomic uses of the coastal zone. The LCRP will, in many cases, change the balance in the decisionmaking process between environmental and developmental concerns. Approval of the program will result in a net positive environmental effect.

The fundamental criteria for assessing these impacts should be the CZMA's declaration of policy: "to achieve wise use of land and water resources of the coastal zone giving full consideration to ecological, cultural, historic and aesthetic values as well as the need for economic development."

Management of Louisiana's coastal zone and its resources is beneficial to the public welfare for many reasons, both economic and cultural. The wetlands provide the nursery area for shrimp, crabs, oysters and many fish which are important to the Louisiana fishing industry, the third largest industry in the state. The fishing and trapping industry which are dependent on the wetlands are also the source for much of the state's unique cultural values. The protection of the coastal zone for these economic and cultural value may, however, cause adverse economic effects on development interests, including property owners and potential property owners whose plans are limited or modified by the program.

The LCRP is a comprehensive program which will be implemented over a period of many years. It is impossible to assess discrete impacts that will occur over this time, but a few points can be made. Resource inventories, designation of boundaries, permissible uses, areas of particular concern, areas to be preserved or restored and consideration of alternatives are all a part of the overall process associated with managing coastal resources in Louisiana. The overall purpose of this EIS is to determine if implementation of the LCRP process will meet the objectives which the state has set and meet the broader national objectives of CZMA.

Impacts associated with federal approval of the LCRP fall into two categories: (1) impacts due to a direct increase of funds and funding options to the state and local governments, and (2) impacts from the implementation of the CZMA.

Although the LCRP could be implemented as a state coastal management program separate from participation under the CZMA, federal approval offers several advantages to the state and allows a more comprehensive and effective program. The two major advantages of having federal approval are: 1) to be eligible for Section 306 administrative grants for the administration of the state and local CZM programs, and 2) to ensure that federal activities undertaken in the coastal zone will be consistent with the state and local CZM programs.

Program Funding

Federal approval will permit the OCZM to award program administrative grants (Section 306) to Louisiana. This will allow increased use of resource management specialists at both the state and local government levels. In turn, this will improve resource management decisionmaking in the coastal zone. Section 306 grants will also be used to help administer, enforce and improve the state and local implementation programs. These funds will also allow state and local agencies to obtain information on coastal hazards, sites for energy, transportation, industry and commerce facilities and for other needs which will increase the quality of the information base for coastal zone management decisions. An increase in coastal management staff will speed the permit review and appeals system and provide better enforcement of the program regulations, and thus help meet the CZMA objective of more coordinated governmental action.

Under Section 306 of the CZMA, Louisiana will be eligible for funds to carry out the state management program. These funds will be used for the development and implementation of state and local programs. This will improve the ability of both state and local governments to manage coastal resources, and allow for sharing of the coastal regulatory authority. Federal approval of the LCRP will also continue the eligibility of the state to receive Coastal Energy Impact Program (CEIP) funds pursuant to Section 308 of the CZMA.

Federal Consistency

Federal approval and state implementation of Louisiana's Coastal Resources Program will have implications for federal agency actions. Approval of the state's program will lead to operation of the federal consistency provisions of the CZMA (Section 307(c) and (d)). These provisions are described in Chapter VI.

The purpose of the federal consistency provisions is to allow closer cooperation and coordination among federal, state, and local government agencies involved in coastal related activities and management. This desirable impact is one of the principal objectives of the CZMA.

The Louisiana Coastal Resources Program has evolved with considerable assistance from the numerous federal agencies with responsibility for activities in the coastal zone. No federal activities are specifically excluded from the coastal zone, although these activities may have to meet environmental standards to obtain coastal sites or be located outside the coastal zone if adverse environmental effects cannot be sufficiently mitigated.

When federal agencies undertake activities, including development projects, directly affecting the state's coastal zone, they will have to notify the state of the proposed action. The state will review such federal activities to ensure that the proposed action is consistent with the state or approved local plans. In the event of a serious disagreement between the state and federal agency either party may seek mediation by the Secretary of Commerce. The availability of early federal-state consultation and the mediation services of the Secretary of Commerce will increase the potential for conflict resolution. These procedures will provide all parties with an opportunity to balance environmental concerns with other national, state and local interests.

In cases where the state judges that a proposed federal license, permit or assistance activity is inconsistent with the state or local coastal program, the federal agency will be required to deny approval for the activities. State objections must be based upon the substantive requirements of the management program. State objections may require federally regulated and assisted projects to consider and locate in alternative sites thereby causing adverse impacts in non-coastal marine or distant coastal areas. State objections may otherwise suggest ways projects could be modified to achieve conformance with the management program.

In certain instances, upon appeal, a state objection to a proposed federally licensed or assisted activity may be set aside by the Secretary of Commerce if the proposed activity is consistent with the objective of the CZMA or is in the interest of national security. In the former case, the secretary must find that (1) the activity will not cause an adverse impact on the coastal zone sufficient to outweigh its contribution to the national interest; (2) there is no reasonable alternative available which would permit the activity to be conducted in a manner consistent with the management program; and (3) that the proposed activity will not violate requirements of the Federal Water Pollution Control Act or the Clean Air Act. Even if state objectives are set aside by the secretary, the override will be dependent upon consideration of environmental protection needs. This procedure conforms with NEPA's objective for incorporating environmental values in federal agency decision-making.

Where the state determines that a proposed federally regulated or assisted project is consistent with the requirements of the management program, the federal agency may approve the project which will then be in conformance with the state and local management program requirements, including those related to environmental protection. Notwithstanding state approval for the project, the federal agency is not required to approve the license, permit or assistance application. The federal agency may disapprove the project based upon NEPA, Endangered Species Act, Fish and Wildlife

Coordination Act, or other overriding national interest grounds where federal criteria are more stringent than the state's management program requirements. Between federal and state environmental requirements for the coastal zone, the more stringent apply.

National Interest

Federal approval of the state's program will also certify that the state has an acceptable procedure to insure the adequate consideration of the national interest involved in the siting of facilities so as to meet requirements which are other than local in nature. These facilities might involve energy production or transmission; recreation; interstate transportation; production of food and fiber; preservation of life and property; national defense; historic, culture, aesthetic, and conservation values; and mineral resources to the extent they are dependent on or relate to the coastal zone.

This policy requirement of the CZMA is intended to assure that national concerns related to facility siting are expressed and dealt with in the development and implementation of a state's coastal management program. The requirement should not be construed as compelling states to propose a program which accommodates certain types of facilities. It works to assure that such national concerns are not arbitrarily excluded or unreasonably restricted in the management program.

This provision might have two impacts. First, it insures that a state has a process and a program that does not prohibit or exclude any use or activity dependent on the coastal zone. In the absence of a comprehensive program such considerations might simply be ignored by oversight or default. This requirement will insure they are specifically considered. On the other hand, the existence of a consultative procedure should lead to more deliberate and less fragmented decisionmaking concerning the siting of facilities in the coastal zone.

B) INDIRECT EFFECTS OF FEDERAL APPROVAL

1) Social and Economic Impacts of the LCRP

Since the LCRP will be implemented in conjunction with many other federal, state and local government programs in social and economic systems that are constantly changing, the potential socio-economic impacts of the program can only be discussed in general terms and trends.

Programs such as the LCRP are intended to have an impact on existing regulatory mechanisms. Some are designed as environmental protection measures and have an obvious effect on environmental resources. It is the socio-economic impacts of such programs that are usually insufficiently recognized. What follows is an identification of those socio-economic impacts which can be discerned.

The LCRP seeks to protect, develop, and, where feasible, restore the resources of the state's coastal zone and at the same time encourage multiple use of the coastal resources that are consistent with the goals of the

program. The LCRP anticipates using the information developed by the Louisiana Coastal Resources Program and Parish Advisory Committees on environmental and socio-economic needs to provide both state and local governments with an improved decision-making process for determining coastal land and water uses, siting of facilities in the national interest and generally provide increased predictability about what can and cannot occur in the wetlands.

The policy of this program is to understand both the operation of the environmental and socio-economic systems of the coastal zone and to balance the needs of the two with consistent policy decisions. The program seeks to protect key ecological areas which are important to the environment of the state's wetlands by developing performance standards which do not prohibit such development as gas and oil production in the coastal zone but which minimize their adverse environmental impact. The LCRP may increase the costs of certain industries and developments located in the coastal zone by requiring certain performance specifications that protect the environment.

New Development Impacts

Louisiana's coastal area is developing faster than the northern part of the state because of the increased development of river related industries. The state and local coastal management programs encourage the protection of wetland areas with performance guidelines restricting marsh drainage, changes in sediment transport, changes in water drainage patterns, etc. These restrictions encourage development in upland areas (above the five-foot contour) and in existing fastlands (previously leveed areas), the uses of which are exempt from the coastal use permit program unless it is shown that they are causing a direct and significant impact on the coastal zone. These lands although by no means fully developed at present, are in limited quantity. The LCRP will therefore tend to increase the demand on these more easily developed areas and to increase the values for development purposes of the less restricted lands. The development value of existing wetlands on the other hand will probably diminish because of stringent performance standards which may cause development in some of these areas to be much more expensive, although this tendency will be offset by the rising value of wetlands for other uses.

Fisheries Impacts

Commercial fishing is the third largest industry in the state and sport fishing is one of the state's largest recreational activities. Both of these activities are directly related to the amount of wetlands in the state. It has been shown that there is a direct relationship between fishery production and area of wetland. Louisiana has approximately 25% of the wetlands in the United States and produces nearly 28% of the United State's fishery production. The LCRP policies for keeping wetlands and other estuarine areas in an operative state as nursery feeding areas should have a beneficial impact on both commercial and sport fishing by reducing land loss and the destruction of important fishery nursery grounds.

Port and Harbor Impacts

The ports and harbors of Louisiana have been and will continue to be extremely important to the development of Louisiana and the central portion of the United States. The Mississippi River is the gateway for goods and products to the central states. The LCRP realizes the importance of Louisiana's ports and harbors to both the state's economy and to the nation. The goals of the program encourage the continued development of existing ports and harbors when the benefit of their development has been weighed against their impact on natural resources and when the protection of the state's natural resources are considered to the maximum extent practicable. The program encourages new developments only when existing facilities can no longer meet the needs of the state.

The LCRP guidelines concerning linear facilities, dredge and spoil deposition, surface and hydrologic modifications, erosion, etc. will all have an impact on the development of port and harbor facilities by increasing the restrictions in the way these facilities are developed. These guidelines will increase the costs of such development but should protect the states natural resources from unnecessary damage.

Gas and Oil Production

The petrochemical industry is Louisiana's largest employer. A large part of the nation's gas and oil is produced in Louisiana or on the state's outer continental shelf. The continued development of these resources is absolutely essential to the economy of the state. The LCRP encourages the continued development of this industry.

The program encourages the use of directional drilling, use of existing pipeline canals and the reduction of crossing of important habitat areas with pipeline canals.

Guidelines restricting saltwater intrusion, the deposition of spoil, the modification of hydrologic sediment transport systems, the crossing of barrier islands, etc. will increase the cost of this development but will protect Louisiana's natural resources for future generations.

The LCRP policies will reduce but will not entirely prevent continued habitat losses due to individual permitted projects, and do not require mitigation measures for individual projects. However, the policies of Act 361 do provide for the planning of fresh-water diversions, sediment transportation systems and the management of both existing and artificially-developed barrier islands. Each of these enhancement approaches to reducing land loss and salt water intrusion will have positive environmental impacts, offsetting other adverse impacts.

2) Institutional Impacts

State Coordination

Cooperation among all levels of government, especially among state agencies, is an objective and requirement of the program. Act 361 specifically states that the constitutional authority of state agencies shall not be abridged.

Permits issued by the Louisiana Department of Natural Resources for location, drilling, exploration and production of oil, gas, sulphur or other minerals shall be issued in lieu of coastal use permits, provided that these permitted activities are consistent with the state guidelines, the state program, and any affected approved local program. Similarly, permits issued by the Louisiana Department of Wildlife and Fisheries for leasing, seeding, cultivation, planting, harvesting or marking of oyster bedding grounds shall be issued in lieu of coastal use permits provided that such permitted activities are consistent with the state guidelines, the state program and any affected local program.

In general, any agency undertaking, conducting, or supporting activities directly affecting the coastal zone shall ensure that such activities shall be consistent to the maximum extent practicable with the state program and any affected local program. Further, governmental bodies shall fully coordinate their activities directly affecting the coastal zone with the state program and affected approved local programs. The LCRP is currently developing memoranda of understanding with other state agencies to provide for such coordination.

Local-State Relationship

The program sets up a shared state and local responsibility to manage coastal resources. In doing so, the relative responsibilities and obligations of state and local governments, and their relationships, are changed. The most significant change is the obligation on the part of state government to follow the provisions of local coastal programs which have been developed and approved pursuant to the provisions of Act 361. In turn, local governments are obligated to consider regional state and national interests and needs. The effect of the state-local approach is to substitute collaboration and cooperation for confrontation.

Citizen Participation

The public involvement in coastal management to date has been extensive. The program calls for continued substantial citizen and interest group participation in decisions about the allocation of coastal resources. This will facilitate accountable and representative government decisionmaking.

The Coastal Resources Program has, since its inception, sought to provide for adequate public involvement by means of a number of public involvement and informative programs.

The "Cote de la Louisiane" newsletter was established in 1975. The purpose of this newsletter is to keep citizens and officials informed of current CZM issues as well as the status of the Louisiana program. A continuing effort to place on the growing mailing list all persons with a particular interest in coastal management, especially those who will be directly affected by the program, has been made. The Spring, 1979, "Cote de la Louisiane" mailing list consisted of over 5,000 persons and organizations. The two public hearings on the hearing draft were announced on the front page of the April, 1979, "Cote de la Louisiane". Also, the name, address, and phone number of the person to contact to obtain a copy of the hearing draft was listed on the front page. During fiscal year 1976-77, the

Cote de la Louisiane was sent to almost 4,000 people. This kept people informed about the happenings in the legislature, deliberations of the Coastal Commission, and results of Technical reports. The newsletter also contained feature articles on individual parishes developing local CZM programs and a bibliography of all LCRP technical studies.

Other public information activities include the distribution of brochures, television interviews, issuance of press releases, and the presentation of slide shows at meetings with public officials, and workshops with public and private organizations and officials. The results of a survey, conducted in 1974 (Lindsey, et al., 1976) concerning citizen perception of coastal area planning and development, were also published by Sea Grant and made available to the Coastal Resources Program.

One of the major public participation activities in 1975 was a series of five public information meetings. Approximately 900 people attended these meetings. The purpose of the meetings was to inform the public of the goals of coastal resources management and to solicit prevailing opinions regarding the problems and needs of coastal Louisiana. This was accomplished both through discussion at the meetings and through a brief questionnaire that each person in attendance was asked to fill out.

Prior to these public meetings, a series of meetings with local officials was conducted. Contact with relevant groups and agencies was also made.

An important feature of the public participation program was the establishment of advisory committees in 1976 to assist coastal parishes in the development of local CZM plans. The members of these committees represent a wide range of interests in the communities. Three slide shows concerning the resources and problems of coastal Louisiana were used extensively by the LCRP parish coordinators at the early meetings of these committees.

In addition to the efforts of the CRP parish coordinators to keep the committees informed of CZM activities at the state and federal levels, workshops are held at which representatives of the committees were given the opportunity to ask questions and make comments on the state program as well as to find out what other parishes were doing in developing their local programs.

Many of these activities are performed on an on-going basis and will continue during program implementation. The newsletter continue to be sent to an expanding mailing list which now includes 5,200 recipients. Local advisory committees (now existing in 16 of the 17 parishes) will continue to be informed of state and federal level CZM activities and workshops will be held for their representatives providing an opportunity for local input into the state program.

Recognition of the National Interest

Implementation of LCRP will improve state recognition of the national interest in two ways. First, federal agencies which often present the national interest as expressed through national legislation, will have a forum to express their views. The second way is reflected in the manner in which

the LCRP guidelines reflect the national interest. As a result, local and state government planning and management will consider the national constituency as well as the state and local constituency.

Predictability in Decisionmaking

Developers and conservationists are both calling for more predictability in land and water use decisions. Uncertainty is costly to both parties. The numerous state and local government regulatory authorities increase uncertainty about the nature and timing of future development. The program's guidance about proper and improper uses will eliminate much uncertainty about local and state desires. The program accommodates the needs of entrepreneurs who need to find sites suitable for development. These factors combine to improve private planning by providing a more predictable and stable business environment. Private costs may increase in order to conform to the program's policies and guidelines but development costs can be reduced with proper planning in some instances.

Local Ability to Respond to Impacts on Resource Developments

Through the development and implementation of their individual parish programs, local governments can anticipate and manage impacts of resource developments. The state program will provide assistance and coordination to aid local governments in their response to unanticipated developments. Organized and accessible information compiled and made by the LCRP will substantially assist in this regard.

Local-Federal Coordination

An increase in coordination between federal and local governments is expected with regard to the development of local coastal programs. The federal consistency requirement of Section 307 of the CZMA will also result in greater local-federal coordination. After a local program is approved under LCRP, it will become a part of the state program and thus the federal consistency procedures will apply for the content of the local program as well. Federal agencies have an incentive to coordinate for this reason.

Coordination of Major Projects

Major resource utilization projects have effects on the state level as well as in the communities where they take place. Coordination early in the evaluation phase is essential. The LCRP will be coordinated with other programs to assure that this happens. This will be achieved through several means.

First, the LCRP guidelines provide direction for any development proposal. Second, the consistency requirements at both state and federal levels demand that coordination take place and provide a legal responsibility that cannot be ignored. Third, the A-95 Clearinghouse system is in place to provide the state with local, federal and private comments on a proposal.

Cost of Government

A general increase in the public costs of governing coastal land and water areas is anticipated. These costs will be due to the planning remaining to be completed, the state and local government responsibility to review permits and actions for consistency with the program, and the administration of the program.

In some instances, the program will require substantial additional costs, especially in the case of local governments. The rules for approval of local programs require a number of planning tasks to be performed. Some parishes have adequate planning organizations which have already completed much of the groundwork. Other parishes will need financial assistance to complete their work. The costs of implementing parish programs will depend on a number of factors including the geographic area and the extent of activity in the area. These costs will be offset to a large extent by funds made available to implement the program from the federal government.

Successful coastal management should result in a net decrease in government costs after a few years, as the program is institutionalized. This will be difficult to quantify, as the savings will be mostly in terms of avoiding expenditures of public funds to pay the costs resulting from a lack of coordinated management.

3) Impacts of the Program's Policies and Guidelines

The impacts of the LCRP policies and guidelines are identified in this section. The guidelines will be implemented through the planning and management actions of federal, state and local governments. The overall environmental impact of the program's policies will extend beyond the impact of the guidelines, because other state laws and regulations are incorporated. Since those laws and regulations have been considered previously, the focus here is on those changes which are to result from the introduction of the guidelines. In addition, the net positive environmental impact will surpass that level implied by narrow assessment of the guidelines due to certain enhancement activities that DOTD will undertake relating to the management of barrier islands, freshwater diversion, and sediment transportation. These programs, which are outlined in Chapter V, will result in reduced land loss and salt water intrusion, and other environmental enhancement, separate from the framework of guidelines for permitted activities.

The coastal use guidelines have been developed for coastal land and water areas, and uses. While the guidelines apply throughout the coastal zone, it is anticipated that local variations in environmental conditions will render their application geographically variable. To that extent, the guidelines prescribe appropriate forms of management and priorities for the coastal areas while, at the same time, permitting some discretion in their application, especially to local governments with approved local programs.

The expected consequences of implementing each guideline are traced below. It should be noted that, in many cases, several guidelines may apply to a proposed area or activity. Similarly, the impacts of imple-

menting the guidelines may well be cumulative, although the following discussion treats each guideline discretely. The full text of each guideline is not included at this point, but may be found in Part II, Chapter II.

Guideline 1: Guidelines Applicable to All Uses

The first set of guidelines includes a list of general factors to be assessed in the permitting process for all proposed uses. Reference must be made to these factors when applying the more specific use or activity guidelines. Guideline 1 specifies both the elements to be weighed in the consideration of permit applications and those significant adverse impacts which are to be minimized in carrying out the activity. This guideline also incorporates conformance with applicable water and air quality laws into the program.

Guideline 1.8 applies to all of the other guidelines in which the modifier "maximum extent practicable" occurs. The guideline provides the methodology for reviewing permit applications which are subject to the other guidelines and the process by which permit conditions are determined to minimize adverse impacts.

Consideration of public benefits, important regional, state, or natural interests, and of coastal water dependency are the permissive criteria introduced by 1.8. Uses permitted by Guideline 1.8 will result in greater adverse environmental impacts. However, the adverse impacts will be minimized - for each project permitted under this rule - by ensuring conformance to the modified standard within the limits of economic, social and technical feasibility. The LCRP will seek to offset any such losses through the development of enhancement programs for the restoration and creation of barrier islands, freshwater diversion projects and the use of sediment to accelerate accretion.

Positive Impacts of Guideline 1

1. Provides for consideration of feasible alternative sites or methods in the development of uses and activities.
2. Provides for consideration of important national, regional, and state interests in the development of resources and economic benefits from siting of facilities.
3. Provides for minimizing significant cumulative adverse impacts of coastal activities.
4. Requires compliance with all applicable air and water quality laws.
5. Provides a methodology for systematically considering the impacts of uses and alternatives to uses, and determining those permit conditions which will minimize or offset the adverse impacts of permitted uses.
6. Provides for multiple uses of the coastal zone.
7. Describes those adverse social, environmental, and economic impacts which are to be avoided or minimized by the program.
8. Provides for continued economic development.

9. Provides for maintenance of flow characteristics and the quality of coastal waters and wetlands.
10. Provides for enhancement of renewable fisheries and recreational resources.
11. Provides for maintenance of swamps, marshes, bayous, streams, tidal passes, inshore waters, dunes, and barrier islands - with resultant positive impacts on wildlife habitat, and reduced loss of land to subsidence and erosional processes.

Potential Negative Impacts of Guideline 1

1. Increased planning and engineering cost of urban and industrial development.
2. When applicable, Guideline 1.8 provides for the granting of permits for uses which would otherwise not meet the requirements the modified standard in relevant specific guidelines. Net negative environmental impacts will be expected although the guideline requires the minimization of negative outcomes within the limits of technical, economic, social, environmental, and legal feasibility.

Other positive and negative impacts are traced in greater detail for the other guidelines for specific uses and activities and should also be related to Guideline 1.

Guideline 2: Guidelines for Levees

The guideline for levee activity incorporates the principal of avoiding leveeing in wetlands whenever practicable. Also included are a set of procedures whereby the adverse effects of levees can be minimized.

Positive Impacts of Guideline 2

1. Reduced loss of the productivity of habitats by minimizing the leveeing of unmodified or biologically productive wetlands.
2. Provision for the minimization of adverse impacts of levee construction by stipulating that levees and associated water control structures shall be designed, built and operated to maintain to the maximum extent practicable natural hydrologic patterns and the interchange of water, beneficial nutrients and aquatic organisms between adjacent wetlands and the enclosed areas.
3. Reduction in loss of productivity of wildlife habitat and commercial fishery resources, by avoiding the segmentation of wetland areas and by minimizing the impacts of flood protection and impoundment levees.

Potential Negative Impacts of Guideline 2

The predictable negative outcomes of permitted levee activities will be minimized by the guideline's requirements related to the planning, siting, location, and construction methods of levees.

1. Reduction in the natural productivity of fish and wildlife through changes in the amount and quality of habitat, although the guideline will minimize such changes.
2. Economic impacts of diminished urban development in areas requiring levees.
3. Impacts of water movement changes in coastal estuarine systems.

Guideline 3: Guidelines for Linear Facilities

The guidelines for linear facilities address such uses as channels, canals and pipelines. The primary intent is to minimize the impact associated with such uses. The guidelines provide for planning and design means to reduce the adverse impacts of permitted linear uses.

Positive Impacts of Guideline 3

1. Requires that linear facilities involving dredging shall not traverse or adversely affect any barrier island, and thereby maintains protection from hurricane surges and marine erosion, with positive impacts on wildlife habitat and recreational opportunities, and other beneficial environmental and economic impacts of barrier islands.
2. The adverse environmental impacts of dredging activities in coastal areas will be minimized by requiring that if a beach, tidal pass, reef or other natural gulf shoreline must be traversed for a non-navigation canal, they shall be restored at least to their natural condition immediately upon completion of construction, and tidal passes shall not be permanently widened or deepened except when necessary to conduct the uses, and the best available restoration techniques which improve the traversed area's ability to serve as a shoreline shall be used.
3. Reduction in loss of highly productive wetland and estuarine areas, and other resource areas, by minimizing the impacts of dredging and by making multiple use of existing corridors.
4. Reduction of rate of saltwater intrusion, and maintenance of hydrology and water balance by providing for the plugging of connections between fresher and more saline areas by using other best practical techniques to minimize intrusion.
5. Retarded introduction of pollutants, agricultural chemicals, and toxic substances.
6. Avoidance of increased storm generated surges following the construction of inappropriately designed linear facilities.

Potential Negative Impacts of Guideline 3

The negative impacts of linear facilities are minimized by requirements relating to size or length, location, site restoration, multiple uses of sites, and other conditions. Nevertheless, negative outcome may occur, although of lesser magnitude than would have been the case in the absence of the guideline.

1. The control of linear facilities may have local adverse economic effects through limiting navigational access (for example, connecting the Gulf and those wetland areas inland from the coast).
2. Increased economic costs of construction site access.

Guideline 4: Guidelines for Dredged Spoil Deposition

Creative management of dredged spoil deposition is provided as a means of: reducing shoreline erosion; restoring existing barrier islands and developing artificial barrier islands in lakes and estuaries; reducing salt-water intrusion; and increasing the existing rate of accretion in present deltaic areas.

Positive Impacts of Guideline 4

1. Specifies that spoil is to be used so as to improve productivity and to create new habitat or to compensate for the environmental damages of other activities.
2. Minimizes creation of new disposal sites
3. Avoiding the disruption of water movement, flow, circulation and quality of natural drainage patterns, and the consequent adverse changes in existing plant and animal communities.
4. Minimizes disposal of spoil on marshes , oyster reefs and submersed vegetation

Potential Negative Impacts of Guideline 4

The overall environmental impact of the guidelines for dredged spoil deposition is expected to be positive. Nevertheless, short term adverse impacts may result from the deposition process. These impacts will be minimized by, for example, the guideline's provision for the use of techniques to reduce turbidity and to retain the spoil at the site.

1. The adverse impacts of dredged spoil deposition will be minimized but any deposition on water bottoms will temporarily result in an overall lowering of water quality, smothering of bottom habitats, killing of water organisms and possibly increase concentrations of toxins.
2. Interference with navigational channels and existing fishing practices may result from spoil disposal activities, although the adverse impacts will be minimized by the guideline.

Guideline 5: Guidelines for Shoreline Modification

Shoreline modifications are to be designed so as to provide the best practical methods of shoreline protection, to maintain existing water patterns and foster public access, fishing and recreational uses.

Positive Impacts of Guideline 5

1. Maximizes use of natural to non-structural methods of shoreline stabilization thus maintaining habitat and water circulation.
2. Requiring that such structures shall be lighted or marked in accordance with U.S. Coast Guard regulations and not interfere with navigation, and should foster fishing and other recreational opportunities and public access minimizes creation of safety hazards and increases public recreational and fishing outlets.
3. Minimization of adverse environmental impacts by stipulating that shoreline modification structures shall be built using best practical materials and techniques to avoid the introduction of pollutants and toxic substances into coastal waters.
4. Reduced loss of critical habitats by providing that marinas, and similar commercial and recreational developments should not be located so as to result in adverse impacts on open productive oyster beds, or submersed grass beds.

Potential Negative Impacts of Guideline 5

Engineering and siting requirements, of guideline 5, are intended to offset the predictable negative impacts. Nevertheless, negative outcomes may occur, although of lesser magnitude than would be expected but for the guideline.

1. Cumulative impacts on coastal waters and wetlands, including the loss of wetland habitat and altered vegetation, resulting from altered water flow patterns and reduced flushing actions.
2. Permitted activities can have serious adverse cumulative impact through erosion, and increased water pollution, with the effects reflected in vegetational changes and habitat loss.

Guideline 6: Guidelines for Surface Alterations

Guidelines for surface alterations provide for industrial, commercial, urban, residential, and recreational development by the intensive use of land where the public costs of foundations and infrastructure may be minimized and where the public safety may be ensured.

Positive Impacts of Guideline 6

1. Reduction in loss of critical areas by providing that wetland areas should not be drained or filled, that any approved drain or fill project be designed and constructed using best practical techniques to minimize present and future property damage and adverse environmental impacts, and that surface alterations should be located away from critical wildlife areas and vegetation areas.

2. Adverse impacts on air and water quality are minimized by requiring that surface alteration sites and facilities be designed, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances into the environment.
3. Long term impacts of uses are minimized by the requirement for restoration which specifies that areas modified by surface alteration activities should be revegetated, refilled, cleaned and restored to their predevelopment condition upon termination of the use.
4. Reduced costs of commercial, industrial and residential construction, by facilitating development where foundations are most stable and the likelihood of storms and other natural hazards is minimized.
5. Economic impacts of encouraging urban and industrial development.
6. Economic and social benefits stemming from the priorities accorded coastal water dependent uses.

Potential Negative Impacts of Guideline 6

The adverse environmental impacts of the guidelines for surface alterations are minimized by providing for developments at sites where the impact is least, and by providing for the restoration of sites after activities cease. Nevertheless, negative social and environmental impacts are predictable, although of lesser consequence than would have been the case in the absence of the guideline.

1. Environmental impacts from surface alterations on natural systems.
2. Reduction in land areas available for developments may reduce economic growth in affected localities and increase costs of development

Guideline 7: Guidelines for Hydrologic and Sediment Transport Modifications

The initiation of new cycles of marsh building and the offsetting of salt-water intrusion are the planned outcomes of controlled diversion of sediment laden waters. Other sections of the guideline require the avoidance of deposition in navigational and other critical areas.

Positive Impacts of Guideline 7

1. Reduction of undesirable wetland habitat change and land loss is encouraged through the diversion of freshwater and sediments because such activities offset saltwater intrusion and introduce nutrients into wetlands. Diversions are to incorporate a plan for monitoring and reduction and/or amelioration of the effects of pollutants present in the freshwater source.

2. Starting of new cycles of delta growth and other land building where processes.
3. Enhancement of fish, mollusk, and wildlife productivity through the regulation of water-level, salinity, and tidal movement.
4. Economic and environmental benefits from the maintenance of essential estuarine processes such as tidal flushing, nutrient cycling, and movements of aquatic organisms.
5. Increased habitat for non-marine species.

Potential Negative Impacts of Guideline 7

The overall environmental impact of the guidelines for hydrologic and sediment transport modifications is expected to be positive as they relate to plans for fresh water diversion and enhanced delta building. However, adverse impacts may be expected because of pollutants in the freshwater source or negative consequences of water control structures. The provisions of the guidelines will minimize the sum of such predictable adverse impacts.

1. Weirs, locks, spillways, and similar structures, may result in a net adverse modification of existing hydrologic patterns.
2. Disruption of migration routes of aquatic organisms.
3. Introduction of pollutants from freshwater sources into outfall areas.
4. Siltation of areas in outfall areas with attendant losses.
5. Reduction in habitat available for marine species.

Guideline 8: Guidelines for Disposal of Wastes

The guidelines for the disposal of wastes direct that waste disposal in the wetlands be avoided unless no practical alternative exists. When wastes are disposed of in the wetlands, the methods to be used under the provisions of the guidelines will insure that adverse impacts are minimized.

Positive Impacts of Guideline 8

1. Reduction of loss of wetland habitats by the prevention of siting waste facilities in wetlands, and by avoiding pollution from such facilities.
2. Protection of human health from the consequences of lowering of air and water quality.
3. Encouragement of beneficial overland flow treatment processes.

5. Assuring that water and marsh management projects result in overall increases in productivity.

Potential Negative Impacts of Guideline 8

The engineering and siting requirements for the transportation, storage, and disposal of wastes are intended to offset the predictable negative impacts of such activities in wetland areas. Negative outcomes may still occur but will be of lesser magnitude than would have occurred in the absence of the guidelines.

1. An increase in the costs of waste disposal may occur due to requirements to avoid wetlands and to utilize more stringent protective measures if wastes are to be disposed in the wetland areas.
2. The discouragement of waste disposal in wetlands may cause such activities to be shifted to other areas which are also not well-suited for the disposal of wastes.

Guideline 9: Guidelines for Uses that Result in the Alteration of Waters Draining into Coastal Waters

The guideline provides for the protection of coastal water quality from runoff into the coastal areas.

Positive Impacts of Guideline 9

1. Maintenance of water quality by minimizing the adverse impacts of increased runoff from agricultural activities, upland drainage projects, and urban development.
2. Reduction in the adverse effects of eutrophication on the productivity of fisheries, shellfish beds, wildlife habitats and recreational activities.
3. Protection of human health from the build up of toxins in the food web and from other impacts of the pollution of coastal waters.
4. Minimizing "pulse" flows of freshwater runoff.

Potential Negative Impacts of Guideline 9

The management of run-off is intended to offset the predictable negative environmental impacts on coastal waters. These guidelines will serve to minimize the adverse impacts but such negative impacts may still occur.

1. Loss of development through maintenance of land uses that retain flood volumes, and through preventing opening of new drainage canals which connect drained land and open water bodies.
2. Economic impacts of restrictions on urban and industrial development, including the increased costs of urban development to maintain existing patterns of upland water systems.

Guideline 10: Guidelines for Oil and Gas

Oil and gas guidelines provide for the continued development of the resources along with mechanisms to minimize adverse impacts on other coastal uses.

Positive Impacts of Guideline 10

1. Reduction of the long term impact of oil and gas activities through clean up requirements and reduction of oil spills and run-off from mineral activities.
2. Economic impacts of permitting continued petrochemical and other industrial development.
3. Minimization of adverse environmental impacts by the reduction of oil and gas activities in critical wetland habitats and of changes in natural hydrological patterns.
4. Minimization of the dredging impacts of oil and gas activities through such practices as multiple use of canals and directional drilling.
5. Reduction of underwater hazards for navigation and fishing.

Potential Negative Impacts of Guideline 10

The guidelines for oil and gas activities include a number of technological and siting stipulations which have the effect of minimizing the adverse environmental impacts of such activities. Those adverse impacts which persist will thereby be of lesser consequence than would have been expected but for the guideline.

1. Increased costs of mineral exploration, oil well site access, and similar factors in resource development.
2. Pollutants carried into adjacent systems from oil and gas sites through runoff and spills.
3. Loss of wildlife and aquatic habitats due to effects of oil and gas development.

C. POSSIBLE CONFLICTS BETWEEN PROPOSED ACTION AND THE OBJECTIVES OF FEDERAL, REGIONAL, STATE AND LOCAL LAND USE PLANS, POLICIES, AND CONTROLS FOR THE AREA CONCERNED

Louisiana has a variety of land and water use programs which affect the coastal area. Some parish governments have comprehensive plans and ordinances. There are also multi-parish plans developed by regional planning commissions. Most coastal parishes are presently revising these plans to incorporate a coastal element which is consistent with the policies, guidelines and standards of the program and all regional planning bodies have been involved with the LCRP development process.

State agencies with plans and programs affecting the coastal area will, in the future, have to assure that they are implemented in accordance with the procedures set forth in the LCRP. State planning, management and regulatory programs will be required to conform to the policies and standards of the program.

Activities in conformance with applicable water and air quality laws, and those other standards and regulations which have been incorporated into the LCRP, will be deemed in conformance with the air and water quality elements of the program except to the extent that the guidelines require higher standards.

D. MEANS TO MITIGATE ADVERSE IMPACTS

The LCRP seeks to provide a balance between development and environmental protection. In a broad sense, all of the guidelines discussed above have been developed not to preclude development, but with the intention of minimizing the adverse impacts that development has on the natural resources of the coastal zone. Several guidelines, however, are of special interest with regard to the mitigation of impacts. Guidelines 1.6(o) and 1.7(j) require an assessment of cumulative and secondary impacts by the decision maker. Guidelines 3.5, 6.1 and 6.2 seek to mitigate potential impacts by guiding development to existing corridors, and other areas suitable for development.

It is recognized, however, that the implementation of the guidelines through the coastal use permit program will not entirely prevent future loss of coastal resources and habitats such as wetlands and productive estuarine areas. Such losses can be expected to continue, although at a reduced rate, due to the cumulative effects of smaller projects, the siting of facilities meeting the criteria of guideline 1.8 and natural processes such as erosion and subsidence.

Rather than requiring mitigation of such resource losses for each permitted project, the LCRP will seek to offset these losses through the development of a number of enhancement programs discussed in Chapter V. These include the development of programs, plans and specific projects for barrier island protection, freshwater diversion and accelerated delta building.

The management of barrier islands will reduce the impacts of current rapid changes resulting from coastal erosion, subsidence, canal dredging and the alteration of the natural sediment cycle of the Mississippi and other rivers. Continuation of present processes would rapidly diminish the barrier islands value as protection against hurricanes and saltwater intrusion and as wildlife habitats and recreation areas. The creation of man made barrier islands on the margins of large lakes and bays will also have beneficial environmental impacts in reducing erosion and increasing the diversity of habitats and recreational opportunities. The environmental losses due to subsidence, erosion, dredging and other causes of land losses, will be further offset by freshwater diversion and the creative use of sediments. Freshwater diversion will result in renewed marsh building and will reduce saltwater intrusion and the resulting erosion caused by the deterioration of

fresh or brackish vegetation. Maximum use will be made of sediment in natural deltaic processes to achieve land accretion to the greatest possible extent (see Chapter V for a more complete discussion of these proposed programs.)

The LCRP will also seek to cooperate with federal agencies in the development of effective programs for monitoring the rate of change in coastal resources both in terms of quantity and quality (see Chapter VII). Such monitoring programs will provide the state with medium and long term information as to the environmental impact of the program in general, and the success of the enhancement programs discussed above. While it can not be expected that such programs will significantly offset the loss of wetlands and other resources immediately, significant mitigative effects should be noted in two to five years.

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Letters

Letter from Herbert R. Haar, Jr., Associate Port Director of the Port of New Orleans to the Louisiana Coastal Resources Program, April 17, 1979.

Appendix b

Act 361

Regular Session, 1978

SENATE BILL NO. 930

BY MR. DUVAL, Chairman of the Senate Committee on Natural
Resources, AND REPRESENTATIVES TAUZIN AND ULLO
(Substitute for Senate Bill No. 302 by Mr. Duval)

AN ACT

To amend and reenact Part II of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, consisting of Sections 213.1 through 213.21, both inclusive, to provide with respect to coastal zone management; to provide for a short title; to provide for legislative findings and policy; to provide definitions; to provide for boundaries; to provide for the Coastal Management Section, its duties and responsibilities; to provide for the Louisiana Coastal Commission, its membership, duties, and responsibilities; to provide for management programs at the state and local level and rules and procedures applicable thereto; to provide for special areas; to provide for permits and permit procedures; to provide for the effect on existing authorities; to provide for intergovernmental coordination and consistency; to provide for permitted uses, to provide for appeals; to provide for enforcement injunctions, penalties, and fines; to provide for legislative review of rules, to provide for the effect on title; to provide for the effective date of this Act; and to provide otherwise both generally and specifically with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, consisting of Sections 213.1 through 213.21, is hereby amended and reenacted to read as follows:

PART II. LOUISIANA COASTAL ZONE MANAGEMENT PROGRAM

§213.1 Short Title

This Part shall be known and may be cited as the State and Local Coastal Resources Management Act of 1978.

§213.2 Declaration of public policy

The legislature declares that it is the public policy of the state:

(1) To protect, develop, and where feasible, restore or enhance the resources of the state's coastal zone.

(2)(a) To assure that, to the maximum extent feasible, constitutional and statutory authorities affecting uses of the coastal zone should be included within the Louisiana Coastal Management Program and that guidelines and regulations adopted pursuant thereto shall not be interpreted to allow expansion of governmental authority beyond those laws.

(b) To express certain regulatory and non-regulatory policies for the coastal zone management program. Regulatory policies are to form a basis for administrative decisions to approve or disapprove activities only to the extent that such policies are contained in the statutes of this state or regulations duly adopted and promulgated pursuant thereto. They are to be applicable to each governmental body only to the extent each governmental body has jurisdiction and authority to enforce such policies. Other policies are nonregulatory. They are included in the Coastal Zone Management Plan to help set out priorities in administrative decisions and to inform the public and decision makers of a coherent state framework, but such policies are not binding on private parties.

(3) To support and encourage multiple use of coastal resources consistent with the maintenance and enhancement of renewable resource management and productivity, the need to provide for adequate economic growth and development and the minimization of adverse effects of one resource use upon another, and without imposing any undue restriction on any user.

(4) To employ procedures and practices that resolve conflicts among competing uses within the coastal zone in accordance with the purpose of this Part and simplify administrative procedures.

(5) To develop and implement a coastal resources management program which is based on consideration of our resources, the environment, the needs of the people of the state, the nation, and of state and local government.

(6) To enhance opportunities for the use and enjoyment of the recreational values of the coastal zone.

(7) To develop and implement a reasonable and equitable coastal resources management program with sufficient expertise, technical proficiency, and legal authority to enable Louisiana to determine the future course of development and conservation of the coastal zone and to ensure that state and local governments have the primary authority for managing coastal resources.

§213.3. Definitions

(1) "Administrator" shall mean the administrator of the Coastal Management Section within the Louisiana Department of Transportation and Development.

(2) "Commission" shall mean the Louisiana Coastal Commission as provided herein.

(3) "Coastal waters" shall mean bays, lakes, inlets, estuaries, rivers, bayous, and other bodies of water within the boundaries of the coastal zone which have measurable seawater content (under normal weather conditions over a period of years).

(4) "Coastal Zone" shall mean the coastal waters and adjacent shorelands within the boundaries of the coastal zone established in Section 213.4, which are strongly influenced by each other, and in proximity to the shorelines, and uses of which have a direct and significant impact on coastal waters.

(5) "Local government" shall mean the governmental body having general jurisdiction and operating at the parish level.

(6) "Person" shall mean any individual, partnership, association, trust, corporation, public agency or authority, or state or local government body.

(7) "Secretary" shall mean the secretary of the Department of Transportation and Development.

(8) "Use" shall mean any use or activity within the coastal zone which has a direct and significant impact on coastal waters.

(9) "Fastlands" are lands surrounded by publicly owned, maintained, or otherwise validly existing levees, or natural formations, as of the effective date of this Part or as may be lawfully constructed in the future, which levees or natural formations would normally prevent activities, not to include the pumping of water for drainage purposes, within the surrounded area from having direct and significant impacts on coastal waters.

(10) "Guidelines" means those rules and regulations adopted pursuant to Section 213.8.

(11) "Public hearing", wherever required in this Part, shall mean a hearing announced to the public at least 30 days in advance, and at which all interested persons shall be afforded a reasonable opportunity to submit data, views, or arguments, orally or in writing. At the time of the announcement of the public hearings all materials pertinent to the hearing, including documents, studies, and other data, in the possession of the party calling the hearing, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the party which conducted the hearing.

(12) "Coastal use permit" shall mean the permits required by Section 213.11 of this Part and shall not mean or refer to, and shall be in addition to, any other permit or approval required or established pursuant to any other constitutional provision or statute.

§213.4. Coastal zone boundary.

A. The seaward boundary of the coastal zone of Louisiana shall be the seaward limit of the state of Louisiana as determined by law.

B. The interstate boundaries of the coastal zone shall be the boundary separating Louisiana from Texas on the west and the boundary separating Louisiana from Mississippi on the east, as each is determined by law.

C. The inland boundary of the coastal zone shall generally be a line beginning at the intersection of the northern line of the Intracoastal Canal and the Louisiana/Texas boundary, thence proceeding easterly along the northern bank of the Intracoastal Canal to Highway 82, thence northeasterly along Highway 82 to Highway 690, thence easterly along Highway 690 to Highway 330, thence northeasterly along Highway 330 to Highway 14, thence easterly along Highway 14 to Highway 90, thence southeasterly along Highway 90 to Highway 85, thence northeasterly along Highway 85 to Highway 90; thence easterly along Highway 90 to the intersection of Highway 90 and the eastern bank of the Atchafalaya River at Morgan City, thence northerly along the eastern bank of the Atchafalaya River to the southern bank of the alternate route of the Intracoastal Waterway, thence following the boundary of the corporate limits of the city of Morgan City to where it intersects with the northern bank of the Gulf Intracoastal Waterway, thence along the northern bank of the Gulf Intracoastal Waterway to the vicinity of the Bayou du Large Ridge, thence proceeding southerly along the western edge of the Bayou de Large Ridge to the intersection of the Falgout Canal, thence proceeding easterly along the north bank of the Falgout Canal to the eastern edge of the Bayou du Large Ridge, thence proceeding northerly along the eastern edge of the Bayou de Large Ridge to the vicinity of Crozier, thence proceeding easterly to the western edge of the Grand Caillou Ridge, thence proceeding southerly along the western edge of the Grand Caillou Ridge to the vicinity of Dulac, thence proceeding easterly to the eastern edge of the Grand Caillou Ridge, thence proceeding northerly along the eastern edge of the Grand Caillou Ridge to the northern bank of the St. Louis Canal, thence proceeding easterly along the northern bank of the St. Louis Canal to the western edge of the Petit Caillou Ridge, thence proceeding southerly along the western edge of the Petit Caillou Ridge to the vicinity of Chauvin, thence proceeding easterly to Highway 55, thence proceeding northerly along Highway 55 to its intersection with Highway 665, thence easterly along Highway 665 to Bayou Point au Chien, thence northerly along Bayou Point au Chien to Highway 55, thence northerly along Highway 55 to Highway 24, thence easterly along Highway 24 to Highway 308, thence northerly along Highway 308 to a point of intersection with the northern bank of the Gulf Intracoastal Waterway, thence northeasterly along the northern bank of the Gulf Intracoastal waterway to a point of intersection with Canal Tisamond Foret, thence proceeding northeasterly along the northern bank of the Canal Tisamond Foret to a point of intersection with a line one hundred yards inland from the mean high tide line of Lake Salvador, thence proceeding northerly along the line one hundred yards inland from the mean high tide of Lake Salvador to a point of intersection with a line one hundred yards from the mean high water line of Bayou Des Allemands, thence proceeding northwesterly along the

line one hundred yards inland from the western mean high water line of Bayou Des Allemands and the Petit Lac Des Allemands to a point of intersection with the boundary separating Ward 7 and 8 of Lafourche Parish, thence proceeding southwesterly along said boundary to a point of intersection with the Midway Canal, thence proceeding northwesterly along the Midway Canal, and in a northwesterly straight line prolongation of said canal, to a point of intersection with U.S. Highway 90, thence proceeding northeasterly along U.S. Highway 90 to a point of intersection with the line one hundred yards from the western mean high water line of Baie Des Deux Chenes, thence proceeding northwesterly along said line one hundred yards from the western mean high water line of Baie Des Deux Chenes to a point of intersection with the line one hundred yards from the mean high water line of Lac Des Allemands, thence proceeding westerly along said line a point of intersection with a line one hundred yards from the mean high water line of Bayou Boeuf, thence proceeding southerly along the line one hundred yards from the mean high water line of Bayou Boeuf to a point of intersection with Highway 307, thence proceeding westerly along Highway 307 to a point of intersection with Highway 20, thence proceeding northerly along Highway 20 to a point of intersection with the boundary separating St. James Parish and Lafourche Parish, thence proceeding westerly along said boundary to a point of intersection with the boundary separating St. James Parish and Assumption Parish, thence proceed northerly along said boundary to a point of intersection with the boundary separating St. James Parish and Ascension Parish, thence proceeding northerly and easterly along said boundary to a point of intersection with the boundary separating Ascension Parish and St. John the Baptist Parish, thence proceeding northerly along said boundary to a point of intersection with the boundary separating Ascension Parish and Livingston Parish, thence proceeding northwesterly along said boundary to a point of intersection with the boundary separating Livingston Parish and East Baton Rouge Parish, thence proceeding northwesterly along said boundary to a point of intersection with Interstate Highway 12, thence proceeding easterly along Interstate Highway 12 to a point of intersection with Interstate Highway 10, thence proceeding easterly along Interstate Highway 10 to a point of intersection with the boundary separating Louisiana and Mississippi.

D. Within 180 days of the enactment of this Part, the secretary shall adopt a fully delineated inland boundary in accordance with the provisions of Subsection C, which boundary shall not depart appreciably from the boundary delineated therein, provided that the secretary shall be authorized to amend the boundary as may be appropriate to follow the corporate limits of any municipality divided by the boundary. The boundary, as adopted, shall be clearly marked on large scale maps or charts, official copies of which shall be available for public inspection in the offices of the secretary, the Louisiana Coastal Commission, the Coastal Management Section, and each local government in the coastal zone.

§213.5. Types of uses.

A. Uses of the coastal zone subject to the coastal use permitting program shall be of two types:

(1) Uses of state concern: Those uses which directly and significantly affect coastal waters and which are in need of coastal management and which have impacts of greater than local significance or which significantly affect interests of regional, state, or national concern. Uses of state concern shall include, but not be limited to:

(a) Any dredge or fill activity which intersects with more than one water body.

(b) Projects involving use of state owned lands or water bottoms.

(c) State publicly funded projects.

(d) National interest projects.

(e) Projects occurring in more than one parish.

(f) All mineral activities, including exploration for, and production of, oil, gas, and other minerals, all dredge and fill uses associated therewith, and all other associated uses.

(g) All pipelines for the gathering, transportation or transmission of oil, gas and other minerals.

(h) Energy facility siting and development.

(1) Uses of local concern which may significantly affect interests of regional, state or national concern.

(2) Uses of local concern: Those uses which directly and significantly affect coastal waters and are in need of coastal management but are not uses of state concern and which should be regulated primarily at the local level if the local government has an approved program. Uses of local concern shall include, but not be limited to:

(a) Privately funded projects which are not uses of state concern.

(b) Publicly funded projects which are not uses of state concern.

(c) Maintenance of uses of local concern.

(d) Jetties or breakwaters.

(e) Dredge or fill projects not intersecting more than one water body.

(f) Bulkheads.

- (g) Piers.
- (h) Camps and cattlegwalks.
- (i) Maintenance dredging.
- (j) Private water control structures of less than \$15,000 in cost.
- (k) Uses on cheniers, salt domes, or similar land forms.

B. Subject to the provisions of this Part, the delineation of uses of state or local concern shall not be construed to prevent the state or local governments from otherwise regulating or issuing permits for either class of use pursuant to another law.

C. The secretaries of the Departments of Natural Resources, Transportation and Development, and Wildlife and Fisheries are authorized to jointly develop for adoption by the secretary, after notice and public hearing, rules for the further delineation of the types of uses which have a direct and significant impact on coastal waters and which demonstrate a need for coastal management, the classification of uses not listed herein, and for the modification and change of the classifications of uses, provided that no changes shall be made in the classifications of the uses listed in Subsection A.

D. In order for the state to exercise all or part of the federal government's authority for the issuance of permits for discharges of dredged or fill material within the coastal zone, the secretary is authorized to adopt necessary and appropriate rules, consistent with the other provisions of this statute, for the regulation of discharges of dredge or fill material into waters in the coastal zone subject to Section 404 regulation by the Corps of Engineers.

E. When only part of a use lies within the coastal zone, only that portion of the use which is located within the coastal zone is considered a use subject to a coastal use permit under this Part.

F. All uses and activities within the coastal zone are permissible, except as subject to the permitting requirements of this Part.

§213.6. Coastal management section

A. There is hereby created a Coastal Management Section.

(1) A Coastal Management Section shall be created within the Department of Transportation and Development and the secretary shall administer the Coastal Management Section.

(2) The Coastal Management Section shall be under the supervision and control of an administrator selected and appointed by the secretary in accordance with the Louisiana Civil Service laws.

(3) The secretary is authorized to select and appoint such additional staffing as may be necessary to carry out the provisions of this Part.

B. The administrator shall:

(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.

C. The administrator shall have the authority to:

(1) Take appropriate enforcement measures for violations of this part.

(2) Seek civil relief, as provided by Section 213.17(D).

(3) Provide advice and technical assistance to the secretary, the commission, and local governments.

(4) Conduct such activities or make such decisions as may be delegated or authorized by the secretary.

D. The secretary shall make decisions on applications for coastal use permits and may establish conditions on the granting of coastal use permits.

E. The secretary is further authorized to carry out those duties delegated to the administrator by Subsections B and C of this Section.

§213.7. Louisiana Coastal Commission; membership; etc.

A. The Louisiana Coastal Commission is hereby created as an independent body within the Department of Transportation and Development and shall be staffed by the Department of Transportation and Development. It shall function as an administrative appeals body for decisions regarding coastal use permits and approval of local programs and as hereinafter provided.

B. The commission shall be composed of twenty three members as follows: one each shall be appointed by the local governing authority of the parishes of Cameron, St. Tammany, Vermilion, Iberia, St. Mary, Terrebonne, Lafourche, Jefferson, Plaquemines, St. Bernard and Orleans; the governor shall appoint 11 members with one representing the oil and gas industry, one representing agriculture and forestry, one representing commercial fishing and trapping, one representing sport fishing, hunting and outdoor recreation, one representing ports, shipping and transportation, one representing nature preservation and environmental protection, one representing coastal landowners, one representing municipalities, one representing the utility industry, one representing producer

of solid minerals, and one representing industrial development; the secretary of the Department of Wildlife and Fisheries, or his designee, shall be a member. Of the governor's appointees, one shall be domiciled in Calcasieu parish; one shall be domiciled in St. Charles Parish; one shall be domiciled in St. John the Baptist parish; one shall be domiciled in Tangipahoa parish; one shall be domiciled in St. James parish. The local governments and the governor shall also appoint an alternate for each of the members that they appoint. The alternate may vote and speak on behalf of the representative in his absence. All appointments by the governor to the commission shall be first confirmed by the Senate.

C. The members on the commission representing local government shall be appointed by the local governing authority of the designated coastal parishes. The members appointed by the governor shall be residents of the designated coastal parishes. All members of the commission shall serve at the pleasure of the appointing authority.

D. Within sixty days of the effective date of this Part, the local governing authority of each parish shall select one person as its representative and one person as an alternate who may vote and speak on behalf of the representative in his absence.

E. The presiding officer from each of the local governments appointing members shall submit a letter to the governor naming he representative and alternate for that parish within sixty days of the effective date of this Part. Members of the commission shall serve for terms of two years which shall run from the date of the first organizational meeting of the commission. Members may succeed themselves indefinitely, but every second year they shall be confirmed by the appropriate appointing authority. Failure of a parish to appoint, shall not prevent the commission from conducting its business.

F. (1) The governor shall designate one of the parish representatives as acting chairman of the commission. The acting chairman shall call an organizational meeting of the commission promptly after the sixty days provided for making appointments has elapsed or after all members have been appointed, whichever first occurs. At the first meeting the commission shall elect a chairman and a vice chairman and decide upon the rules for conducting commission business.

(2) The commission shall meet as often as necessary to conduct its business but no less frequently than once every three months. A quorum shall consist of at least twelve members of the commission.

G. Each member of the commission shall serve in an individual capacity and not as a representative of his employer or organization.

H. Vacancies occurring in the membership of the commission shall be filled for the unexpired term by the local government making the appointment to the vacated position or by the governor if the position was first appointed by the governor.

I. Members of the commission shall be compensated fifty dollars per diem for each day spent attending commission meetings and on business duly authorized by the commission at a meeting. In addition, all members shall be reimbursed for mileage at the rate of sixteen cents per mile.

§213.8. Coastal management program

A. The secretary shall develop the overall state coastal management program consisting of all applicable constitutional provisions, laws and regulations of this state which affect the coastal zone in accordance with the provision of this Part and shall include within the program such other applicable constitutional or statutory provisions or other regulatory or management programs or activities as may be necessary to achieve the purposes of this Part or necessary to implement the guidelines hereinafter set forth.

B. Prior to the effective date of this Part, the secretary shall begin to develop a management program and shall develop guidelines in conjunction with the secretaries of the Department of Wildlife and Fisheries and the Department of Natural Resources. Notice of the issuance of the proposed guidelines shall be given to relevant federal, state, and local governmental bodies and the general public and public hearings shall be held. After consideration of comments received, the secretary shall submit the jointly developed guidelines to the commission for their review and approval. The commission may disapprove individual guidelines giving their reason in writing for each guideline disapproved. The commission shall have sixty days to act, and lack of official action shall constitute approval. Any guidelines disapproved shall be returned to the secretaries of the Departments of Transportation and Development, Natural Resources, and Wildlife and Fisheries, acting jointly, for further consideration. The secretaries shall submit within thirty days revised guidelines to the commission. The commission shall have thirty days to act pursuant to the above procedures. Any guideline so rejected shall be submitted to the House Committee on Natural Resources and Senate Committee on Natural Resources pursuant to §213.18 and then to the governor for final determination. The secretary shall adopt those guidelines approved by the commission or the governor.

The adopted guidelines shall be followed in the development of the state program and local programs, and shall serve as criteria for the granting, conditioning, denying, revoking, or modifying of coastal use permits. The secretary, jointly with the secretaries of the Department of Wildlife and Fisheries and the Department of Natural Resources, shall review the guidelines at least once each year to consider modifications to the guidelines as a result of experience in issuing coastal use permits and results of research and planning activities. Any modifications shall be subject to the approval of the commission pursuant to the procedures set forth in this subsection.

C. The state guidelines shall have the following goals:

(1) To encourage full use of coastal resources while recognizing it is in the public interest of the people of Louisiana to establish a proper balance between development and conservation.

(2) Recognize that some areas of the coastal zone are more suited for development than other areas and hence use guidelines which may differ for the same uses in different areas.

(3) Require careful consideration of the impacts of uses on water flow, circulation, quantity, and quality and require that the discharge or release of any pollutant or toxic material into the water or air of the coastal zone be within all applicable limits established by law, or by federal, state, or local regulatory authority.

(4) Recognize the value of special features of the coastal zone such as barrier islands, fishery nursery grounds, recreation areas, ports and other areas where developments and facilities are dependent upon the utilization of or access to coastal waters; and areas particularly suited for industrial, commercial, or residential development and manage those areas so as to enhance their value to the people of Louisiana.

(5) Minimize, whenever feasible and practical, detrimental impacts on natural areas and wildlife habitat and fisheries by such means as encouraging minimum change of natural systems and by multiple use of existing canals, directional drilling, and other practical techniques.

(6) Provide for adequate corridors within the coastal zone for transportation, industrialization, or urbanization and encouraging the location of such corridors in already developed or disturbed areas when feasible or practicable.

(7) Reduce governmental red tape and costly delays and ensure more predictable decisions on permit applications.

(8) Encourage such multiple uses of the coastal zone as are consistent with the purposes of this Part.

(9) Minimize detrimental effects of foreseeable cumulative impacts on coastal resources from proposed or authorized uses.

(10) Provide ways to enhance opportunities for the use and enjoyment of the recreational values of the coastal zone.

(11) Require the consideration of available scientific understanding of natural systems, available engineering technology and economics in the development of management programs.

(12) Establish procedures and criteria to ensure that appropriate consideration is given to uses of regional, state, or national importance, energy facility siting and the national interests in coastal resources.

D. In the development and implementation of the overall management program, reasonable efforts shall be made to inform the people of the state about the coastal management program and participation and comments by federal, state, and local governmental bodies, including port authorities, levee boards, regional organizations, planning bodies, municipalities and public corporations and the general public shall be invited and encouraged.

All governmental bodies may participate to ensure that their interests are full considered.

§213.9 Local coastal management programs

A. Local governments may develop local coastal management programs in accordance with the provisions of this Section.

B. Within one hundred twenty days of the effective date of this Part, the secretary shall adopt, after notice and public hearing, rules and procedures for the development, approval, modification, and periodic review of local coastal management programs.

C. The rules and procedures adopted pursuant to this Section shall be consistent with the state guidelines and shall provide particularly, but not exclusively, that:

(1) Local governments, in developing local programs, shall afford full opportunity for municipalities, state and local government bodies, and the general public to participate in the development and implementation of the local program.

(2) A public hearing to receive comments on a proposed local program shall be held in the area to be subject to the program by the local government proposing the program or its duly appointed local committee.

(3) A local program developed under this Section shall be consistent with the state guidelines and with the policies and objectives of this Part and shall particularly, but not exclusively, consist of:

(a) A description of the natural resources and the natural resource users of the coastal zone area within the parish, the social and economic needs within particular areas of the coastal zone of the parish, and the general order or priority in which those needs which directly and significantly affect coastal waters should be met within the coastal zone of the parish.

(b) Procedures to be used by the local government to regulate uses of local concern.

(c) Special procedures and methods for considering uses within special areas, uses of greater than local benefit, and uses affecting the state and national interest.

(4) Each local government preparing a local program under this Section may appoint a coastal advisory committee (hereinafter called "local committee"). The local committee shall be composed of a reasonable number of persons who represent users of coastal resources and shall include representation of users concerned with conservation and preservation of renewable coastal resources and users concerned with development of resources for commercial purposes. The local committee shall assist local government in the development and implementation of a local program and in the development of special management programs affecting special areas.

The local committee may report progress or problems in the implementation of the state and local programs and may convey ideas and suggestions to the local governments and the administrator.

(5) Local programs shall be submitted to the secretary for review and may be submitted after promulgation of the state guidelines and the rules adopted pursuant to this Section.

D. In approving a local program, the secretary, acting jointly with the secretaries of the Department of Natural Resources and the Department of Wildlife and Fisheries, may make reasonable interpretations of the state guidelines insofar as they affect that particular local program, which are necessary because of local environmental conditions or user practices. The secretary may otherwise provide for the requirements for approval of local programs.

E. Within ninety days after receipt of a proposed local program, the secretary shall either approve the program or notify the local government of the specific changes which must be made in order for it to be approved. Before making his decision the secretary shall consider each proposed local program, the comments received from other agencies, interested persons and the public hearing, the state guidelines and the rules adopted pursuant to this Section. A local program may be resubmitted, or amended following the same procedures outlined herein.

F. A local government or any other persons adversely affected by a decision of the secretary pursuant to subsection E may appeal the decision to the commission pursuant to section 213.16.

G. No local coastal program shall become effective until it has been approved by the secretary. Once approved, a local program shall be available for public inspection at the offices of the local government and of the administrator.

H. Once a local program is approved by the secretary:

(1) Uses of local concern within the parish's coastal zone must be consistent with the local program and shall be subject to the issuance of coastal use permits by the local government.

(2) The local program may be altered or modified only with approval of the secretary pursuant to the procedures provided for approval of local program.

(3) The local program, its procedures and implementation shall be subject to periodic review by the secretary to ensure continued consistency with the state program, guidelines, and with the policies and purpose of this Part. The secretary shall require the modification of the local program or its procedures when necessary to ensure such consistency pursuant to the procedures provided for approval of a local program.

J. The secretary is authorized to enter into contracts with local governments to provide financial assistance on a matching fund basis to aid the development and implementation of approved local programs under this Part. The secretary shall develop rules and procedures after notice and public hearing, under which local governments may qualify for such assistance.

§213.10 Special areas and projects

A. Special areas are areas within the coastal zone which have unique and valuable characteristics requiring special management procedures. Special areas may include important geological formations, such as beaches, barrier islands, shell deposits, salt domes, or formations containing deposits of oil, gas or other minerals; historical or archaeological sites; corridors for transportation, industrialization or urbanization; areas subject to flooding, subsidence, salt water intrusion or the like; unique, scarce, fragile, vulnerable, highly productive or essential habitat for living resources; ports or other developments or facilities dependent upon access to water; recreational areas; freshwater storage areas; and such other areas as may be determined pursuant to this Section.

B. The secretary shall adopt, after notice and public hearing, rules for the identification, designation, and utilization of special areas and for the establishing of guidelines or priorities of uses in each area, subject to the approval of the commission.

C. Those areas and facilities subject to the jurisdiction of the Offshore Terminal Authority are deemed to be special areas. The environmental protection plan required by R.S. 34:3113 shall constitute the management guidelines for this special area and shall continue to be administered and enforced by the Offshore Terminal Authority or its successor in accordance with the policies and objectives of the state program.

D. The secretary shall have the authority to set priorities, consistent with this Act, for funding available under Section 308 of the Federal Coastal Zone Management Act (PL 92 - 583 as amended by PL 94 - 370).

E. The secretary is authorized to assist approved local programs and state and local agencies carrying out projects consistent with the guidelines, related to the management development, preservation, or restoration of specific sites in the coastal zone or to the development of greater use and enjoyment of the resources of the coastal zone by financial, technical, or other means, including aid in obtaining federal funds.

F. Notwithstanding any law, order, or regulation to the contrary, the secretary shall prepare a freshwater diversion plan for the state in order to reserve or offset land loss and salt water encroachment in Louisiana's coastal wetlands. As part of this plan the secretary shall prepare specific recommendations as to those locations which are most in need of freshwater diverted from the Mississippi River and other water bodies of the state, and he shall include the projected costs thereof and the order of priority.

G. The secretary shall develop an indexing system whereby those wetland, coastline, and barrier island areas which are undergoing rapid change or are otherwise considered critical shall be identified; and the secretary shall also undertake a pilot program to create one or more artificial barrier islands in order to determine the effectiveness of such islands in controlling shoreline erosion.

§213.11 Coastal use permits

A. No person shall commence a use of state or local concern without first applying for and receiving a coastal use permit. Decisions on coastal use permit applications shall be made by the secretary, except that the local government shall make coastal use permit decisions as to uses of local concern in areas where an approved local program is in effect.

B. Within one hundred twenty days after the effective date of this Part, the secretary shall adopt, after notice and public hearing, rules and procedures consistent with this Part for both the state coastal management program and approved local programs regarding the form and information requirements for coastal use permit applications, the coastal use permit review process, public notice and public comments, criteria and guidelines for decision making, appeals and emergency activities.

C. The rules promulgated pursuant to this Section shall, among other things, provide that:

(1) Coastal use permit applications shall be submitted to the administrator, except that applications for uses in areas subject to an approved local program may instead be submitted to the local government. Local governments with an approved program to whom applications are submitted shall make the initial determination, subject to review by the administrator with a right of appeal to the commission, as to whether the proposed use is of state concern or local concern. In the event of an appeal to the commission, the burden of proof shall be on the administrator. Copies of all applications submitted to local governments, and the local government's use-type determination, shall be transmitted to the administrator within two days of receipt.

(2) Within ten days of receipt of a coastal use permit application by the administrator, copies of the application shall be distributed to the local government or governments in whose parish the use is to occur and all appropriate state and local agencies and public notice shall be given. A public hearing on an application may be held.

(3) The decision to approve, approve with modifications, or otherwise condition approval, or deny the coastal use permit shall be made within thirty days after public notice or within fifteen days after a public hearing, whichever is later. The coastal use permit decision must be consistent with the state program and approved local programs for affected parishes and must represent an appropriate balancing of social, environmental and economic factors. In all instances local government comments shall be given substantial consideration.

(4) The decision to approve, approve with modifications, or otherwise condition approval, or deny the application for a coastal use permit shall be in writing and copies of the decisions shall be sent to all parties.

(5) Public notice of coastal use permit decisions shall be given.

(6) The secretary may adopt rules providing for alternate procedures for the filing of applications, distribution of copies, giving of notices, and public hearings in order to implement the coordinated coastal permitting process established pursuant to Section 213.14.

D. The applicant, the secretary, and affected local government or affected federal, state, or local agency, any aggrieved person, or any other person adversely affected by a coastal use permit decision may appeal the coastal use permit decision to the commission. An appeal must be filed in writing within thirty days following public notice of the final decision and shall be in accordance with procedures adopted by the commission.

E. The secretary is authorized to adopt rules and procedures for the issuance of general coastal use permits and for the issuance of variances from the normal coastal use permitting requirements. For the purposes of this Part, a general coastal use permit is an authorization to prospective users to perform specific uses within prescribed areas of the coastal zone without the necessity for a complete, independent review of each proposed use and allows the shortest time period of review possible. The rules and procedures which may be adopted pursuant to this Section shall provide for expeditious processing of applications for general coastal use permits and may authorize variances from the normal coastal use permit application and review procedures. General coastal use permits and variances from the normal coastal use permitting requirements may not be issued except when the issuance of such general coastal use permits or variances does not impair the fulfillment of the objectives and policies of the Part.

F. The secretary shall adopt rules whereby specified types of activities may be carried out under prescribed emergency conditions without the necessity of obtaining a coastal uses permit in advance.

G. The secretary is authorized to establish a reasonable schedule for fees to be charged to the applicant for the processing and evaluation of coastal uses permit applications.

§213.12 Existing authority of certain state departments and local governments retained

A. Nothing in this Part shall abridge the constitutional authority of any department of state government or any agency or office situated within a department of state government. Nor shall any provision, except as clearly expressed herein, repeal the statutory authority of any department of state government.

B. Permits issued pursuant to existing statutory authority of the office of conservation in the Department of Natural Resources for the location, drilling, exploration and production of oil, gas, sulphur or other minerals shall be issued in lieu of coastal use permits, provided that the office of conservation shall coordinate such permitting actions pursuant to §213.13(B) and (D) and shall ensure that all activities so permitted are consistent with the guidelines, the state program and any affected local program.

C. Permits issued pursuant to existing statutory authority by the Department of Wildlife and Fisheries for the leasing, seeding, cultivation, planting, harvesting or marking of oyster bedding grounds shall be issued in lieu of coastal use permits, provided that the Department of Wildlife and Fisheries shall coordinate such permitting actions pursuant to §213.13(B) and (D) and shall ensure that all activities so permitted are consistent with the guidelines, the state program and any affected local program.

D. The provisions of this Part are not intended to abridge the constitutional authority of any local governments, levee boards or other political subdivisions.

§213.13 Intergovernmental coordination and consistency

A. Deep water port commissions and deep water port, harbor, and terminal districts, as defined in Article 6, Sections 43 and 44 of the Louisiana Constitution of 1974, shall not be required to obtain coastal use permits. Provided, however, that their activities shall be consistent to the maximum extent practicable with the state program and affected approved local programs.

B. Any governmental body undertaking, conducting, or supporting activities directly affecting the coastal zone shall ensure that such activities shall be consistent to the maximum extent practicable with the state program and any affected approved local program having geographical jurisdiction over the action.

C. Consistency determinations shall be made by the secretary except the consistency determinations for uses carried out under the secretary's authority shall be made by the governor.

D. Governmental bodies shall fully coordinate their activities directly affecting the coastal zone with the state program and affected approved local programs. When the secretary finds that governmental

actions not subject to the coastal use permitting program may significantly affect land and water resources within the coastal zone, he shall notify the secretaries of the Department of Natural Resources and Wildlife and Fisheries and the concerned governmental body carrying out the action. Any governmental body so notified shall coordinate fully with the secretaries, acting jointly, at the earliest possible state of the proposed action. The secretaries shall make comments to such other agencies in order to assure that such actions are consistent with the state program and affected local programs. Comments received from the secretaries shall, to the maximum extent practicable, be incorporated into the action commented upon.

E. Provided that neither the state nor any local government having an approved local program shall be liable for any damages resulting from activities occurring in connection with the granting of any coastal use permit pursuant to this Section; and provided further that any person undertaking any use within the coastal zone in accordance with the terms and conditions of a coastal use permit issued pursuant to this Section shall be considered in full compliance with the purposes and provisions of this Part.

§213.14 Coordinated coastal permitting process

A. This Section is intended to expedite and streamline the processing of issuing coastal use permits and of obtaining all other concurrently required permits or approvals from other governmental bodies having separate regulatory jurisdiction or authority over uses of the coastal zone without impinging on the regulatory jurisdiction or authority of such other governmental bodies.

B. To implement this intent, within one year of the effective date of this Part, the secretary, the administrator, local governments, and all other relevant governmental bodies having such other regulatory jurisdiction or authority over uses of the coastal zone shall in cooperation with one another and under the direction of the governor establish a coordinated coastal permitting process by means of binding interagency agreements wherein:

(1) One application form serves as the application form for all required permits or approvals from all governmental bodies taking part in the coordinated coastal permitting process.

(2) The application contains sufficient information so that all necessary reviews by all affected governmental bodies can be expeditiously carried out.

(3) A "one window" system for applications is established, with copies of the application being transmitted to all governmental bodies taking part in the coordinated coastal permitting process.

(4) Only one public hearing, if any, need be held on the application. Any public hearing held shall be deemed to serve for all governmental bodies taking part in the coordinated coastal permitting process.

(5) The shortest practicable period for review of applications by all governmental bodies taking part in the coordinated coastal permitting process insofar as the application pertains to the regulatory jurisdiction or authority of such governmental body, is provided for.

(6) The coordinated coastal permitting process shall not affect the powers, duties, or functions of any governmental body particularly the Department of Wildlife and Fisheries and the Office of Conservation in the Department of Natural Resources.

(7) If practicable, a joint permitting process with federal agencies issuing permits shall be established incorporating the coordinated coastal permitting process.

C. Provided that local zoning, subdivision, building, health, and other similar permits, reviewing, or approvals which are not part of an approved local program shall not be included within the unified permitting program; nor shall any other permit review or approval which, in the discretion of the secretary, would be inappropriate for inclusion in a unified permit.

D. Prior to the implementation of the unified coastal permitting program, the secretary is authorized to develop interim interagency agreements with the respective governmental bodies to coordinate permit handling, decision making, and appeal procedures.

§213.15 Activities not requiring a coastal use permit

A. The following activities shall not require a coastal use permit.

(1) Activities occurring wholly on lands five feet above mean sea level except when the secretary finds, subject to appeal to the commission, that the particular activity would have direct and significant impacts on coastal waters. In the event of appeal to the commission the burden of proof shall be on the secretary.

(2) Activities occurring within fast lands except when the secretary finds, subject to appeal to the commission, that the particular activity would have direct and significant impacts on coastal waters. In the event of appeal to the commission the burden of proof shall be on the secretary.

(3) Agricultural, forestry, and aquaculture activities on lands consistently used in the past for such activities.

(4) Hunting, fishing, trapping, and the preservation of scenic, historic, and scientific areas and wildlife preserves.

(5) Normal maintenance or repair of existing structures including emergency repairs of damage caused by accident, fire, or the elements.

(6) Uses and activities within the special area established in Section 213.10(C) which have been permitted by the Offshore Terminal Authority in keeping with its environmental protection plan.

(7) Construction of a residence or camp.

(8) Construction and modification of navigational aids such as channel markers and anchor buoys.

(9) Construction, maintenance, repair, or normal use of any dwelling, apartment complex, hotel, motel, restaurant, service station, garage, repair shop, school, hospital, church, office building, store, amusement park, sign, driveway, sidewalk, parking lot, fence, or utility pole or line, when these activities occur wholly on lands five feet or more above mean sea level or on fast lands except when the secretary finds, subject to appeal to the commission, that the particular activity would have direct and significant impacts on coastal waters. In the event of appeal to the commission the burden of proof shall be on the secretary.

(10) Uses which do not have a significant impact on coastal waters.

B. The secretary shall adopt rules for the implementation of this Section and may, by such rules, specify such other activities not requiring a coastal use permit as are consistent with the purposes of this Part.

Provided, however, that nothing in this Subsection shall be construed as otherwise abrogating the lawful authority of agencies and local governments to adopt zoning laws, ordinances, or rules and regulations for those activities within the coastal zone not requiring a coastal use permit and to issue licenses and permits pursuant thereto. Provided further that individual specific uses legally commenced or established prior to the effective date of the coastal use permit program shall not require a coastal use permit.

§213.16. Appeals

A. All appeals to the commission shall be conducted in accordance with the adjudication procedure of the Louisiana Administrative Procedures Act except as otherwise provided herein.

B. The commission shall, in the interest of justice, grant a stay of a decision on a coastal use permit or approval of a local program until the appeal decision is rendered.

C. The commission shall affirm, modify, or reverse the decision, provided that a majority vote shall be required to modify or reverse. A modification or reversal of a decision can be based only on one or more of the following criteria:

(1) The decision represents an unreasonable interpretation of the state program or guidelines or of the affected approved local program.

(2) The decision places an onerous and inequitable burden on the applicant and only minimal and inconsequential variance from the objectives and policies of this Part would result from not requiring compliance with the state program and guidelines or an approved local program, or both.

(3) The decision is clearly contrary to the provisions of this Part, or to the evidence presented to the secretary, the administrator, or to the local government.

(4) The decision is unreasonable, arbitrary or capricious, or characterized by an abuse of discretion, or a clearly unwarranted exercise of discretion.

D. All hearings on appeals shall be conducted by the commission at public hearings. The commission shall decide the appeal on the basis of the record compiled before the secretary or approved local program and the record of the hearing provided for in this subsection. The commission's decision shall be rendered within forty-five days of receipt of a petition for an appeal and shall be issued in accordance with the adjudication provisions of the Louisiana Administrative Procedures Act. Appropriate notice of decisions shall be given to parties and the public.

Once the commission's decision has been reached, the commission shall direct the secretary, the administrator or local government to take the action necessary to resolve the issues presented by the application and the commission's decision.

E. The commission's decision shall constitute final agency action under the Louisiana Administrative Procedures Act.

F. Only final decisions by the commission shall be subject to judicial review. The applicant, the administrator, the secretary, an affected state or local governmental body, or any person adversely affected by the final decision shall be entitled to judicial review.

G. Judicial review shall otherwise be pursuant to the Louisiana Administrative Procedures Act, provided that all such cases shall be tried with preference and priority. Trial de novo shall be held upon request of any party.

H. Venue for purposes of this Section shall be any parish in which the proposed use is to be situated.

§213.17. Enforcement; injunction; penalties and fines

A. The administrator and each local government with an approved program shall initiate a field surveillance program to ensure the proper enforcement of the management program. The secretary may enter into interagency agreements with appropriate agencies to assist in the surveillance, monitoring, and enforcement activities pursuant to this Part.

B. The secretary, and each local government with an approved program as to uses under its jurisdiction, shall have the authority to issue cease and desist orders against any person found to be in violation of this Part or the rules and regulations issued hereunder.

C. The secretary, and each local government with an approved program as to coastal use permits issued by it, shall have the authority to suspend, revoke, or modify coastal use permits if the user is found to have violated any of the conditions of the coastal use permit.

D. The secretary, the administrator, the attorney general, an appropriate district attorney, or a local government with an approved program may bring such injunctive, declaratory, or other actions as are necessary to ensure that no uses are made of the coastal zone for which a coastal use permit has not been issued when required or which are not in accordance with the terms and conditions of a coastal use permit.

E. A court may impose civil liability and assess damages; order, where feasible and practical, the payment of the restoration costs, require, where feasible and practical, actual restoration of areas disturbed; or otherwise impose reasonable and proper sanctions for uses conducted within the coastal zone without a coastal use permit where a coastal use permit is required or which are not in accordance with the terms and conditions of a coastal use permit. The court in its discretion may award costs and reasonable attorney's fees to the prevailing party.

F. Any person found to have knowingly and intentionally violated the provisions of this Part, any of the rules and regulations issued hereunder, or the terms or conditions of any coastal use permit shall be subject to a fine of not less than one hundred dollars and not more than five hundred dollars, or imprisonment for not more than ninety days, or both.

G. Any action pursuant to this Section, whether criminal or civil, must be brought in any parish in which the use or activity is situated. If the use or activity is situated in one or more parishes, then any action may be brought in either of the parishes in which the use or activity is situated.

§213.18. Approval of rules, regulations, or guidelines

Any rule, regulation, or guideline shall be proposed or adopted pursuant to the rule making procedures set forth in the Louisiana Administrative Procedures Act and shall be subject to approval by the House Committee on Natural Resources and Senate Committee on Natural Resources. Such approval shall be presumed unless either committee submits objections in writing within fifteen days after receipt of the proposed rule, regulation, or guideline. Provided that such written objections shall be subject to override by the governor within five days after receipt of the objections by the governor.

§213.19. Affect on titles

A. Nothing in this Part shall be construed as affecting the status of the title of the state or other governmental body to real rights in lands or water bottoms.

B. The involuntary acquisition, directly or indirectly, of privately owned property is not necessary to achieve the intents and purposes of this Part. No rule, regulation, ordinance, order, or standard, the purpose or application of which is to effect and involuntary acquisition or taking of such property, shall be adopted, enacted, or implemented pursuant to the provisions of this Part.

§213.20. Effective date

This Part shall become effective on January 1, 1979, except that the coastal use permit program established pursuant to Section 213.11 shall not commence until thirty days after the adoption of guidelines pursuant to Section 213.8.

§213.21 Transfer of authority

The authority vested in the secretary of the Department of Transportation and Development as defined in Section 213.3(7) may be vested in the secretary of the Department of Natural Resources or in the secretary of the Department of Wildlife and Fisheries upon order of the governor.

Section 2. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

APPENDIX c1
RULES AND PROCEDURES FOR COASTAL USE PERMITS

PART I. General

A. Coastal Use Permits

This regulation provides the requirements and procedures for the issuance, denial, renewal, modification, suspension, and revocation of coastal use permits and general coastal use permits.

B. Permit Requirement

- (1) No use of state or local concern shall be commenced or carried out in coastal zone without a valid coastal use permit or "in-lieu" permit unless the activity is exempted from permitting by the Act or by Part II of these regulations.
- (2) The following shall be considered as uses of state or local concern subject to the requirement of subsection (1) above:
 - A. Dredging or filling and discharges of dredged or fill material.
 - B. Levee siting, construction, operation and maintenance.
 - C. Hurricane and flood protection facilities, including the siting, construction, operation and maintenance of such facilities.
 - D. Urban developments, including the siting, construction or operation of residential, commercial, industrial, and governmental structures and transportation facilities.
 - E. Energy development activities, including any siting, construction, or operation of generating, processing and transmission facilities, pipeline facilities, and exploration for and production of oil, natural gas and geothermal energy.
 - F. Mining activities, including surface, subsurface, and underground mining, sand or gravel mining and shell dredging.
 - G. Wastewater discharge, including point and non-point sources.
 - H. Surface water control or consumption, including marsh management projects.
 - I. Shoreline modification projects and harbor structures.

- J. Waste disposal activities.
- K. Recreational developments, including siting, construction and operation of public and private recreational facilities and marinas.
- L. Industrial development, including siting, construction, or operation of such facilities.
- M. Any other activities or projects that would require a permit or other form of consent or authorization from the U. S. Army Corps of Engineers, the Environmental Protection Agency, the Louisiana Department of Natural Resources, or the Louisiana Stream Control Commission.
- N. Activities which impact barrier islands, salt domes, cheniers and beaches.
- O. Drainage projects.

PART II. Activities Not Requiring Permits

A. General

- (1) The following activities normally do not have direct and significant impacts on coastal waters; hence, a coastal use permit is not required, except as set forth in the following section:
 - (a) Agricultural, forestry, and aquaculture activities on lands consistently used in the past for such activities.
 - (b) Hunting, fishing, trapping, and the preservation of scenic historic, and scientific areas and wildlife preserves.
 - (c) Normal maintenance or repair of existing structures including emergency repairs of damage caused by accident, fire, or the elements.
 - (d) Construction of a residence or camp.
 - (e) Construction and modification of navigational aids such as channel markers and anchor buoys.
 - (f) Activities which do not have a direct and significant impact on coastal waters.
- (2) Uses and activities within the special area established by §213.10(C) which have been permitted by the Offshore Terminal Authority in keeping with its environmental protection plan shall not require a coastal use permit.

B. Activities on Lands Five Feet or more above Sea Level or Within Fastlands

- (1) Activities occurring wholly on lands five feet or more above sea level or within fast lands do not normally have direct and significant impacts on coastal waters. Consequently, a coastal use permit for such uses generally need not be applied for.
- (2) However, if a proposed activity exempted from permitting in Subsection B(1), above, will result in discharges into coastal waters, or significantly change existing water flow into coastal waters, then the person proposing the activity shall notify the Secretary and provide such information regarding the proposed activity as may be required by the Secretary in deciding whether the activity is a use subject to a coastal permit.
- (3) Should it be found that a particular activity exempted by Subsection B(1) above has or may have a direct and significant impact on coastal waters, the Department may conduct such investigation as may be appropriate to ascertain the facts and may require the persons conducting such activity to provide all necessary information regarding the activity so that a determination may be made as to whether the activity is a use subject to a permit.

- (4) The Secretary shall determine whether a coastal use permit is required for a particular activity. A coastal use permit will be required only for those elements of the activity which have direct and significant impacts on coastal waters.
- (5) The Secretary's decision whether an activity subject to this section requires a coastal use permit shall be appealable to the Coastal Commission pursuant to the provisions of §213.11(D) of the Act and the regulations adopted pursuant thereto. Provided, however, that in the event of an appeal to the Commission by the person conducting or proposing to conduct the activity, the burden of proof shall be on the Secretary. In the event of an appeal by any other person, the burden of proof shall be on the appellant.
- (6) The exemption described in this section shall not refer to activities occurring on cheniers, salt domes, barrier islands, beaches and similar isolated, raised land forms in the coastal zone. It does refer to natural ridges and levees.

C. Emergency Uses

- (1) Coastal use permits are not required in advance for conducting uses necessary to correct emergency situations.
 - (a) Emergency situations are those brought about by natural or man-made causes, such as storms, floods, fires, wrecks, explosions, spills, which would result in hazard to life, loss of property, or damage to the environment if immediate corrective action were not taken.
 - (b) This exemption applies only to those corrective actions which are immediately required for the protection of lives, property or the environment necessitated by the emergency situation.
- (2) Prior to undertaking such emergency uses, or as soon as possible thereafter, the person carrying out the use shall notify the Administrator and the local government, if the use is conducted in a parish with an approved local program, and give a brief description of the emergency use and the necessity for carrying it out without a coastal use permit.
- (3) As soon as possible after the emergency situation arises, any person who has conducted an emergency use shall report on the emergency use to the approved local program or to the Administrator. A determination shall be made as to whether the emergency use will continue to have direct and significant impacts on coastal waters. If so, the user shall apply for an after-the-fact permit. The removal of any structure or works occasioned by the emergency and the restoration of the condition existing prior to the emergency use may be ordered if the permit is denied in whole or in part.

D. Normal Maintenance and Repair

- (1) Normal repairs and the rehabilitation, replacement or maintenance of existing structures shall not require a coastal use permit provided that:
 - (a) The structure or work was lawfully in existence, currently serviceable, and in active use during the year preceding the repair, replacement or maintenance; and,
 - (b) The repair or maintenance does not result in an encroachment into a wetland area greater than that of the previous structure or work; and
 - (c) The repair or maintenance does not involve dredge or fill activities; and
 - (d) The repair or maintenance does not result in a structure or facility that is significantly different in magnitude or function from the original.
- (2) This exemption shall not apply to the repair or maintenance of any structure or facility built or maintained in violation of the coastal management program.
- (3) Coastal use permits will normally authorize periodic maintenance including maintenance dredging. All maintenance activities authorized by coastal use permits shall be conducted pursuant to the conditions established for that permit. Where maintenance is performed which is not described in an applicable coastal use permit, it shall conform to this section.

E. Construction of a Residence or Camp

- (1) The construction of a residence or a camp shall not require a coastal use permit provided that:
 - A. The terms shall refer solely to structures used for non-commercial and non-profit purposes and which are commonly referred to as "single family" and not multiple family dwellings.
 - B. The terms shall refer solely to the construction of one such structure by or for the owner of the land for the owner's use and not to practices involving the building of more than one such structure as in subdividing, tract development, speculative building, or recreational community development.
- (2) The exemption shall apply only to the construction of the structure and appurtenances such as septic fields, out buildings, walkways, gazebos, small wharves, landings, boathouses, private driveways, and similar works, but not to any bulkheading or any dredging or filling activity except for small amounts of fill necessary for the structure itself and for the installation and maintenance of septic or sewerage facilities.

F. Navigational Aids

- (1) The construction and modification of navigational aids shall not require a coastal use permit.
- (2) The term shall include channel markers, buoys, marker piles, dolphins, piling, pile clusters, etc; provided that the exemption does not apply to associated dredge or fill uses or the construction of mooring structures, advertising signs, platforms, or similar structures associated with such facilities. All navigational aids constructed pursuant to this section shall conform to United States Coast Guard standards and requirements.

G. Agricultural, Forestry and Aquaculture Activities

- (1) Agricultural, forestry and aquacultural activities on lands consistently used in the past for such activities shall not require a coastal use permit provided that:
 - a. The activity is located on lands or in waters which have been used on an ongoing basis for such purposes, consistent with normal practices, prior to the effective date of the Act,
 - b. The activity is consistent with good management practices for the particular agricultural, forestry or aquacultural use to which the land has been put,
 - c. The activity is conducted or carried out in such a manner as to minimize adverse impacts on the coastal water environment, and
 - d. The activity is not intended to, nor will it result in, changing the type of agricultural, forestry, or aquacultural use to which the land has been consistently used for in the past.
- (2) Included in the exemption are normal agricultural, forestry and aquacultural activities such as plowing; seeding; grazing; cultivating; insect control; fence building and repair; thinning; harvesting for the production of food, fiber and forest products; maintenance and drainage of existing farm, stock or fish ponds; digging of small drainage ditches; or maintenance of existing drainage ditches and farm or forest roads carried out in accordance with good management practices.

H. Blanket Exemption

- (1) No use or activity shall require a coastal use permit if:
 - a. The use or activity was lawfully commenced or established prior to the implementation of the coastal use permit process; or
 - b. The administrator determines that it does not have a direct or significant impact.

PART III. Permit Application, Issuance and Denial

A. General Requirements

- (1) Any person seeking to obtain a coastal use permit is required to file a completed application. The Department will provide the application forms and instructions, including example plats and interpretive assistance, to any interested party. The staffs of the coastal management section and approved local programs shall be available for consultation prior to submission of an application and such consultation is strongly recommended. Application forms may be periodically revised to obtain all information necessary for review of the proposed project.
- (2) Separate applications shall be made for unrelated projects or projects involving noncontiguous parcels of property. Joint applications may be made in cases of related construction involving contiguous parcels of property.

B. Content of Application

- (1) The application submitted shall contain the same information required for a permit from the U. S. Army Corps of Engineers and such additional information as the Administrator determines to be reasonably necessary for proper evaluation of an application.

C. Fee Schedule

- (1) No fees will be charged for the issuance of coastal use permits by the Department. However a fee schedule may be established when joint permitting systems are established with other state agencies and the Corps of Engineers, provided that such fees shall be no more than the total of the fees established for the other permits. Local governments with approved programs may establish reasonable fee schedules for uses of local concern.

D. Processing the Application

- (1) When an application for a permit is received, the permitting body shall immediately assign it a number for identification, acknowledge receipt thereof, and advise the applicant of the number assigned to it.
- (2) Application processing will begin when an application that is apparently complete is accepted by the permitting body.
- (3) Within two (2) working days of receipt of a complete application by a local government with an approved program, a copy of the application and all attachments and the local government's decision as to whether the use is one of state or local concern shall be sent to the Administrator.
- (4) Public notice as described in Subsection E. below, will be issued within ten (10) days of receipt of a complete application by the Administrator.

- (5) The permitting body shall evaluate the proposed application pursuant to Subsection F. below, to determine the need for a public hearing.
- (6) The permitting body, pursuant to Subsection H. below, shall either send a draft permit to the applicant for acceptance and signature or send notice of denial to the applicant within thirty (30) days of the giving of public notice or within fifteen (15) days after the closing of the record of a public hearing, if held, whichever is later.

E. Public Notice and Consideration of Public Comment

- (1) Public notice of all applications for coastal use permits shall be given by:
 - (a) Mailing a brief description of the application along with a statement indicating where a copy of the application may be inspected to any person who has filed a request to be notified of such permit applications and to all affected governmental bodies.
 - (b) By posting or causing to be posted a copy of the application at the location of the proposed use;
 - (c) By sending notice of the application to media in the parish or parishes in which the use would be located;
 - (d) By causing the publication of notice of the application once in the official journal of the state; or for uses of local concern in parishes with approved local programs, by causing the publication of notice of the application once in the official journal of the parish.
- (2) Notice shall be considered given upon publication in the official state journal.
- (3) The notice shall set forth that any comments on the proposed development shall be submitted to the permitting body within twenty-five (25) days from the date of official journal publication of the notice.
- (4) A copy of the application will be sent to any person requesting it upon payment of a reasonable fee to cover costs of copying, handling, and mailing, except that information of a confidential or proprietary nature shall be withheld.
- (5) The permitting body shall consider comments received in response to the public notice in its subsequent actions on the permit application. Comments received will be made a part of the official file on the application. If comments received relate

to matters within the special expertise of another governmental body, the permitting body may seek advice of that agency. If necessary, the applicant will be given the opportunity to furnish his proposed resolution or rebuttal to all objections from government agencies and other substantive adverse comments before a final decision is made on the application.

- (6) The Administrator will issue monthly a list of permits issued or denied during the previous month. This list will be distributed to all persons who receive the public notices.

F. Public Hearings on Permit Applications

- (1) A public hearing may be held in connection with the consideration of an application for a new permit and when it is proposed that an existing permit be modified or revoked.
- (2) Any person may request in writing within the comment period specified in the public notice that a public hearing be held to consider material matters at issue in a permit application. Upon receipt of any such request, the permitting body shall determine whether the issues raised are substantial and there is a valid public interest to be served by holding a public hearing.
- (3) Public hearings(s) may be appropriate when there is significant public opposition to a proposed use, legislative requests, requests from local governments or other local authorities, or controversial cases involving significant economic, social, or environmental issues. The Administrator or local government with an approved program has the discretion to require hearings in any particular case. Failure of the Administrator or local government to hold a hearing on an application may not be appealed.
- (4) If the determination is made to hold a public hearing, the permitting body shall promptly notify the applicant, set a time and place for the hearing, and give public notice.

G. Additional Information

- (1) If an application is found to be incomplete or inaccurate after processing has begun or if it is determined that additional information from the applicant is necessary to assess the application adequately, processing will be stopped pending receipt of the necessary changes or information from the applicant and the thirty (30) day period will be interrupted. Upon receipt of the required changes or information, the thirty (30) day period will begin again.
- (2) If the applicant fails to respond within thirty (30) days to any request or inquiry of the permitting body, the permitting body may advise the applicant that his application will be considered as having been withdrawn unless and until the applicant responds within fifteen (15) days of the date of the letter.

H. Decisions of Permits

- (1) The permitting body will determine whether or not the permit should be issued in accordance with all applicable guidelines and regulations. Permit decisions will be made only after a full and fair consideration of all information before the permitting body. The permitting body shall prepare a short and plain statement explaining the basis for its decision on all applications. This statement should include the permitting body's views on the public interest in the proposed use, its conformity with the guidelines, and the conclusions of the permitting body. The statement shall be dated, signed, and included in the record prior to final action on the application.
- (2) If the final decision is to issue the permit, the permitting body will forward two (2) copies of the draft permit to the applicant for his signature accepting the conditions on the permit, along with its findings on the application. The applicant will return both signed copies to the permitting body for signature and dating by the issuing official. If the final decision is to deny the permit, the applicant shall be sent a copy of the statement prepared pursuant to Subsection H(1) above, setting forth the reason(s) for denial.
- (3) Final action on the permit application is the signature of the issuing official on the permit or the mailing of the letter notifying the applicant of the denial.

Conditions of Permit

- (1) By accepting the permit, the applicant agrees to:
 - (a) Carry out or perform the use in accordance with the plans and specifications approved by the permitting body.
 - (b) Comply with any permit conditions imposed by the permitting body.
 - (c) Adjust, alter, or remove any structure or other physical evidence of the permitted use if, in the opinion of the permitting body, it proves to be beyond the scope of the use as approved or is abandoned.
 - (d) Provide, if required by the permitting body, an acceptable surety bond in an appropriate amount to ensure adjustment, alteration, or removal should the permitting body determine it necessary.
 - (e) Hold and save the State of Louisiana, the local government, the Department, and their officers and employees harmless from any damage to persons or property which might result from the work, activity, or structure permitted.

- (f) Certify that any permitted construction has been completed in an acceptable and satisfactory manner and in accordance with the plans and specifications approved by the permitting body. The permitting body may, when appropriate, require such certification be given by a registered professional engineer.
- (2) The permitting body shall place such other conditions on the permit as are appropriate to ensure compliance with the coastal management program.

PART IV. Modification, Suspension or Revocation of Permits

A. Modifications

- (1) The terms and conditions of a permit may be modified to allow changes in the permitted use, in the plans and specifications for that use, in the methods by which the use is being implemented, or to assure that the permitted use will be in conformity with the coastal management program. Changes which would significantly increase the scope of a permitted activity shall be processed as new applications for permits pursuant to Part III, not as a modification.
- (2) A permit may be modified upon request of the permittee:
 - (a) if mutual agreement can be reached on a modification, written notice of the modification will be given to the permittee.
 - (b) if mutual agreement cannot be reached, a permittee's request for a modification shall be considered denied.

B. Suspensions

- (1) The permitting body may suspend a permit upon a finding that:
 - (a) the permittee has failed or refuses to comply with the terms and conditions of the permit or any modifications thereof, or
 - (b) the permittee has submitted false or incomplete information in his application or otherwise, or
 - (c) the permittee has failed or refused to comply with any lawful order or request of the permitting body or the Administrator.
- (2) The permitting body shall notify the permittee in writing that the permit has been suspended and the reasons therefor and order the permittee to cease immediately all previously authorized activities. The notice shall also advise the permittee that he will be given, upon request made within ten (10) days of receipt of the notice, an opportunity to respond to the reasons given for the suspension.
- (3) After consideration of the permittee's response, or, if none, within a reasonable period after issuance of the notice, the permitting body shall take action to reinstate, modify or revoke the permit and shall notify the permittee of the action taken.

C. Revocation

- (1) If, after compliance with the suspension procedures in Subsection B, above, the permitting body determines that revocation or modification of the permit is warranted, written notice of the revocation or modification shall be given to the permittee.

D. Enforcement

- (1) If the permittee fails to comply with a cease and desist order or the suspension or revocation of a permit, the permitting body shall seek appropriate civil and criminal relief as provided by §213.17 of the Act.

PART V. General Permits

A. General

- (1) The Administrator may, after compliance with the procedures set forth in Part III D and E, issue general permits for certain clearly described categories of uses requiring coastal use permits. After a general permit has been issued, individual uses falling within those categories will not require full individual permit processing unless the Administrator determines, on a case-by-case basis, that the public interest requires full review.
- (2) General permits may be issued only for those uses that are substantially similar in nature, that cause only minimal adverse impacts when performed separately, that will have only minimal adverse cumulative impacts and that otherwise do not impair the fulfillment of the objectives and policies of the coastal management program.

B. Reporting

- (1) Each person desiring to commence work on a use subject to a general permit must give notice to the Administrator and receive written authorization prior to commencing work.
- (2) Such notice shall include:
 - (a) The name and address of the person conducting the use.
 - (b) Such descriptive material, maps and plans as may be required by the Administrator for that general permit.

C. Conditions of General Permits

- (1) The Administrator shall prescribe such conditions for each general permit as may be appropriate.
- (2) A general permit may be revoked if the Administrator determines that such revocation is in the public interest and consistent with the coastal management program.

D. Local General Permits

- (1) A local government with an approved local program may issue general permits for uses of local concern under its jurisdiction pursuant to the above procedures. Such general permits shall be subject to approval by the Secretary.

PART VI. Determinations As To Whether Uses Are Of State Concern Or Local Concern.

A. Filing of Applications with a Local Government with an approved local coastal program

- (1) The local government shall make the initial determination as to whether the use is one of state concern or local concern on all applications filed with the local government. This determination shall be based on the criteria set forth in subsection C below.
- (2) The determination and a brief explanation of the rationale behind the determination shall be forwarded to the Administrator within two (2) working days of receipt of the application, pursuant to Part III D(4).
- (3) The Administrator shall review the decision and rationale and shall let it stand or reverse it. If the Administrator reverses the local decision, notice shall be given to the local government.
- (4) The appropriate permitting body for the use, as determined by the Administrator, shall thereafter be responsible for the permit review process. The Administrator's determination is binding unless and until reversed by the Coastal Commission.

B. Filing of Application with the Administrator

- (1) Within two (2) working days of the filing of an application with the Administrator, the Administrator shall make a determination as to whether the use is one of state concern or local concern based on the criteria set forth in subsection C below. Notice shall be given to affected local programs of the determination whether the use is a use of state or local concern.
- (2) The determination by the Administrator shall be binding on the subject permit until reviewed upon appeal by the Coastal Commission. The Administrator shall consider local program comments or objections to any such determination in making future determinations.

C. Criteria for Determination

- (1) The following factors shall be used in making a determination as to whether a use is of state or local concern.
 - (a) The specific terms of the uses as classified in the Act.
 - (b) The relationship of a proposed use to a particular use classified in the Act.
 - (c) If a use is not predominately classified as either state or local by the Act or the use overlaps the two classifications, it shall be of local concern unless it:
 1. Is being carried out with state or federal funds.

2. Involves the use of or has significant impacts on state or federal lands, water bottoms or works.
 3. Is mineral or energy production and transportation related.
 4. Involves the use of, or has significant impacts, on barrier islands or beaches or any other shoreline which forms part of the baseline for Louisiana's offshore jurisdiction.
 5. Will result in major changes in the quantity or quality of water flow and circulation or in salinity or sediment transport regimes.
 6. Has significant interparish or interstate impacts.
- (2) For purposes of this subsection, the term "state" shall mean the state of Louisiana, its agencies, and political subdivisions; but not local governments, their agencies and political subdivisions,

D. Appeals to the Coastal Commission

- (1) A local government's appeal to the Commission of the Administrator's reversal of its initial determination must be filed within ten (10) days of the notice to the local government. The appeal shall be heard with preference and priority at either the next scheduled meeting or within forth-five (45) days of the filing of the appeals, whichever is sooner.
- (2) Upon the filing of such an appeal, processing of the application shall be stopped pending the Commission's decision and the thirty (30) day period for issuance of the draft permit shall be interrupted. The local government shall give notice of the appeal to the applicant immediately upon filing it.
- (3) The Commission's determination shall be based on the criteria set forth in subsection C. The burden of proof shall be upon the Administrator.
- (4) The Commission's determination shall be rendered within ten (10) days of its hearing. This decision, if not appealed to the courts, becomes binding on that permit application.

APPENDIX c2
RULES AND PROCEDURES FOR THE
DEVELOPMENT, APPROVAL, MODIFICATION, AND
PERIODIC REVIEW OF LOCAL COASTAL MANAGEMENT PROGRAMS

I. Letter of Intent

Parishes intending to apply for grants to prepare a local coastal management program (LCMP) shall notify the Secretary of DOTD by sending a letter of intent approved by the parish Police Jury.

II. Program Development

A process for developing a local program will consist of:

- A. A division of the parish's coastal zone into units that have similar environmental and natural resource characteristics (environmental management units) and an identification and mapping of the features, resources and resource users of those units.
- B. An analysis of the projected social and economic growth for the parish. This analysis must include projected population growth; projected expansion of economic sectors, estimated demand for and use of land, and an assessment of how these projected changes will affect the natural resources of each management unit as well as the parish as a whole.
- C. An identification of existing and potential resource-use conflicts including their location and severity. Identified problems should be mapped to the extent possible.
- D. An identification of particular areas, if any, within the parish requiring special management as a result of their unique natural resource or development potentials.
- E. The development of goals, objectives and policies for the management of the parish's coastal zone. This shall include those goals and objectives applicable to the entire parish coastal zone and specific objectives and priorities of use for each management unit and identified particular area, if any. Except as specified in Subsection IV D below, these policies, objectives and priorities of uses must be consistent with the policies and objectives of Act 361 and the state guidelines.
- F. The development of procedures providing for the full participation of all governmental bodies and the general public in the development and implementation of the parish program.
- G. The development of the necessary authorities, procedures, and administrative arrangements for reviewing, issuing, and monitoring permits for uses of local concern.

- H. The development of special procedures and methods for considering uses within special areas designated pursuant to §213.10 of the Act, if any, and the impacts of uses on the special areas.
- I. The development of special procedures and methods for considering uses of greater than local benefit and uses affecting regional, state or national interests.

III. Program Content

Local programs may be submitted for approval after being developed in accordance with Section II and shall consist of:

- A. A summary of the local program.
- B. Maps and descriptions of the natural features, resources, and existing land use in each management unit. These maps shall depict the division of the coastal areas into coastal waters and wetlands, transitional areas, fastlands and lands more than five feet above mean sea level.
- C. The results of the social and economic analysis carried out pursuant to Section II-B, above.
- D. A description of those existing and future resource-use conflicts identified pursuant to Section II-C, above.
- E. An identification of those particular areas, if any, requiring special management as described in Section II-D above, as well as the special policies and/or procedures to be applied to these areas.
- F.
 - 1) Statement of the goals, objectives, policies and priorities of uses included in the program, as described in Section II-E.
 - 2) A statement assuring that the policies of the local program are consistent with the policies and objectives of Act 361 and the state guidelines and that the local program shall be interpreted and administered consistently with such policies, objectives and guidelines.
- G. A description of the authorities and administration arrangements regulating uses of local concern, for reviewing, issuing, and monitoring local coastal use permits, and for enforcing the local program, including:
 - 1) A concise explanation of how the local programs coastal management process is to work.
 - 2) A description and listing of those areas and uses that will normally require local coastal use permits.

- 3) A list of particular activities which occur either in fastlands or on lands more than five feet above mean sea level that have, or may have, direct and significant impacts on coastal waters.
- 4) An analysis of the other laws included in the local program demonstrating that the effect of such laws, when applied to uses not subject to the local permit program, would result in compliance with the goals of Act 361, the objectives of the LCRP, and the policies of the coastal use guidelines.
- 5) A description of the administrative means by which the parish will coordinate with other governmental bodies during program implementation regarding:
 - a) local program implementation, including copies of any interagency or intergovernmental agreements,
 - b) multiparish environmental considerations,
 - c) consideration by the parish of regional, state or national interests,
 - d) regional, state or national plans affecting the parish coastal zone and other projects affecting more than one parish,
 - e) certified copies of all ordinances, plans, programs, and regulations proposed to be included in the program, and
 - f) a resolution from the governing body of the parish expressing approval of the local program as submitted and its intent to implement the program subsequent to state approval.

H. Documentation that the parish has provided a full opportunity of governmental and public involvement and coordination in the development of the local program. It must be shown that:

1. At least one public hearing was held in the coastal zone on the total scope of the proposed program.
2. Public notice of the availability of the draft proposed program was given at least 30 days prior to the hearing. Copies of the program must have been available for distribution to relevant state, federal and local governmental agencies and the general public and were available for public inspection at reasonable hours at all libraries within the parish, the offices of the police jury, and the city or town hall of all the municipalities in the coastal zone.
3. Full consideration was given to comments received during program development and the public hearings.

IV. Program Approval

Local programs may be submitted for approval after promulgation of these rules and the state guidelines. The following procedures shall apply:

- A. Five copies of the complete proposed local program shall be submitted to the Secretary. The Secretary shall, within fifteen days of the filing of a complete program give public notice of the submittal of the proposed local program, of the availability of copies of the program for public review and of the date, time and place of a public hearing on the program. The Secretary shall give full consideration to all comments received.
- B. The Secretary shall, within ninety days of the giving of public notice, either approve the local program or notify the local government of the specific changes which must be made in order for it to be approved. The Secretary's decision may be appealed to the coastal commission pursuant to Section 213.16 of the Act.
- C. In order to approve the local program, the Secretary must find that:
 - 1) the program is consistent with the state guidelines and with the policies and objectives of the Act.
 - 2) the program submitted for approval contains all the elements required by Section III above and that the materials submitted are accurate and are of sufficient specificity to provide a basis for predictable implementation of the program.
 - 3) that the proposed program, and the policies, objectives, and priorities of use in the program, are of a sufficient comprehensiveness and specificity to address the identified resource-use conflicts and are consistent with the goals of the Act, the objectives of the LCRP, and the policies of the coastal use guidelines.
 - 4) Full opportunity has been provided for all governmental bodies and the general public to participate in the development of the program pursuant to Section III-H above.
 - 5) The local government has included within the program all applicable ordinances and regulatory or management programs which affect the coastal zone; that these authorities are of sufficient scope and specificity to regulate uses of local concern; that sufficient authority is provided to enforce the local program, including provisions for those penalties provided by §213.17 of the Act, and that the program has met all substantive requirements of the Act and the regulations adopted pursuant thereto.

D. In reviewing a local program for consistency with the state guidelines the Secretary, acting jointly with the Secretaries of the Department of Natural Resources and the Department of Wildlife and Fisheries, may make reasonable interpretations of the state guidelines, insofar as they affect that particular program, which are necessary because of local environmental condition or user practices. Local programs that may be inconsistent in part with the state guidelines may be approved notwithstanding the conflicts if the Secretaries find that:

- a) the local environmental conditions and/or user practices are justified in light of the goals of Act 361, the objectives of the LCRP, and the policies of the state guidelines
- b) approval would result in only minimal and inconsequential variance from the objectives and policies of the Act and the guidelines; and
- c) the local program provides special methods to assure that the conflicts remain minimal and inconsequential.

E. The local program shall become effective when approved by the Secretary, or the Coastal Commission on appeal, and is officially adopted by the local government.

V. Modifications

A. Any significant proposed alteration or modification to an approved local program shall be submitted to the Secretary for review and approval along with the following:

- 1. A detailed description of the proposed change.
- 2. If appropriate, maps of sufficient scale and detail depicting geographically how the program would be changed.
- 3. An explanation of how the proposed change would better accommodate local conditions and better serve to achieve the objectives of the state program and the local program.
- 4. A resolution from the local government expressing approval of the modification as submitted and its intent to implement the change subsequent to state approval.
- 5. All parish ordinances relevant to the proposed modification.
- 6. Any comments from governmental units that may be affected by the proposed modification.
- 7. The record of the public hearing on the proposed modification, including any written testimony or comments received.

- B. Significant alterations or modifications shall be reviewed and approved pursuant to Section II, III and IV above. They must be consistent with the guidelines and the state program and meet all pertinent substantive and procedural requirements.
- C. An alteration or modification shall become effective when approved by the Secretary and officially adopted by the local government. If a proposed alteration or modification is not approved, the provisions of the previously approved program shall remain in effect unless specifically rejected by the governing body of the Parish.

VI. Periodic Review of Programs

- A. Local governments shall submit an annual report on the activities of an approved local program. This annual report shall include:
 - 1. The number type, and characteristics of applications for coastal use and other permits.
 - 2. The number type, and characteristics of coastal use and other permits granted, conditioned, denied, and withdrawn.
 - 3. The number type, and characteristics of permits appealed to the coastal commission or the courts.
 - 4. Results of any appeals.
 - 5. A record of all variances granted.
 - 6. A record of any enforcement actions taken.
 - 7. A description of any problem areas within the state or local program and proposed solutions to any such problems.
 - 8. Proposed changes in the state or local program.
- B. The administrator shall from time to time, and at least every two years, review the approved local programs to determine the extent to which the implementation of the local program is consistent with and achieving the objectives of the state and local programs.
- C. Should the Secretary determine that any part of the local program is not consistent with the state program or is not achieving its stated objectives or is not effective, he shall notify the local government and recommend changes and modifications which will assure consistency with, and achievement of, the objectives of the overall coastal program or improve the efficiency and effectiveness of the local program.

- D. If the local government fails to give official assurance within one month after receipt of the Secretary's notice that it intends to modify the local program in a timely manner to conform to these recommendations, or thereafter fails to make the necessary changes within 3 months, the Secretary may, after public notice, revoke approval of the local program. In such an event the local government shall no longer have the authority to permit uses of local concern or otherwise carry out the functions of an approved program and will lose eligibility to receive management funds other than those funds appropriate and necessary to make the necessary changes. If and when the Secretary determines that the local program has been appropriately modified to meet his recommendations pursuant to Section III above, he may, after public notice, reinstate approval.

APPENDIX c3
PUBLIC HEARINGS

A. Scope

This regulation is applicable to all public hearings held pursuant to Act 361 of the 1978 Legislature except those held by the Louisiana Coastal Commission. All such public hearings shall be non-adjudicatory public proceedings conducted for the purpose of acquiring information or evidence which will be considered in evaluating a proposed action which affords to the public the opportunity to present their views and opinions on such action.

B. Public Notice

- (1) Public notice shall be given at least thirty (30) days in advance of any public hearings, except that in cases of public necessity a shorter time may be allowed. Notice shall be sent to all persons requesting notices of public hearings and shall be posted in appropriate government buildings and published in the official journals of all affected parishes. Notice shall also be given to all governmental bodies having an interest in the subject matter of the hearing. Such notice may be limited in area consistent with the nature of the hearing.
- (2) The notice shall contain the time, place, and nature of hearing; the legal authority and jurisdiction under which the hearing is held; and the location of materials available for public inspection.

C. Time and Place

In fixing the time and place for a hearing, due regard shall be had for the convenience and necessity of the interested public.

D. Presiding Officer

- (1) The governmental body holding the hearing shall designate a staff member to serve as Presiding Officer. In cases of unusual interest the Administrator shall have the power to appoint such person as he deems appropriate to serve as the Presiding Officer.
- (2) The Presiding Officer shall establish a hearing file consisting of such material as may be relevant or pertinent to the subject matter of the hearing. The hearing file shall be available for public inspection.

E. Representation

At the public hearing, any person may appear on his own behalf, or may be represented by counsel or by other representatives.

F. Conduct of Hearings

- (1) Hearings shall be conducted by the Presiding Officer in an orderly but expeditious manner. Any person shall be permitted to submit oral or written statements concerning the subject matter of the hearing, to call witnesses and to present recommendation as to an appropriate decision. Written statements may be presented any time prior to the time the hearing file is closed. The Presiding Officer may afford participants an opportunity for rebuttal.
- (2) The Presiding Officer shall have discretion to establish reasonable limits upon the time allowed for statements of witnesses, for arguments of parties or their counsel or representatives, and upon the number of rebuttals.
- (3) Cross-examinations of witnesses shall not be permitted.
- (4) All public hearings shall be recorded verbatim. Copies of the transcript will be available for public inspection and purchase at the office of the Administrator.
- (5) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, subject to exclusion for reasons of redundancy, be received in evidence and shall constitute a part of the hearing file.
- (6) The hearing file shall remain open for a period of ten (10) days after the close of the public hearing for submission of written comments or other materials. This time period may be extended for good cause.
- (7) In appropriate cases, joint public hearings may be held with other state, federal or local agencies, provided the procedures of those hearings are generally consistent with the requirements of this regulation.
- (8) The procedures in subparagraphs (4) and (6) of this Section may be waived by the Presiding Officer in appropriate cases.

G. Filing of Transcript of the Public Hearing

The testimony and all evidence received at the public hearing shall be made part of the administrative record of the action. All matters discussed at the public hearing shall be fully considered in arriving at the decision or recommendation. Where a person other than the primary decision making official serves as Presiding Officer, such person shall submit a report summarizing the testimony and evidence received at the hearing to the primary decision making official for consideration.

APPENDIX c4
SPECIAL AREAS

A. General

This section shall establish procedures for the designation, utilization and management of special areas and for establishing guidelines and priorities of uses for each area.

B. Nominations

- (1) An area may be nominated for designation as a special area by any person, local government, state agency or the Administrator.
- (2) Areas may be nominated for any of the purposes set forth in §213.8A of the Act, or for similar purposes, provided that such areas:
 - (a) are in the coastal zone;
 - (b) have unique and valuable characteristics;
 - (c) require special management procedures different from the normal coastal management process; and
 - (d) are to be managed for a purpose of regional, state, or national importance.
- (3) Nominations shall consist of:
 - (a) A statement regarding the area nominated; including, for example, its unique and valuable characteristics; its existing uses; the environmental setting; its history; and the surrounding area.
 - (b) A statement of the reasons for the nomination; such as any problems needing correction, anticipated results, need for special management, and need for protection or development.
 - (c) A statement of the social, economic, and environmental impacts of the nomination.
 - (d) A map showing the area nominated.
 - (e) A statement as to why the area nominated was delineated as proposed and not greater or lesser in size or not in another location.

- (f) Proposed guidelines and procedures for management of the area, including priorities of uses.
- (g) An explanation of how and why the proposed management program would achieve the desired results.
- (h) A statement as to how and why the designation of the area would be consistent with the state coastal management program and any affected local programs.
- (i) A statement as to why and how the designation would be in the best interest of the state.

C. Administrative Review

- (1) The Administrator shall review proposals for their suitability and consistency with the coastal management program.
- (2) If he finds that a proposal is suitable and consistent with the coastal management program, the Administrator may, with the advice and assistance of affected local programs, prepare a draft "Proposal for a Special Area". The proposal shall consist of the delineation of the area to be designated, the guidelines and procedures for management, and priorities of uses.
- (3) Public notice announcing a public hearing on the proposal shall be given and published in a newspaper of general circulation in affected parishes. Copies of the proposal may be obtained from the Administrator upon request and copies shall be made available for public review at the offices of the Administrator, offices of local programs, and at public libraries in affected parishes. Notice and copies of the proposals shall be sent to appropriate governmental bodies.
- (4) After the public hearing and consideration of all comments received at or before the hearings, the Administrator shall determine whether to designate the area proposed, or a part of it or an approximately similar area, and adopt the guidelines and procedures for management and priorities of uses. Public notice of the Administrator's decision shall be given.
- (5) The Administrator shall notify the Commissioner of a decision to designate an area. The Commission may approve or disapprove all or any of the guidelines or priorities of uses adopted by the Administrator, provided that the only grounds for disapproval shall be those set forth in §213.16C of the Act. Failure of the Commission to disapprove the guidelines or priorities of uses within sixty (60) days shall be deemed approval. In making such approval, the Commission must submit detailed findings and objections to the Administrator.
- (6) In the event the Administrator and the Commission are unable to agree on a set of guidelines and priorities of uses, final resolution shall be by the Governor.

D. Gubernatorial Establishment

The Governor may, with approval of the Commission pursuant to Subsection c(5) above, designate special areas, and establish the guidelines and procedures for management and priorities of uses applicable in such areas.

E. Establishment of Special Area

- (1) If the state coastal zone program has not yet received federal approval, the special area designation and its management program shall go into effect upon the order of the Governor. If the coastal zone program has been federally approved, the special area designation and its management program shall go into effect after federal approval of the special area as an element or amendment of the state's coastal zone program.

APPENDIX c5 DEFINITIONS

Definitions

When used in the regulations of the Louisiana Coastal Resources Program, the following words shall have the indicated meanings unless the context clearly indicates otherwise:

- (1) Act: Act 361 of the 1978 Louisiana Legislature, La.R.S.49:213.1-213.21 and amended (1979).
- (2) Administrator: The Administrator of the Coastal Management Section within the Louisiana Department of Transportation and Development.
- (3) After-the-Fact Permit: A coastal use permit which is issued after the commencement of a use. Such a permit may only be issued after all legal issues resulting from the commencement of a use without a coastal use permit have been resolved.
- (4) Approved Local Program: A local coastal management program which has been and continues to be approved by the Secretary pursuant to §213.9 of the Act.
- (5) Coastal Use Permit: A permit required by §213.11 of the Act. The term does not mean or refer to, and is in addition to, any other permit or approval required or established pursuant to any other constitutional provision or statute.
- (6) Coastal Waters: Those bays, lakes, inlets, estuaries, rivers, bayous, and other bodies of water within the boundaries of the coastal zone which have measurable seawater content (under normal weather conditions over a period of years.)
- (7) Coastal Zone: All lands and waters within the boundary of the coastal zone as established pursuant to §213.4 of the Act., unless the Administrator has designated specific areas as not being subject to the requirements of the coastal use permitting procedures.
- (8) Commission: The Louisiana Coastal Commission.
- (9) Contaminant: An element causing pollution of the environment that would have detrimental effects on air or water quality or on native floral or faunal species.

- (10) Cumulative Impacts: Impacts increasing in significance due to the collective effects of a number of activities.
- (11) Department: The Department of Transportation and Development.
- (12) Direct and Significant Impact: A more than negligible modification or alteration in the physical or biological characteristics of coastal waters which results from an action or series of actions caused by man.
- (13) Endangered Species: Any species which is in danger of extinction throughout all or a significant portion of its range.
- (14) Expectable Adverse Conditions: Natural or man-made hazardous conditions which can be expected or predicted to occur at regular intervals. Included are such events as 125 mile per hour hurricanes and associated tides, 100 year floods and reasonably probable accidents.
- (15) Fastlands: Lands surrounded by publicly owned, maintained, or otherwise validly existing levees or natural formations as of January 1, 1979, or as may be lawfully constructed in the future, which levees or natural formations would normally prevent activities, not to include the pumping of water for drainage purposes, within the surrounded area from having direct and significant impacts on coastal waters.
- (16) Guidelines: Those rules and regulations adopted pursuant to §213.8 of the Act.
- (17) Habitat: The natural environment where a plant or animal population lives.
- (18) Infrastructure: those systems which provide needed support for human social institutions and developments, including transportation systems, public utilities, water and sewerage systems, communications, educational facilities, health services, law enforcement and emergency preparedness.
- (19) In-lieu Permit: Those permits issued in-lieu of coastal use permits pursuant to §213.12(b) and (c) of the Act.
- (20) Local Government: A governmental body having general jurisdiction and operating at the parish level.
- (21) Local Program: Same as "Approved Local Program".
- (22) Marsh: Wetlands subject to frequent inundation in which the dominant vegetation consists of reeds, sedges, grasses, cattails and other low growth.
- (23) Permit: A coastal use permit, or an "in-lieu" permit.

- (24) Permitting Body: Either the Department of Transportation and Development, a local government with an approved local program or other governmental agency, as appropriate, with authority to issue, or that has issued, a coastal use or "in-lieu" permit authorized by the Act.
- (25) Person: Any individual, partnership, association, trust, corporation, public agency or authority, or governmental body.
- (26) Public Hearing: A hearing announced to the public at least 30 days in advance, at which all interested persons shall be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing. At the time of the announcement of the public hearing all materials pertinent to the hearing, including documents, studies, and other data, in the possession of the party calling the hearing, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the party which conducted the hearing.
- (27) Secretary: The Secretary of the Department of Transportation and Development.
- (28) Toxic Substances: Those substances which, by their chemical, biological or radioactive properties, have the potential to endanger human health or other living organisms or ecosystems, by means of acute or chronic adverse effects, including poisoning, mutagenic, teratogenic, or carcinogenic effect.
- (29) Uplands: Lands five feet or more above sea level, fastlands, or all lands outside the coastal zone.
- (30) Use: Any use or activity within the coastal zone which has a direct and significant impact on coastal waters.
- (31) Waste: Any material for which no use or reuse is intended and which is to be discarded.
- (32) Wetlands: Open water areas or areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions.

APPENDIX d

SHORELINE ACCESS AND PROTECTION

A) INTRODUCTION

Section 305(b)(7) of the CZMA requires a planning process for access to and protection of public beaches and other public coastal areas. The process developed by the state must include the factors listed in Section 923.24 of the federal program approval regulations. These are:

- A procedure for assessing public beaches and other public areas requiring access or protection; and a description of appropriate types of access and protection.
- A broad definition of the term "beach" and a planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological or cultural value
- An identification and description of legal authorities, enforceable policies, funding programs and other techniques that can be used to meet management needs.

B) HISTORICAL SITUATION

With its many bays, coastal lakes and marshes, Louisiana has a tremendous amount of shoreline. The coast is as diverse as it is long, featuring sandy beaches, marshes, swamps, barrier islands and historic sites. There is a great potential for public recreation along the coast, but this potential has not been fully realized for several reasons.

One reason for the underutilization of beaches in Louisiana is the extent of the coastal wetlands which, following the shore, reach ninety miles inland rendering landward access difficult. Another factor hindering public access to and use of the shore is the development of camps or vacation homes. These second homes present two problems:

- Residential developments may directly block landward access to the shore;
- Camps are often abandoned and left to deteriorate in the water or on the beach or shore.

Other general factors which have limited shoreline access and facilities follow:

- The Louisiana coastal shore is not utilized as much for more intensive outdoor recreational pursuits (i.e., swimming, camping...) as for hunting...

- ° Topography has dictated a reliance on water access, hence the great number of boat launches. However, currently available boat ramps are not adequate to meet demands on use or location.
- ° There is a lack of bathing beaches and beach facilities and a great demand for such areas.
- ° Of the many sites along the coast, few are developed to their full recreational potential.
- ° Due primarily to terrain, certain coastal areas are underutilized, shifting recreational use to more suitable areas.

C) REQUIREMENTS

1) Procedure for Assessing Public Areas Requiring Access or Protection

The LCRP has inventoried existing and potential sites for beach and shoreline access and recreation. The Louisiana Shorefront Access Plan, a study conducted during development of the LCRP, contains maps and other information concerning existing, potential and recommended sites for shoreline access. Figure d-1 lists and maps existing recreation sites and access points.

The LCRP will continue to assess areas for public access and recreation based on the following considerations: the need and priority of islands; the provision of increased physical and visual access; the natural and cultural features; the needs of urban residents; and the present supply versus future demand for public facilities. In the continuing assessment of the need for shoreline protection the following elements have been and will be considered; environmental, esthetic and ecological preservation; the protection of areas for public uses; and the preservation of islands. Furthermore beaches and barrier islands are specifically mentioned as areas that may be designated special (Section 213.10(A)).

Local programs are expected to contain an assessment of public recreational areas along the shoreline and their patterns of use. Financial and technical assistance by the Secretary of DOTD to other state agencies and local governments for shoreline access and protection is also available under Section 213.10(E) of Act 361, which provides for such assistance in managing specific sites in the coastal zone.

2) Definition of "beach"

In Louisiana, the seashore, i.e., the area of land along the coast which lies between low water and mean high water, is publicly owned and available for public use. Such state ownership and public use of seashores also applies to the shores of water bodies referred to as "arms of the sea". A body of water is considered an arm of the sea if it is located in the immediate vicinity of the open coast and is directly overflowed by the tides.

3) Enforceable Policies, Legal Authorities Funding Programs and Other Techniques for Shorefront Access and Protection

Act 361 recognizes shorefront areas and beaches as valuable features and directs that ways should be provided to enhance opportunities for their use and enjoyment for recreation (see Section 213.8 (c)(4)(10)). Specific state policy on shoreline access is expressed in several other sections of the coastal use guidelines:

- Guideline 1.3(i) states that proximity to beaches and likely impacts on them are considered in evaluating all proposed activities, to the extent allowed by the specific guidelines.
- Guideline 1.3(n) provides for consideration of the effects of a proposed project on navigation, fishing, public access, and recreational opportunities.
- Guideline 1.4(e & q) states that in siting of any facility on a shoreline or beach, any adverse alteration or destruction should be avoided or minimized.
- Guideline 1.6 states that all uses should be conducted to permit multiple uses including recreation.
- Guideline 3.8 states that "Linear facilities involving dredging shall not traverse beaches, tidal passes, protective reefs of other natural gulf shorelines unless no other alternative exists".
- Guideline 5.2 directs that "Shoreline modification structures shall be designed and built using best practical techniques to minimize adverse environmental impacts" to prevent loss of the shoreline.
- Guideline 6.8 states "Surface alterations which have high adverse impacts on natural functions shall not occur to the maximum extent practicable, on barrier islands and beaches, isolated cheniers, isolated natural ridges or levees, or in wildlife and aquatic species breeding or spawning areas, or in important migratory routes".

Funding for recreation and natural preservation projects is available for the planning, design, land acquisition, construction, management, promotion and technical assistance related to such projects. The following is a brief description of possible funding sources, including both federal and state funding sources:

- First Use Tax (see appendix e)
- The Heritage Conservation and Recreation Service of the U. S. Department of the Interior is a prime source of funding for public shorefront access planning and development. Grants for acquisition and development of public outdoor recreation projects may be used for boat launches, picnic areas, camp grounds and support facilities such as roads, water supply, etc.

Generally priority for such grants is given to projects serving urban populations. These grants provide 50 percent of the cost of acquisition and development. There is also a joint HCRS/OCZM urban waterfront revitalization demonstration grant program.

- The National Park Service administers the Historic Preservation Act, Public Law 89-665, which provides up to 70 percent matching funds to states and local governments for the purpose of acquisition, preservation and development of historic sites. This source of funding is particularly appropriate for the forts along the Louisiana gulf coast.
- The Coastal Energy Impact Program (CEIP), administered in Louisiana by the Department of Transportation and Development provides grants and loans to accomodate growth and other impacts from new and expanded coastal energy activities. Grants for recreational projects (100 percent) are given a high priority. Since the impacts of oil and gas exploration and production are evident in most areas of the coastal zone, this program is a particularly appropriate funding source.
- The Soil Conservation Service (SCS) of the U.S. Department of Agriculture has the authority, through local soil and water conservation districts, to assist in recreation area development and in the planning and application of conservation practices. Assistance applicable to shorefont recreational planning development includes recreation area development, access roads, protection for heavy use areas, park and lake construction, management of wildlife wetland habitats, and grading and shaping of recreation land.

The Watershed Protection and Flood Prevention Act of 1954 gives the SCS authority to provide technical and financial assistance for projects involving public water based recreation is available and all installation costs are eligible for loans. That act also authorizes reimbursable advances for preservation sites.
- The U. S. Army Corps of Engineers, under the Federal Water Project Recreation Act of 1965 (Public Law 89-72) may fund up to 50 percent of the separate costs for recreation facility development at a water resource development project location. The local sponsors of the project must agree to operate, maintain and replace the constructed facilities when needed. It should be noted that due to a recent decision (May, 1978) the cost of lands donated to the Corps for recreational development may not be considered as part of the 50 percent share of local project sponsors.
- The Federal Highway Administration appropriates funds to the State Office of Highways for highway construction and improvements. Providing access to the state's scenic and recreational areas is an important aspect of this program. These funds may

also be used for recreational use of rights-of-way, corridors, small parks, and the designing, planning and construction of access ramps to public boat launching areas from highway bridges. In urban areas, bicycle and pedestrian facilities projects may be eligible for funding on a 70-30 percent matching fund basis.

- The Louisiana Department of Wildlife and Fisheries is responsible for the management and protection of wildlife and fish resources in the state. Providing outdoor recreational opportunities such as boat launches, adequate access and facility construction are part of the duties of the Department of Wildlife and Fisheries.
- Another possible source of funding is through the Department of Housing and Urban Development in the form of Community Development Block Grants. Assistance from the grant may be used for the acquisition of real property; for the provision of recreation; conservation of open space, scenic areas or natural resources; and the installation or construction of public works and related facilities. In order to obtain a Community Development Block Grant, a summary three-year plan which identifies community needs and methods to meet the needs must be supplied by the applicant.
- The Louisiana Office of Tourism and Promotion assists designated "tourist promotion agencies" with matching funds for approved projects. Applications are submitted to the appropriate Economic Development District by local tourist promotion agencies.
- The Economic Development Administration (EDA) of the U. S. provides up to 80 percent funding for public works facilities construction. To be eligible for such funding, the project must respond to a local economic need, since EDA's mandate is specifically concerned with economic development and aiding and encouraging employment.

APPENDIX e
ENERGY FACILITY PLANNING PROCESS

A) INTRODUCTION

Section 305(b)(8) of the CZMA requires that the state develop a planning process which is capable of "anticipating and managing the impacts from energy facilities in or affecting a state's coastal zone". This process must include the following elements (Section 15 C.F.R., 923.13):

- Identification of energy facilities which are likely to locate in, or which may significantly affect, a state's coastal zone;
- Procedures for assessing the suitability of sites for such facilities. This assessment procedure shall be designed to evaluate, to the extent practicable, the costs and benefits of proposed and alternative sites in terms of state and national interests as well as local concerns;
- Articulation and identification of enforceable state policies, authorities and techniques for managing energy facilities and their impacts;
- Identification of how interested and affected public and private parties may be involved in the planning process."

B) IDENTIFICATION OF ENERGY FACILITIES LIKELY TO LOCATE IN THE COASTAL ZONE

Energy development has obviously played and continues to play a vital role in the economic development of coastal Louisiana. The production of oil and natural gas, both within Louisiana's boundaries and on the Outer Continental Shelf under federal jurisdiction has played a key role in meeting state, regional, and national energy needs. The development of these vast hydrocarbon resources has required the siting of a broad array of energy and energy related facilities. These include numerous oil and gas platforms, assembly yards, storage and crew bases, and attendant refining and gasification facilities. In addition, a vast network of pipelines has been located within the Louisiana coastal zone to transport the hydrocarbons. In response to the need to safely and efficiently land oil transhipped from foreign countries, the Louisiana Offshore Oil Port (LOOP) was proposed and granted necessary federal and state approvals. This facility and associated facilities are currently under construction. Based on the existing situation and trends, the following types of energy facilities are likely to locate in the coastal zone:

1. Facilities for exploration, development, production, conversion, storage transfer, processing or transportation of any energy resource such as:
 - Electric generating power plants
 - Petroleum refining and associated facilities
 - Gasification plants
 - Facilities used for the transportation, conversion, treatment, transfer or storage of liquified natural gas
 - Oil and gas facilities, including platforms, assembly plants, storage depots, tank farms, crew and supply bases, and refining complexes
 - Facilities, including deepwater ports, for the transfer of petroleum and petroleum products
 - Pipelines and transmission facilities
 - Terminals which are associated with the foregoing
2. Facilities for the manufacture, production, or assembly of equipment, machinery, products or devices which are involved in any activity described above.

C) PROCEDURES FOR ASSESSING SITE SUITABILITY

Louisiana will use the comprehensive permitting system described in Chapter IV to assess the suitability of sites for proposed energy facilities and anticipate and manage the impacts of those affecting the coastal zone. These permit and siting procedures, which include the coastal use permit process mandated by Act 361, as well as other laws, such as those related to the maintenance of air and water quality, ensure that all activities associated with energy facilities that could significantly affect the coastal zone are adequately reviewed by the state.

The determination as to whether or not an energy facility is consistent with the guidelines will follow a systematic process based on evaluation of the probable impacts and benefits of the proposed facility and activities associated with it on the environment. Evaluation of the probable impacts which the proposed facility may have on the environment and the public interest requires a careful weighing of all those factors which become relevant in each particular case, including consideration of all feasible alternatives. The benefits which reasonably may be expected to accrue from the proposal must be balanced against those reasonably foreseeable adverse impacts. The decision whether to authorize a proposed facility and, if so, the conditions under which it will be allowed to occur are therefore determined by the outcome of the general balancing process. That decision should reflect the state's concern for both the protection and utilization of its important resources.

In recognition of the important role energy developments play in the well-being of the state and nation and the fact that much of the state's most productive energy sources are located in the coastal zone, Louisiana does not exclude energy facilities from the coastal zone. However, the siting of such facilities is to be reviewed to assure that an appropriate balancing of the important public interest served by energy development with the important public interests in maintaining the natural productivity of the coastal wetlands. Thus decisions on siting must involve a practical weighing of legal, economic, and geological need to locate an energy facility at a particular location and benefit to be derived from it, with the availability of practical alternative locations; the suitability of the site for the facility; the expectable impacts of the facility on the environment; and the national interest (see Chapter VI). For example, such energy facilities as well sites, pipelines and field storage facilities will normally be permitted to be sited in wetland areas, subject to compliance with standards to assure that their environmental impacts are minimized, while facilities such as refineries, major storage facilities and supply and support facilities which do not have to be located where the mineral resource is found, should normally be sited in upland areas or in development corridors.

D) STATE POLICIES AND AUTHORITIES FOR MANAGING ENERGY FACILITIES AND THEIR IMPACTS

As noted above, the state will rely on the permit procedures of Act 361 as well as other existing state-level regulatory authorities to manage significant impacts of energy facilities. With few exceptions, these programs manage activities e.g., surface alteration; or impacts, e.g., effluent discharges rather than types of facilities. However, the scope of these programs is broad enough to provide for comprehensive management. Although the major programs affecting energy facility siting are briefly summarized below, the reader should refer to Chapters II and IV for a more complete articulation of the policies and authorities included in the program.

1) Act 361

Act 361 provides the basic policies and authorities that Louisiana will use to manage the siting of energy facilities in the coastal zone. The guidelines developed pursuant to Act 361 (contained in Chapter II) provide specific criteria to assess the suitability of siting for energy facilities. Guideline 1 provides a listing of the general factors to be considered in the review process and guideline 1.7 sets forth these adverse impacts which are to be avoided. Guideline 1.8 defines and operationalizes the commonly used term "maximum extent practicable" as a balancing process which assures that energy facilities can be constructed yet assures that best practical techniques are used to minimize or avoid adverse impacts. The remaining guidelines provide criteria for reviewing activities, such as dredging and spoil disposal that would be associated with energy facility development. Finally, specific criteria for pipeline placement and oil and gas activities are also included in guidelines 3.1 through 3.10 and guidelines 10.1 through 10.14.

These guidelines will be implemented directly through the coastal use permit process provided by Act 361. The following are identified in Section 213.5(A) as uses of state concern:

- All mineral activities, including exploration for, and production of, oil, gas, and other minerals, all dredge and fill uses associated therewith, and all other associated uses
- All pipelines for the gathering, transportation or transmission of oil, gas and other minerals
- Energy facility siting and development

Act 361 also provides that permits issued by the Office of Conservation in the Department of Natural Resources for the location, drilling, exploration and production of oil, gas, sulfur and other minerals pursuant to La. R.S. 30:1-63, 204, 205, 213, and 215 be consistent with the guidelines. These are issued in lieu of coastal use permits noted above. DNR is the state agency with primary authority over energy production facilities. Their activities are to be coordinated with DOTD through MOU's as described in Chapter IV, and through the consistency procedures provided for in the Act.

2. State Authorities

The following additional state authorities will also be utilized to manage the impacts of energy facilities:

Department of Culture, Recreation and Tourism

- Authorities to administer and protect all archaeological and historical remains and sites on any state owned lands or water-bottoms. La. R.S. 41:1601-1613.

Department of Health and Human Resources

- The planning for proper control of the quality of the air resources of the state; this is to be carried by means of a permit system and otherwise to control air contaminants by all practical and economically feasible methods and reduce undesirable levels of contaminants. The initiation of emission control actions in emergency air pollution conditions is also authorized. La.R.S. 40:2201-2216. This authority is to be transferred to the OEA of DNR as of January 1, 1980 pursuant to the LEAA.

Department of Natural Resources

- Subsurface storage and disposal of waste products and the surface and storage facilities at the injection site. La.R.S. 30:1(D) and 4C(16).
- Permitting and regulation of exploration, drilling, production and subsurface disposal of geothermal energy resources La.R.S. 30:800899, and 681.1-681-5.

- Permitting and regulation of the storage of natural gas, oil and other hydrocarbons in underground reservoirs and salt domes. La.R.S. 30:22 and 23.
- Permitting and regulation of geophysical and geological surveying on state lands and waterbottoms, highways and other servitudes and easements owned by the state. La.R.S. 30:210-217.
- Permits and leases for the use of waterbottoms, including determination of boundaries, reclamation of lands lost through erosion, and construction of wharves, piers, bulk-heads, fills or other encroachments. La.R.S. 41:1131.
- Leasing of public lands for storage and transportation of hydrocarbons or goods and wares, including related subsurface facilities. Uses for which they may be leased include pipelines, underground storage, wharves and docks, salt-dome storage and construction and maintenance facilities. La.R.S. 41:12621269 provide for such leases by any governmental body owning the land and by the DNR for state lands. DNR may also grant rights-of-way across state lands. LA. R.S. 41:1173-74
- Leasing of state owned lands and waterbottoms for oil and gas and other mineral exploration and production. La.R.S. 30:151-159, 171, 208, 209
- Certificates of clearance from the Commissioner of Conservation for all pipelines are required. La.R.S. 30:4(C)(12).
- Regulation and permitting of natural gas transmission pipelines for safety. La.R.S. 30:557(G) and 560(C). Natural gas pipelines must also meet the safety requirements of the Department of Public Service. La.R.S. 45:307-315
- Regulation and permitting of the transportation, storage and disposal of hazardous waste pursuant to Act 334 of 1978, La.R.S. 30:1101-1116, with advice from the governor's office of science, technology and environmental policy. This authority has been revised by the LEAA and transferred to the OEA.
- Regulation and permitting of the use of nuclear energy is under the Commissioner of Conservation. La.R.S. 51:1501 et. seq. Transferred by the LEAA to the OEA.

The Department of Wildlife and Fisheries

- The administration and regulation of the state Natural and Scenic River System, including permits and review of uses thereof. La.R.S. 56:1841-1849.

- The supervision, regulation, and permitting, including certifications of compliance, of discharges and introductions of polluting substances into the surface waters of the state. La. R.S. 56:1431-1446, 1451-1453, 1461-1464, 38:216. This authority is to be transferred to the OEA of DNR pursuant to the LEAA.

Department of Transportation and Development

- The issuance of licenses, certification, and permits regulating all phases of construction and operation of offshore terminal facilities within the jurisdiction of the authority. La.R.S. 4:3101 et. seq.
- The issuance of letters of clearance for pipelines on state lands or through levees. LA. R.S. 38:221, 225.
- The planning, constructing, maintaining and regulating the use of the state highway system. La. R.S. 4811 et. seq.
- The regulation and approval of the location, design, construction and operation of all airports, landing fields, and navigation facilities. La. R.S. 2:6,8
- The registering and regulation of the construction, operation and abandonment of water wells producing in excess of 50,000 gallons per day. La.R.S. 38:3091-3097. The interrelationship between the agencies and DOTD is discussed in Chapter IV.

E) PUBLIC PARTICIPATION AND MEANS FOR CONTINUED CONSIDERATION OF THE NATIONAL INTEREST IN ENERGY FACILITY SITING

The public and other affected interests are involved in the energy facility siting process through the notification and requirements of various Louisiana statutes. Section 213.11 of Act 361, for example, requires that within 10 days of receipt of a coastal use permit application by the administrator, copies of the application shall be distributed to the local government or governments in whose parish the use is to occur and all appropriate federal, state and local agencies and public notice shall be given. A public hearing on an application may be held. In addition, the coastal use permit decision must be consistent with the state program and approved local programs for affected parishes and must represent an appropriate balancing of social, environmental and economic factors. In all instances local government comments shall be given substantial consideration. Public notice of coastal use permit decisions shall be given.

As explained in Chapter VI of this document the guidelines require that the national interest in energy facility siting be considered in the coastal use permit decision making process. Moreover, Section 213.8C12 requires that appropriate consideration be given to uses of "national importance, energy facility siting and the national interests in coastal resources". Local programs must have acceptable procedures to consider uses affecting national interest, Section 213.9C(3)(c) of the Act. As energy development and energy related activities are vital to Louisiana's economy and energy facilities are already located in most areas of the coastal zone, future

planning and regulation will assure that proposed sites are intrinsically suitable for the use and that steps are taken to minimize adverse impacts. Louisiana does not preclude the siting of any such facility in the coastal zone but may condition or deny individual siting proposals if the policies of the program are not met.

APPENDIX f SHORELINE EROSION

A) FEDERAL REQUIREMENTS

Section 305(b)(9) of the CZMA requires that the state develop a process for shoreline erosion and mitigation planning. The process the state develops must include the elements in Section 923.25 of the federal program approval regulations:

- ° A method for assessing the effects of shoreline erosion and evaluating techniques for mitigating, controlling, or restoring areas adversely affected by erosion.
- ° An identification and description of enforceable policies, legal authorities, funding techniques, and other techniques that will be used to manage effects of erosion.

B) HISTORICAL SITUATION

The land area of Louisiana has increased during the past several thousand years because land gain from Mississippi River sedimentation processes has exceeded processes of land loss. Recently (in terms of geologic time) this process has been reversed, so that more land is being lost to erosion than is being formed by sedimentation. Louisiana is now losing more land than any other state (Adams, et al., 1978). Studies have documented a average yearly net loss of 16.5 square miles of land occurring through shoreline erosion, marsh deterioration, canal construction and other factors. Since 1940, the total land loss has been more than 500 square miles. (LACCMR, 1973, Craig & Day, 1977; Adams, et al., 1976; Conner et al., 1976; and Adams, et al., 1978).

The causes for erosion in Louisiana are a complex mixture of man's activities and natural factors. Even without man's activities, erosion would certainly occur along some sections of the coast. Throughout the period when land building forces were dominant, erosion played an important role in determining the present morphology of the coastal area. All of coastal Louisiana has experienced land gain but there has never been a time when the entire area was building seaward concurrently. (Adams et al., 1978).

There are many natural processes which contribute to the erosion of Louisiana's coastal areas. Erosion along the coast may be caused by geological, climactic or other natural processes.

Some of the principal forces causing shoreline erosion in Louisiana are the wind-induced energy of waves and currents resulting from storms. Beach material both above and below the still water level is loosened by the waves and moved away by the currents. Under equilibrium conditions, the material transported away is replaced by material from updrift areas.

Natural beaches exist in dynamic equilibrium--responding to external forces and gradually adjusting back to equilibrium. If, however, material is not available to replace what is transported away, the equilibrium is upset and erosion occurs. (Adams et al., 1978).

Geological processes also cause erosion in Louisiana's coastal area. The whole coastline roughly below I-10/I-12 is downwarping. Throughout the Quaternary Period, Louisiana was built up with sediments from the Mississippi River. The weight of these sediments has caused isostatic adjustments in the crust of the earth, forcing the coastline to sink. At the same time, there has been a rise in sea level, which causes land to sink even lower in relation to the water. In order for a marsh to remain viable it must accrete land vertically fast enough to maintain its elevation. If it does not, it slowly ponds, loses its ability to trap sediment and erodes away.

Unusual climactic conditions such as hurricanes or droughts also cause erosion in coastal Louisiana. Hurricanes physically tear away wetlands and often cause further destruction by introducing saltwater into previously freshwater areas. Prolonged droughts cause erosion by lowering the water table in marshes which results in lethal concentrations of salts or the compacting of thin sediment layers.

Until recently (last 150 years), these natural factors which cause erosion were more than balanced by other natural processes which led to the accretion of land. The main accretion factor was the constant deposition of new sediments from the Mississippi River. The most significant reason for the sudden change from the building of land to the erosion of land in Louisiana's coastal area has been the alteration of the natural sediment dispersion cycle of the Mississippi River. From a macroscale perspective, whether there is a net gain or loss of land is largely dependent on the balance between sediment supply and those factors that tend to lower the elevation of the land. (Adams et al., 1978).

The natural processes of erosion are still in operation, but the natural factors which cause land gain have been altered by man's attempt to stop the flooding of the Mississippi River. Much of the sediments that flowed over the river banks into the wetlands or dispersed at the mouth of the Mississippi River are now being dumped on the other side of the outer continental shelf because of the deepening of the Mississippi channel in offshore waters and the construction of artificial levees. This leads to a net loss in sediments which would otherwise flow into back water marshes or replenish the sands of the barrier islands. The natural forces of littoral drift, wave action and subsidence are still in effect but the sediment replenishment cycle has been broken.

Many of man's activities in the wetlands further aggravate the erosion. Oil and gas pipeline canals cause saltwater intrusion by opening up straight paths through the wetlands. Strong northern winds push salt water from the Gulf straight up pipeline canals bringing the salt water in contact with previously fresh water areas. The salt water kills the freshwater vegetation and the soil erodes away.

Other activities, such as boat waves which physically remove sediments from unstable spoil banks or marsh buggies which kill tender vegetation or the changing of natural drainage patterns, are all contributing factors in the erosion of Louisiana's wetlands.

C) ASSESSING THE EFFECTS OF SHORELINE EROSION

The first step in developing a comprehensive erosion control program for the Louisiana Coastal Management Program was to determine where Louisiana was having critical erosion problems and what were their causes. A study was funded by the Louisiana Coastal Resources Program to determine where erosion or accretion was occurring, what the causes for the erosion or accretion were, and what, if any, were possible solutions to the erosion problem.

The study was conducted by the Center for Wetland Resources for the Louisiana Coastal Resources Program and published in 1978. (Adams et al., 1978). This study contains a detailed description and analysis of the erosion problem in coastal Louisiana. The study divided the coastal zone into eight hydrologic units. Each unit was analyzed to determine whether erosion or accretion was occurring and the rate at which these processes were occurring, what were the physical causes for erosion or accretion, what effects were these processes having on cropland, wetlands, housing, etc., and what kind, if any, erosion protection was justified. The general management concepts and guidelines of that report are as follows:

- ° The problem of erosion in Louisiana is by no means unique. Erosion is occurring along sections of virtually every coastal state. However, Louisiana is in a better position than most states to do something about it. First, much of coastal Louisiana is rural. Settlements requiring coastal access have largely developed on more stable Pleistocene sediments or along natural levees. Most of these preferred areas are being utilized. Therefore, continued growth of south Louisiana will place increasing pressure to develop more hazard-prone areas. Secondly, the processes that have extended Louisiana's coastline seaward for thousands of years are still active.
- ° To take advantage of these processes, a regional approach to reducing erosion is necessary. The deposition of Mississippi River sediment into deep offshore waters can be diverted to more inland areas, thus helping to curb erosion. Such a plan has been proposed by Gagliano and Van Beek.

Although the legal entanglements of such a plan are numerous, the technology of implementing such a plan is available. To the west, the formation and growth of the Atchafalaya delta has reversed the trend from erosion to accretion in Atchafalaya Bay and vicinity. The continued seaward and latitudinal growth of the delta may solve the problem of coastline erosion of southwest Louisiana.

- ° A plan to provide for proper spoil placement needs to be adopted that would insure maximum growth. Channelization for naviga-

tion is necessary; however, a monitoring scheme needs to be developed to insure that sediments will be carried to Louisiana via littoral transport rather than being discharged through man-made channels into deep offshore waters. It is impossible to predict when southwest Louisiana will be the recipient of sufficient amounts of sediment to retard erosion. In the interim, developments such as Holly Beach will continue to be plagued by erosion.

- ° Other than Mississippi and Atchafalaya River sediments, there is not material available for extensive marsh and beach nourishment. Therefore, most erosion control measures will be limited to small holding actions where erosion is extreme and where economic or social values make these measures cost effective.
- ° The following general recommendations were found to follow from the conclusions of the Center For Wetlands Resources study:
 - Prohibit dredging immediately landward of barrier islands. The removal of shell or creation of channels creates a depression in which low lying barrier island sands can become buried.
 - Avoid structural methods that would deprive downdrift shorelines of laterally moving sediment except in the case of Grand Isle and historic sites.
 - No large expenditures of public funds are recommended along the Chenier Plain coastline because these projects will be left stranded inland as the result of extensive mudflat deposits that are anticipated concurrent with Atchafalaya River development
 - Structural controls along lakeshores in the Chenier Plain are effective where subsidence potential is minimal. However, the design of such structures should not lead to impoundment of adjacent marsh areas or interruption of natural drainage patterns. Erosion along shorelines with high subsidence potential (e.g., Deltaic Plain) can be mitigated only by means of limiting development.
 - Inner marsh erosion can be reduced by limiting dredging practices that lead to extensive canal networks that disrupt normal drainage patterns, increase salt-water intrusion, and increase freshwater runoff. Placement of continuous dredge spoil across the marsh surface interrupts sheet flow and sediment dispersal.

Louisiana is also currently cooperating with federal agencies to assess the problems of erosion in the coastal zone. A study is presently being conducted by the United States Fish and Wildlife Service, and the Bureau of Land Management to assess the changes in natural habitat in the coastal zone areas. This study will show, on a series of maps, the amount of

erosion which occurred in the coastal zone between the early 1950's and 1978. The state will use the results of this study in continuing to develop a management program for erosion. Local management programs have also considered the problems of erosion while listing problems and goals for their parishes. Many parishes have identified and mapped areas which have severe erosion problems and have recommended physical solutions to alleviate these problems.

D.) DESIGNATION OF AREAS FOR EROSION CONTROL AND RESTORATION

Resource areas in which erosion may be a problem are addressed in the Coastal Use guidelines and also may become subject to special management if they are designated as special management areas by the LCRP. The applicability of the guidelines to activities which may affect erosion is described below. Specific guidelines may apply to such activities if the activities are of certain types, would have potential effects on erosion, or are in or near areas that may be subject to erosion.

Erosion-prone areas are also potential Special Areas under the state program. Act 361 provides that beaches, barrier islands, and areas subject to subsidence or saltwater intrusion may require special management techniques and may be designated as special management areas. Section 213.10(A).

The designation of an area as requiring special management for erosion control, under Act 361, can be made either by the state as a "Special Area" or an approved local program as a "Particular Area". Other state agencies may also designate certain other areas for special management under other statutes, for example as part of the management of state parks or wildlife areas as public lands administered by these agencies. Section 213.10(E) of Act 361, states that the secretary is authorized to assist both local governments with approved local programs, and other state agencies, with technical, financial or other assistance to develop special projects for the preservation or restoration of specific sites in the coastal zone.

E) POLICIES AND PROCEDURES TO MANAGE EROSION

Several policies have been developed by the state of Louisiana to control land loss due to erosion. Section 213.2(1) of Act 361, states a broad public policy to:

"protect, develop, and where feasible, restore or enhance the resources of the state's coastal zone".

The Coastal Use Guidelines contain guidelines concerning erosion control which apply to all uses and specific erosion control guidelines which apply to certain types of activities, including levees, linear facilities, spoil deposition, shoreline modification, and hydrologic and sediment transport systems. These guidelines can be separated into three basic categories: guidelines concerning the sediment transport system, guidelines on salt-water intrusion, and guidelines on shoreline stabilization.

1) -Sediment Transport Systems

The guidelines involving the sediment transport system basically concern minimizing the reduction of any changes in the natural flow of sediments into the wetland and barrier island systems, by minimizing changes in water flow characteristics in wetlands. Guideline 7.5 also encourages the use of freshwater siphons to reintroduce sediments and nutrients into wetlands and to offset saltwater intrusion. See guidelines 1.4a, 1.4i, 1.4l, 3.9, 3.14, 5.2, 5.5, 7.1, 7.2, 7.3, 7.4, 7.5, 7.7, 10.4.

2) Saltwater Intrusion

The guidelines on salt water intrusion concern methods and techniques including marsh management and canal construction techniques for minimizing the change in salinity regimes and avoiding salt water intrusion. See guidelines 1.4h, 3.9, 3.10, 3.11.

3) Shoreline Stabilization

The guidelines for shoreline stabilization concern minimizing shoreline erosion through the use of natural methods of shoreline protection, shoreline modification structure standards and spoil deposition. See guidelines 4.6, 5.1, 5.3.

In addition to these state policies, local programs will develop policies to control erosion as part of their effort to identify and manage resource issues. In order to be approved, these local programs must have the same effect as the state policies described above. Local programs, in addition to developing specific policies applicable to erosion, will also incorporate other local laws which will have the effect of controlling erosion problems.

F) LEGAL AUTHORITIES AND FUNDING SOURCES FOR MANAGING EROSION

Several legal authorities have already been identified for controlling erosion. These include the guidelines developed under Act 361, applicable local policies and ordinances, and the regulatory authorities of other state agencies for activities and areas subject to their jurisdiction. In addition, state agencies may comment on activities proposed to the U.S. Army Corps of Engineers for erosion control. After federal program approval of the LCRP by OCZM, DOTD will determine whether such proposed activities are consistent with the policies of the state program which relate to shoreline erosion.

Funding of programs to abate erosion may be obtained from several sources. Section 213.10(E) of Act 361 authorizes the Secretary of DOTD to provide assistance to approved local programs and state and local agencies for the management, development, preservation, or restoration of specific sites in the coastal zone. The state program will continue to develop policies and programs on erosion after federal program approval, using funds available under Section 306 of the CZMA.

Grants and loans to local governments for the purpose of planning and projects to abate erosion related to the development of energy facilities and attendant activities is available through the Coastal Energy Impact Program.

Depending on the outcome of present litigation, the Louisiana First Use Tax established in Article 1 X 59 of the Louisiana Constitution and Act 294 of 1978, may also become an important source of funding for erosion control measures. Twenty-five percent of the revenues of the tax will be applied to capital improvement projects to conserve, preserve, and maintain the barrier islands, reefs, and shores of the Gulf Coast of the State.

APPENDIX g PUBLIC INVOLVEMENT

A) INTRODUCTION

The intent of the Louisiana Legislature regarding public involvement in coastal zone management is expressed in Act 361 as:

In the development and implementation of the overall management program, reasonable efforts shall be made to inform the people of the state about the coastal management program and participation and comments by federal, state, and local governmental bodies, including port authorities, levee boards, regional organizations, planning bodies, municipalities and public corporations and the general public shall be invited and encouraged.

In addition to public involvement and public hearings in the development of the state program, Act 361 directs local government to:

afford full opportunity for municipalities, state and local government bodies, and the general public to participate in the development and implementation of the local program.

The above policies complement the requirements of section 306(C)(1) of the CZMA that state programs be developed:

...with the opportunity of full participation by relevant federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private...

B) PUBLIC INFORMATION

The Coastal Resources Program has, since its inception, sought to provide for adequate public involvement by means of a number of public involvement and informative programs.

The "Cote de la Louisiane" newsletter was established in 1975. The purpose of this newsletter is to keep citizens and officials informed of current CZM issues as well as the status of the Louisiana program. A continuing effort to place on the growing mailing list all persons with a particular interest in coastal management, especially those who will be directly affected by the program, has been made. The Spring, 1979, "Cote de la Louisiane" mailing list consisted of over 5,000 persons and organizations. The two public hearings on the hearing draft were announced on the front page of the April, 1979, "Cote de la Louisiane". Also, the name, address,

and phone number of the person to contact to obtain a copy of the hearing draft was listed on the front page. During fiscal year 1976-77, the Cote de la Louisiane was sent to almost 4,000 people. This kept people informed about the happenings in the legislature, deliberations of the Coastal Commission, and results of technical reports. The newsletter also contained feature articles on individual parishes developing local CZM programs and a bibliography of all LCRP technical studies.

Other public information activities include the distribution of brochures, television interviews, issuance of press releases, and the presentation of slide shows at meetings with public officials, and workshops with public and private organizations and officials. The results of a survey, conducted in 1974 (Lindsey, et al., 1976) concerning citizen perception of coastal area planning and development, were also published by Sea Grant and made available to the Coastal Resources Program.

C) PUBLIC PARTICIPATION

One of the major public participation activities in 1975 was a series of five public information meetings. Approximately 900 people attended these meetings. The purpose of the meetings was to inform the public of the goals of coastal resources management and to solicit prevailing opinions regarding the problems and needs of coastal Louisiana. This was accomplished both through discussion at the meetings and through a brief questionnaire that each person in attendance was asked to fill out.

Prior to these public meetings, a series of meetings with local officials was conducted. Contact with relevant groups and agencies was also made.

An important feature of the public participation program was the establishment of advisory committees in 1976 to assist coastal parishes in the development of local CZM plans. The members of these committees represent a wide range of interests in the communities. Three slide shows concerning the resources and problems of coastal Louisiana were used extensively by the LCRP parish coordinators at the early meetings of these committees.

In addition to the efforts of the CRP parish coordinators to keep the committees informed of CZM activities at the state and federal levels, workshops are held at which representatives of the committees are given the opportunity to ask questions and make comments on the state program as well as to find out what other parishes were doing in developing their local programs.

Other activities of the public participation program included meetings with Congressional staff members to keep them informed of what was happening at the state level.

Many of these activities are performed on an on-going basis and continue to the present. The newsletter continues to be sent to an expanding mailing list which now includes 5,200 recipients, local advisory committees (now existing in 16 of the 17 parishes) continue to be informed of state and federal level CZM activities and workshops are held for their representatives providing an opportunity for local input into the state plan.

New activities in 1978 included presentation of the film "Offshore Onshore", concerning impacts of offshore oil and gas development, to the parish advisory committees and other interested groups. Also, copies of all the technical reports completed are being made available to each parish so they will be more accessible to local residents.

D) PUBLIC HEARINGS

The Coastal Resources Program held two public hearings on the program's entire scope in April, 1979. These hearings were held in New Orleans, the largest city of the coastal zone, and Lafayette which is centrally located just north of the coastal zone. These meetings were publicized through the news media.

Thirty days notice was provided on the public notice of the hearing dates and locations. Newspaper advertisements were placed in the following papers:

Times Picayune-States Item, New Orleans
Lake Charles American Press, Lake Charles
Cameron Pilot, DeQuincy
Daily Iberian, New Iberia
Jefferson Parish Times, Metairie
Jefferson Democrat, Gretna
Daily Advertiser, Lafayette
Daily Comet, Thibodaux
Denham Springs News, Denham Springs
Plaquemines Gazette, Belle Chase
St. Bernard Voice, Arabi
St. Charles Herald, Norco
News-Examiner, Litcher
L'Observateur, LaPlace
Daily Review, Morgan City
Daily Sentry News, Slidell
Kentwood Ledger, Kentwood
Houma Daily Courier, Houma
Abbeville Meridional, Abbeville
States Times-Morning Advocate, Baton Rouge

An announcement of the meetings and the availability of the Hearing Draft was sent to each person on the "Cote de la Louisiane" mailing list 30 days prior to the public hearings. Additionally, press releases were sent to all the official parish journals of the coastal parishes as well as the Baton Rouge and Lafayette Papers.

LA. DEPT. OF TRANSPORTATION AND DEVELOPMENT
COASTAL MANAGEMENT SECTION

NOTICE OF PUBLIC MEETING

NEW ORLEANS TUESDAY - APRIL 17
CITY COUNCIL CHAMBER
CITY HALL
7:30 P.M.

AND

LAFAYETTE WEDNESDAY - APRIL 18
GRIFFIN HALL
ROOM 147
U.S.L. CAMPUS
7:00 P.M.



LOUISIANA
COASTAL RESOURCES PROGRAM
HEARING DRAFT

The Coastal Management Section of Department of Transportation and Development invites interested citizens to be in attendance at this meeting at which time the Hearing Draft of the Coastal Resources Program will be presented for discussion, review and comments.

The Hearing Draft presents a narration on the problems, goals, and guidelines to be adopted by the Louisiana Coastal Resources Program. This document is the first step in the program development process which will culminate with federal approval of the Louisiana Coastal Resources Program. Included in the Hearing Draft are the draft guidelines for state and local uses pursuant to Act 361 (State and Local Coastal Resources Act of 1978) and other draft rules and regulations required by the Act.

Copies of this Hearing Draft may be reviewed at any Police Jury Office of the seventeen coastal parishes or may be obtained at the following address:

Mr. Jim Harris
Coastal Management Section
Louisiana Department of Transportation & Development
P. O. Box 44245
Baton Rouge, Louisiana 70804

Oral comments will be received from those in attendance following the program presentation. A time limit of approximately 10 minutes has been established for each person's comments and views. It is suggested that all important facts and supporting documentation be submitted in writing.

Persons not desiring to express their comments at this meeting may present their statement in writing to Mr. Jim Harris at the preceding address.

Comments and views expressed will be given due consideration in development of the program.



GEORGE A. FISCHER; SECRETARY
LA. DEPT. OF TRANSPORTATION AND
DEVELOPMENT

MEETINGS ON THE COASTAL RESOURCES PROGRAM

MEETING	1975	1976	1977	1978	1979*	Total
Federal Agencies	1	16	15	2	16	48
State Agencies	3	13	18	5	1	40
Environmental Groups	4	4	4	6	1	19
Service Groups	6	14	13	2	0	35
Parish Advisory Committee	0	14	147	168	144	403
L C C. Meetings	0	2	1	0	12	12
Industry Groups	6	15	1	2	2	26
Legislative Hearings (State)	3	6	4	3	1	17
Municipal	2	2	0	0	0	4
Police Jury	11	28	33	9	0	81
Congressional Briefing	1	2	0	0	0	3
Public Meetings	5	1	2	1	2	11
C.E.I.P. Meetings w/ Local Officials	0	0	0	0	1	1

*Through August, 1979

APPENDIX h

FEDERAL CONSULTATION, CONTINUING CONSULTATION WITH FEDERAL, STATE, AREAWIDE REGIONAL, AND LOCAL AGENCIES, AND PLAN COORDINATION

A) FEDERAL CONSULTATION

In seeking to further federal-state coordination in the management of coastal resources and to implement the federal consistency procedures, the CZMA requires that states fully coordinate the development of their coastal management programs with relevant federal agencies. Specifically, states must provide relevant federal agencies with the opportunity to fully participate in the development of coastal programs and further insure that the views of such agencies are adequately considered.

The State of Louisiana has attempted to involve all federal agencies at the earliest possible time in the development of the state's coastal management program. It was determined by the staff that a regional forum for highlighting state/federal coastal zone management issues was needed in addition to individual agency contacts.

On June 13, 1975 the Louisiana Coastal Resources Program requested the assistance of the Southwest Federal Regional Council (SWFRC) in the preparation of selected aspects of the coastal zone management program. The SWFRC responded affirmatively and included an approved program element entitled "Coordination of the Federal Responsibility in State Coastal Management Programs" in their work programs for FY 76, FY 77, and FY 78.

Through this program an ad hoc committee was established to coordinate the efforts of the federal agencies in defining the national interest and to provide data and expertise requested by the states. Numerous requests for information and federal assistance were made through the Southwest Federal Regional Council. Of primary significance were those request for information on federally owned and controlled lands, national interest, and geographic areas of particular concern.

Following the passage of Act 361 in 1978, a SWFRC meeting was held in New Orleans on July 27, 1978. This meeting provided the LCRP staff with an opportunity to brief federal agencies on the Act and the remaining steps in program development as well as to receive federal agency comments.

In addition to contacts made through the Southwest Federal Regional Council, individual contacts and meetings with key federal agencies began in June, 1975. To date there has been no serious dispute or disagreement with any federal agency.

This document is intended to inform federal agencies concerning the full scope of the Louisiana Coastal Resources Program. The comments of federal agencies are invited.

1) Relevant Federal Agencies

The following is a list of those agencies with which consultation and coordination has been undertaken.

U. S. Department of Interior

- Bureau of Land Management
- Bureau of Reclamation
- Bureau of Mines
- Heritage, Conservation and Recreation Service
- U. S. Geological Survey
- National Park Service
- Bureau of Indian Affairs
- U. S. Fish and Wildlife Service

U. S. Department of Transportation

- Federal Aviation Administration
- U. S. Coast Guard
- Federal Highway Administration

U. S. Department of Commerce

- Economic Development Administration
- National Oceanic & Atmospheric Administration
- Maritime Administration
- National Marine Fisheries Service

Department of Agriculture

- Soil Conservation Service
- Farmers Home Administration
- Agricultural Research Service
- U. S. Forest Service

Department of Defense

- U. S. Army Corps of Engineers
- Department of the Army
- Department of the Air Force
- Department of the Navy

Environmental Protection Agency

Energy Research & Development Administration *

Federal Energy Regulation Commission (formerly Federal Power Commission)*

General Services Administration

- U. S. Department of Health, Education & Welfare
- U. S. Department of Housing & Urban Development
- National Aeronautics & Space Development
- Nuclear Regulatory Commission
- Federal Energy Administration *

* These agencies have since been incorporated into the Department of Energy.

The Coastal Resources Program has attempted to stay in close contact with all relevant federal agencies since the beginning of the program. This contact continues through the Southwest Federal Regional Council. Additionally, members of the Coastal Resources Program staff have met individually with many federal agencies. A listing of contacts since the beginning of 1979 follows:

2) Meetings With Federal Agencies

January 9, 1979 - Meeting with attorney, NOAA, Southeast Region in Tampa. Overview and status of the Louisiana program, guidelines and potential for working together.

January 9, 1979 - Informal meeting with NMFS regional director in Tampa to review the status of the Louisiana program and guidelines. Discussed his expectations of program and permitting process.

March 20, 1979 - Meeting with Corps of Engineers in New Orleans on program draft, guidelines and N.O.U. Discussed possibilities of working relations, how implemented and potential problems.

March 27, 1979 - Meeting with Environmental Protection Agency in Dallas on program draft, guidelines and potentials for ongoing working relationship.

March 29, 1979 - Meeting with Housing and Urban Development.

April 2, 3, 1979 - Informal meetings with members of Gulf of Mexico Fisheries Management Council on LCRP.

April 9, 1979 - Meeting with Wildlife and Fisheries Service in Lafayette on program draft, guidelines and potentials for ongoing working relationship.

April 13, 1979 - Meeting with Coast Guard in New Orleans on program draft, guidelines and overview of program.

April 16, 1979 - Telephone conversation with Department of Interior.

April 18, 1979 - Meeting with National Marine Fisheries Service at Lafayette. Program draft, guidelines and potential for working relationship.

April 19, 1979 - Meeting with Corps of Engineers, Environmental Protection Agency, National Marine Fisheries Service and Fish and Wildlife Service about Corps of Engineers permitting process and LCRP relationship with that process.

April 20, 1979 - Meeting in New Orleans - Congressman Breaux, Corps of Engineers, Environmental Protection Agency, National Marine Fisheries Service and Fish and Wildlife Service on problems with Corps of Engineers permitting process.

April 30, 1979 - Meeting with U. S. Fish & Wildlife Service regarding joint project utilizing remote sensing data to review permit applications.

May 17, 1979 - Meeting with National Coastal Zone Management Advisory Committee on the status of the Louisiana program.

August 7, 8, 9, 1979 - Staff members attended Coastal Mapping Conference sponsored by NOAA and USGS at Bay St. Louis.

August 13, 1979 - Meeting with FWS -Biological Service in Slidell, Louisiana to discuss research proposals.

August 23, 1979 - Meeting with U. S. Army Corps of Engineers, NMFS, USFWS, USGS, on directional drilling study.

August 23, 1979 - Meeting with NMFS on DWF-NMFS field reviews on Corps permit applications.

August 27, 1979 - Meeting with Corps of Engineers, New Orleans District, Center for Wetland Resources-Louisiana State University and The Image Processing and Remote Sensing Center-Louisiana State University to discuss development of a computerized permit tracking system, a cumulative impact analysis process and an environmental monitoring system.

B) CONTINUING CONSULTATION WITH FEDERAL, STATE, AREAWIDE, REGIONAL, AND LOCAL AGENCIES

The Coastal Resources Program will utilize the OMB Circular No. A-95 (revised) Project Notification and Review System as a mechanism for continuing consultation and coordination with affected local governments, areawide, regional, interstate and other state agencies after program approval. Additionally, the Coastal Resources Program will continue to keep in close touch with local governments in the coastal zone through the efforts of the program's regional coordinators.

It is not anticipated that management program decisions as defined in the Federal register (March 28, 1979) will conflict with local wishes since these types of decisions will be made in conjunction with affected local governments. For example, in designating special areas, the administrator may, with the advice and assistance of affected local programs, prepare a draft "Proposal for Special Area".

The coordinated coastal use permitting process will also provide for continuing consultation. Once a local government has an approved coastal plan, the "permitting window" will be at the local level. Local government will make the decisions regarding uses of local concern. The comments of local government will be an important consideration in making decisions on uses of state concern at the state level. State and federal actions will be consistent with local coastal plans. Local governments can hold public hearings at their discretion and the comments received will be considered carefully at the state level.

Port districts will be reviewed for consistency and an ongoing relationship between ports and the state program will be cultivated.

C) PLAN COORDINATION

Prior to granting approval to a management program submitted by a coastal state, the Secretary of Commerce shall find that the state has coordinated the contents of its management program with local, areawide or interstate plans applicable to areas within the coastal zone existing on January 1, of the year in which the state's management program is submitted to the Assistant Administrator for approval (Coastal Zone Management Act, subsection 306 (c)(2)(A)).

Section 213.8(D) of Act 361 states:

D. In the development and implementation of the overall management program, reasonable efforts shall be made to inform the people of the state about the coastal management program and participation and comments by federal, state, and local governmental bodies, including port authorities, levee boards, regional organizations, planning bodies, municipalities and public corporation and the general public shall be invited and encouraged.

All governmental bodies may participate to ensure that their interests are fully considered.

The Louisiana Coastal Resources Program has accomplished these requirements of both federal and state Acts. The program is a comprehensive management program which will provide effective management of the state's coastal resource uses and natural resources. Efforts are continuing to (1) consider the interests of local, state, regional, and federal authorities and affected bodies, (2) consider the programs of the many affected agencies and bodies to create a comprehensive management program, and (3) create a program which embodies the interests and established plans pertaining to coastal land and water uses and resources.

Office of Management and Budget Circular No. A-95 is a regulation to help establish coordination of planning and development activities of federal and federally assisted projects. It also helps state and local governments to see the relationship of an action to state, areawide, and local plans and programs, and secures state and local inputs to environmental impact statements as required by the National Environmental Policy Act. The Louisiana Coastal Resources Program has utilized the A-95 process to aid in plan coordination.

Coordination with local plans has also been sought through planning contracts with the parishes beginning in the summer of 1976 and continuing until the present. Participation in these planning efforts has been excellent and standing citizen advisory committees exist in nearly every coastal parish. Additionally, the Louisiana Coastal Resources Program has compiled information on existing parish ordinances, regulations, and codes.

APPENDIX i
COASTAL MANAGEMENT SECTION
Work Products
Annotated Bibliography

November 1978

Adams, R. D.; et al. Barataria Basin: Geologic Process and Framework.
Baton Rouge: Center for Wetland Resources, Louisiana State
University, June, 1976.

Describes the Landforms and processes that are operative in Louisiana's coastal wetlands. Also, Discusses processes that cause marsh deterioration and land loss with studies of coastal erosion, etc. (Distribution copies available)

Adams, R. D.; et al. Shoreline Erosion in Coastal Louisiana: Inventory and Assessment: Center for Wetland Resources, Louisiana State University, August, 1978.

The objectives of this study are to develop a methodology that would enable decision makers to 1) assess the extent to which shoreline erosion is presently occurring in coastal Louisiana, 2) determine the geographic variability of erosion rates across coastal Louisiana and relate this to variability in the physical and cultural environmen, 3) assess the implecations of shoreline erosion on the physical and cultural environment, 4) designate areas for erosion control consideration, and 5) assess the feasibility of structural and nonstructural procedures for managing erosion along designated areas of the Louisiana coast. (Distribution copies available)

Bahr, L. M.; and Hebrard, J. J. Barataria Basin: Biological Characterization.
Baton Rouge: Center for Wetland Resources, Louisiana State University, May, 1976.

A functional description of biological processes at the basin and habitat level, including rainfall, tidal flow, wind, and temperature. Also, summaries of research on distribution and abundance of animal groups. (Distribution copies available)

Ben Jeffers, Inc. Coastal Zone Planning Study. Baton Rouge: Ben Jeffers, Inc., April, 1979

This study determines the authority and permitting procedure (if any) presently used by state agencies involved with coastal resources by use of a questionnaire and interviews. It also identifies the permits and activities that must be consistent with CZM. It outlines the legal statutes and authority that each agency has that pertains to resources in the coastal area, details the

monitoring and enforcement activities in the coastal zone and discusses interagency coordination, permit consistency, staffing and funding, and other issues. Recommendations are outlined for the development of a procedure to ensure that the granting of permits are consistent with CZM goals.

Burk & Associates, Inc. Louisiana Coastal Resources Inventory, Volume 1, "Geographic Areas of Particular Concern". New Orleans: Burk & Associates, Inc., June, 1975.

An inventory by parish (questionnaires were sent to each parish) including recreational facilities, historical, cultural and tourist features, archaeological sites, and development areas of particular concern. (Review copy only in library)

Burk & Associates, Inc. Louisiana Coastal Resources Inventory, Volume 2, "Impact Assessment Review". New Orleans: Burk & Associates, Inc., June, 1975.

An inventory of Federal, State, regional and metropolitan agencies and their plans and projects which affect the coastal zone. (Review copy only in library)

Burk & Associates, Inc. Louisiana Coastal Resources Inventory, Volume 3, "Significant Coastal Plans and Projects". New Orleans: Burk & Associates, Inc., June, 1975.

An analysis of completed, under construction and proposed projects which may have a significant impact on the coastal area. (Distribution copies available).

Burk & Associates, Inc. Louisiana Shorefront Access Plan. New Orleans: Burk & Associates, Inc., August, 1978.

This document provides a means whereby the state can improve coastal shorefront recreational opportunities by presenting a list of coastal shorefront access locations appropriate for acquisition or expansion as public recreation or preservation areas. This report includes facility recommendations, cost estimates for implementing the proposed projects and possible sources of funding as well as management guidelines for each of the areas and programs described. It includes aesthetic, environmental, historical, cultural, recreational and ecological considerations. (Distribution copies available).

Burk & Associates, Inc. Potential Preservation and Restoration Areas in the Louisiana Wetlands. New Orleans: Burk & Associates, Inc., June, 1977.

This report considers fifty potential natural areas representing a cross section of all major physiographic types in coastal Louisiana which were evaluated as natural areas. The evaluations are addressed in this report under three headings: 1) Standards and

Criteria for Preservation and Restoration Areas; 2) Evaluation of Potential Preservation Areas; and 3) Priority Ranking of Preservation Areas. Two maps depicting Potential Restoration Areas and Potential Preservation Areas are included. (Distribution copies available)

Burk & Associates, Inc. Recreational Potential Along the Louisiana Coast: Proposed New and Expanded Sites for Recreation. New Orleans: Burk & Associates, Inc., February, 1977.

Lists, arranged by parish, containing recommendations for both expansion of existing facilities and new potential sites in areas where facilities are now non-existing along the Louisiana coast. (Distribution copies available)

Burk & Associates, Inc. Unique Ecological Features of the Louisiana Coast. New Orleans: Burk & Associates, Inc., June 1976.

Describes 23 categories of unique ecological features (zoological, botanical and geological) of the Louisiana coast. (Distribution copies available)

Byrne, P; et al. Barataria Basin: Hydrologic and Climatologic Processes. Baton Rouge: Center for Wetland Resources, Louisiana State University, June, 1976.

Gives hydrologic aspects of the basin, including data on water level changes, meteorological driving forces, tides, salinity and water temperatures. Also, an analysis of environmental responses to weather types. (Distribution copies available)

Coastal Environments, Inc. Siting Energy Related Facilities in Louisiana's Coastal Zone. Baton Rouge: Coastal Environments, Inc. 1978.

Discusses the major items that need to be considered in a process of energy facility siting--the facility (common types considered and parts identified), the environmental setting (discusses La.'s coastal area with maps & summarizes factors to be considered in CEIP project assessments), and the institutional aspect (discusses relationships of energy facility siting and coastal zone management interests at federal, state, regional and local levels). Also discusses the procedure to follow to determine location alternatives, project selection and facility implementation. (Distribution copies available)

Coastal Environments, Inc. A Jetty From Point Chevreuil: An Evaluation of a Proposal to Reduce Sedimentation in the Cote Blanche Bays and Vermilion Bay. Baton Rouge: Coastal Environments, Inc., June, 1977.

This study analyzes the processes that are causing the observable changes in the emerging delta in Atchafalaya Bay, and considers the effectiveness of a jetty in controlling these changes. (Review copy only in library)

Coastal Environments, Inc. A Process for Coastal Resources Management & Impact Assessment. Baton Rouge: Coastal Environments, Inc., August, 1976.

Presents a background for understanding resource management and overview of naturally occurring and manmade physical conditions that may be encountered in the Louisiana coastal area. Also, it presents a practical procedure for developing a local coastal resource management program and a systematic approach to resource management and assessment of onshore impacts resulting from outer continental shelf energy related resource development.
(Distribution copies available)

Craig, N. J; and Day, J. W., Jr., eds. Cumulative Impact Studies in the Louisiana Coastal Zone. Eutrophication. Land Loss. Baton Rouge: Center for Wetland Resources, Louisiana State University, June 30, 1977.

An examination of the causes and consequences of eutrophication and land loss in coastal Louisiana. (Distribution copies available)

Davis, Don; and Gary, Don. Presence, Growth Trends and Environmental Impact of Louisiana's Wetlands Settlements. Thibodaux: Nicholls State University, October, 1975.

A study of the strip settlements in the deltaic plain in six coastal parishes and the impacts of growth on wetlands. (Review copy only in the library)

Farber, Stephen; and Johnson, David B. The Impact of Oil and Gas Exploration, Development, and Production on the Outer Continental Shelf of Louisiana: Background and Methodology. Baton Rouge: Louisiana State Planning Office, July, 1976.

This report contains data on OCS development and some financial implications for the state. The major portion of this study is concerned with alternative methodologies, and their related evaluations, which can be applied to measuring the impact of petroleum and gas mining activity on the Outer Continental Shelf (OCS) adjacent to Louisiana. (Distribution copies available)

Happ, Georgeann; et al. Impacts of Outer Continental Shelf Activities: Lafourche Parish, La. Baton Rouge: Center for Wetland Resources, Louisiana State University, August, 1976.

This study deals with environmental impacts of OCS activities on Lafourche Parish and Grand Isle, Louisiana. Objectives of the study were to identify environmental impacts of mineral extraction, navigation, and transportation projects and activities in Lafourche Parish and Grand Isle that result from OCS activity, and to measure the impact of these projects and activities.
(Distribution copies available)

Harrison, N. N.; and Adams, R. D. Description of Louisiana's Coastal Zone. "Supplement to A Rationale for Determining Louisiana's Coastal Zone". Baton Rouge: Center for Wetland Resources, Louisiana State University, Spring, 1976.

This description represents a verbal delineation of the inland boundary of the Louisiana coastal zone. (Review copy only in library)

Louisiana State Planning Office. Handbook for Development in Coastal Louisiana. Baton Rouge: Coastal Resources Program, Louisiana State Planning Office, June, 1977.

A source book for developers in the Louisiana coastal area. This information may be used in relation to a specific development activity or it may be read for background. (Distribution copies available)

Louisiana State Planning Office. Louisiana Coastal Resources. Baton Rouge: Coastal Resources Program, Louisiana State Planning Office, Spring, 1977.

General information concerning Louisiana's efforts toward a coastal zone management plan, and documents coastal parishes individual participation. (Distribution copies available)

Louisiana State University, Sea Grant Legal Program. Model Local-Government Ordinances. Baton Rouge: Sea Grant Legal Program, Louisiana State University, June, 1977.

An analysis of the authority of local governments to enact local CZM ordinances; contains two types of model ordinances. (Distribution copies available)

McIntire, William G; et al. A Rationale for Determining Louisiana's Coastal Zone. Baton Rouge: Center for Wetland Resources, Louisiana State University, November, 1975.

Relevant information for determining eventual boundary delineation, including navigable waters, soils, vegetation, salinity, water clams, blue crabs, records of marine fish and reptiles. Also, has tables on flood plain zoning. (Review copy only in library)

Mendelsohn, I. A.; et. al A Potential Indicator of the Cumulative Impact of Sublethal Stress in Coastal Plant Communities. Baton Rouge: Center for Wetland Resources, Louisiana State University, August, 1978.

This study provides preliminary information indicating the suitability of adenylate composition and/or E.C. ratio, a measure of energy rich compounds, as a monitor of environmental stress in coastal plant communities. Positive correlations were obtained in some cases but additional testing is required. (Review copy only in library)

Midboe, Kai D.; et. al Legal authorities for Control of Land Use in Coastal Louisiana. Baton Rouge: Sea Grant Legal Program, Louisiana State University, November, 1976.

A detailed description of the federal, state and local authorities to regulate activities within Louisiana's coastal zone. (Distribution copies available)

Mumphrey, Anthony J.; et. al. Coastal Zone Management in the Metropolitan New Orleans Region. New Orleans: Urban Studies Institute, University of New Orleans, August, 1976.

A study intended to provide information of several dimensions for use in the development of Coastal Zone Management Plans in the parishes of the metropolitan New Orleans region--Jefferson, Orleans, St. Bernard and St. Tammany--in an attempt to lead to judicious utilization of the resources in the Louisiana coastal zone. (Distribution copies available)

Mumphrey, Anthony J.; et al. The Impacts of Outer Continental Shelf Development on Lafourche Parish. New Orleans: Urban Studies Institute, University of New Orleans, August, 1976.

This study attempts to survey the impacts of OCS mining activity in Lafourche Parish in terms of employment, income, job types, environmental effects, and required supporting facilities and services. (Distribution copies available)

Mumphrey, Anthony J; et al. Louisiana Metropolitan Wetlands: A Planning Perspective. New Orleans: Urban Studies Institute, University of New Orleans, October, 1976.

Discusses the wetlands and their relationship to metropolitan areas and the impact of metropolitan development in wetlands in terms of pollution, reclamation and channelization. (Review copy only in library)

Mumphrey, Anthony J., et al. OCS Development in Coastal Louisiana: A Socio-Economic Impact Assessment. New Orleans: Urban Studies Institute, University of New Orleans, August, 1977.

This study quantifies the impacts of OCS development activities in terms of economic production, jobs, population, and public service costs. Also discusses are the federal Coastal Energy Impact Program, the additional costs of urban development in wetlands, local planning capabilities in the coastal zone and citizen involvement in coastal planning. (Distribution copies available)

Mumphrey, Anthony J.; et al. Urban Development in the Louisian Coastal Zone: Problems and Guidelines. New Orleans: Urban Studies Institute, University of New Orleans, December, 1976.

A study surveying existing urban development practices in Louisiana's coastal zone, identifying problem areas in wetlands development, and assesses the adequacy mechanisms. (Distribution copies available)

Mumphrey, Anthony J.; et al. The Value of Wetlands in the Barataria Basin. New Orleans: Urban Studies Institute, University of New Orleans, June, 1978.

This study discusses the socio-economic and ecological systems of the Barataria Basin, including population growth and the structure of the Barataria Region's economy. Also discusses are several methods for computing the economic value of the Barataria wetlands. (Distribution copies available)

Murray, S. P. Currents and Circulations in the Coastal Waters of Louisiana. Baton Rouge: Center for Wetland Resources, Louisiana State University, Spring, 1976.

A review of the major areas of research involved (major river mouths, open coastal waters, coastal bays and lakes, Chandeleur-Breton Sound, etc.) in understanding Louisiana's coastal waters (circulations and currents), showing progress and ranking the most urgent needs for knowledge to utilize our coastal waters. (Review copy only in library)

A Nine-Point Recommendation for Coastal Resources Management to Develop Louisiana's Wetlands. Baton Rouge: Coastal Resources Program, Louisiana State Planning Office, May, 1976.

A discussion of the case for management of Louisiana's coastal resources. (Distribution copies available)

Projected Parish Land Needs. Baton Rouge: Coastal Resources Program, Louisiana State Planning Office, April, 1977.

Inventories of existing and coastal land needs by coastal parish. A brief outline of existing land utilization is compared by projected demands for selected land needs through 1985. (Distribution copies available)

Renner, James R. The Coastal Zone: An Overview of Economic, Recreational and Demographic Patterns. Baton Rouge: Louisiana State Planning Office, November, 1976.

A general perspective on the uses, categorized as economic, demographic and recreational, of the physical resources of the coastal zone, both renewable and nonrenewable. (Distribution copies available)

Southwestern Louisiana, University of., An Analysis of Agriculture, Forestry & Mariculture in the Coastal Zone of Louisiana. Lafayette: University of Southwestern Louisiana, 1975.

This analysis discusses the continued growth of agriculture, forestry and aquaculture and its relation to the wetlands.
(Review copy only in library)

Southwestern Louisiana, University of, Outer Continental Shelf Impacts, Morgan City, Louisiana. Lafayette: University of Southwestern Louisiana, June 30, 1977.

Impacts of OCS activities upon Morgan City, Louisiana described categorically by employment, income, occupational shifts, population increases, increased division of labor, changes in land use, strains on municipal services, destruction of the environment, shifts in tax base, and changes in recreation patterns.
(Distribution copies available)

Stone, J. H. Environmental Factors Relating to the Louisiana Menhaden Harvest. Baton Rouge: Center for Wetland Resources, Louisiana State University, Spring, 1976.

Identifies environmental factors related to Menhaden Harvest such as air and water temperature, rainfall, etc., and determines how these factors affect distribution and abundance. Also, measures extent of each factor on a yearly, seasonal, monthly basis and indicates predictor equations for harvest and for distribution and abundance. (Review copy only in library)

Stone, J. H.; and McHugh, G. F. Simulated Hydrologic Effects of Canals in Barataria Basin: A Preliminary Study of Cumulative Impacts. Baton Rouge: Center for Wetland Resources, Louisiana State University, June 30, 1977.

Computer simulations modeling comparison of hydrologic parameters in the Barataria Basin before and after construction of the Barataria and Intracoastal waterways, and canals associated with eight oil and gas fields. (Distribution copies available)

Van Sickle, V. R.; et al. Barataria Basin: Salinity Changes and Oyster Distribution. Baton Rouge: Center for Wetland Resources, Louisiana State University, Spring, 1976.

An assessment of current and historical aspects of oyster production, distribution and relationship with changing environments, including temperature, food, pollution and salinity. (Distribution copies available)

Wax, C. L.; et al. Climatology, Hydrology, and Hydrography of the Vermilion Basin. Baton Rouge: Center for Wetland Resources, Louisiana State University, June 30, 1977.

A study of synoptic weather types, environmental responses and hydrologic and hydrographic processes of the Vermilion Basin.
(Review copy only in library)

NOTE: Many of the reports for which we have review copies only are available through NTIS. For accession numbers and complete information for ordering, please feel free to write or telephone our office.

COASTAL MANAGEMENT SECTION
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APPENDIX j
REVISED BOUNDARIES, LOUISIANA COASTAL ZONE
Coastal Zone Boundary

A. The west interstate boundary of the coastal zone shall be the boundary line between Louisiana and Texas as decreed by the Supreme Court of the United States in the case of "State of Texas vs. State of Louisiana on Bill of Complaint No. 36, Original, Decided May 16, 1977." Said westerly Louisiana boundary commences at the seaward limit of the Louisiana Submerged Lands Act Grant, which point is at Latitude 29° 35' 41"917 North, Longitude 93° 48' 41"845 West. Thence from said point on a line running north-northwesterly on a constant bearing of North 13° 44' 45"8 West true, proceed to the seaward end of the Sabine River jetties, which point is at Latitude 29° 38' 37"329 North, Longitude 93° 49' 30"940 West. The interstate boundary from the seaward end of the jetties through Sabine Lake, Sabine Pass and Middle Pass to the mouth of Sabine River is defined by a series of straight lines between points with locations described by either the Louisiana (Lambert) Plane Coordinate System (South Zone) or the Texas (Lambert) Plane Coordinate System (South Central Zone). The geographic positions of these same points are described in the above mentioned Supreme Court decree and are shown on Exhibit 13, which is in evidence therein. Thence proceed northerly along the Louisiana-Texas boundary, as described in the same decree and as shown on Texas Exhibits AAA-12 and AAA-13, which are in evidence therein, to the intersection with the westerly prolongation of the northerly right-of-way line of the Intracoastal Waterway, the intersection being situated at about Latitude 30° 03' 29"99 North, Longitude 93° 41' 59"15 West.

B. The inland boundary of the coastal zone shall commence at the intersection of the Louisiana-Texas boundary and the westerly prolongation of the northerly right-of-way line of the Intracoastal Waterway. From said intersection thence proceed in a generally easterly direction along the northerly right-of-way line of the Intracoastal Waterway to its intersection with the easterly right-of-way line of Louisiana Highway No. 82. Thence proceed in a generally northeasterly direction along the easterly right-of-way line of Louisiana Highway No. 82 to its intersection with the southerly right-of-way line of Highway No. 35. Thence proceed in a generally easterly direction along the southerly right-of-way line of Louisiana Highway No. 82 to its intersection with the easterly right-of-way line of Highway No. 82 at the junction with Louisiana Highway No. 333. Thence proceed in a generally northerly direction along the southerly right-of-way line of Louisiana Highway No. 82 to its intersection with the southerly right-of-way line of Louisiana Highway No. 690. Thence proceed in a generally easterly direction along the southerly right-of-way line of Louisiana Highway No. 690 to its intersection with the easterly right-of-way line of Louisiana Highway No. 330. Thence proceed in a generally easterly and northerly direction along the southerly and easterly right-of-way line of Louisiana Highway No. 330 to its intersection with the southerly corporate limit of Delcambre. Thence proceed in a generally westerly

direction along the southerly corporate limit of Delcambre to its intersection with the westerly corporate limit of Delcambre. Thence proceed in a generally northerly direction along the westerly corporate limit of Delcambre to its intersection with the northerly corporate limit of said town. Thence proceed in a generally easterly direction along the northerly corporate limit of Delcambre to its intersection with the easterly corporate limit of said town. Thence proceed in a generally southerly direction along the easterly corporate limit of Delcambre to its intersection with the southerly right-of-way line of Louisiana Highway No. 14. Thence proceed in a generally easterly direction along the southerly right-of-way line of Louisiana Highway No. 14 to its intersection with the southwesterly right-of-way line of new U.S. Highway No. 90. Thence proceed in a generally southeasterly direction along the southwesterly right-of-way line of new U.S. Highway No. 90 to its intersection with the southeasterly right-of-way line of Louisiana Highway No. 85. Thence proceed in a generally northeasterly, southeasterly and then northeasterly direction along the southeasterly, southwesterly, and southeasterly right-of-way line of Louisiana Highway No. 85 to its intersection with the southwesterly corporate limit of Jeanerette. Thence proceed in a generally northwesterly direction along the southwesterly corporate limit of Jeanerette to its intersection with the northwesterly corporate limit of said town. Thence proceed in a generally northeasterly direction along the northwesterly corporate limit of Jeanerette to its intersection with the northeasterly corporate limit of said town. Thence proceed in a generally southeasterly direction along the northeasterly corporate limit of Jeanerette to its intersection with the southeasterly corporate limit of said town. Thence proceed in a generally southwesterly direction along the southeasterly corporate limit of Jeanerette to its intersection with the southwesterly right-of-way line of Louisiana Highway No. 182 (former U.S. Highway No. 90). Thence proceed in a generally southeasterly direction along the southwesterly right-of-way line of Louisiana Highway No. 182 to its intersection with the northerly corporate limit of the Town of Baldwin. Thence proceed in a generally easterly direction along the northerly corporate limit of Baldwin to its intersection with the easterly corporate limit of said town. Thence proceed in a generally southerly direction along the easterly corporate limit of Baldwin to its intersection with the southeasterly corporate limit of said town. Thence proceed in a generally southwesterly direction along the southeasterly corporate limit of Baldwin to its intersection with the southwesterly right-of-way line of Louisiana Highway No. 182 (former U. S. Highway No. 90). Thence proceed in a generally southeasterly and easterly direction along the southwesterly and southerly right-of-way line of Louisiana Highway No. 182 (former U. S. Highway No. 90) to its intersection with the southerly right-of-way line of U. S. Highway 90. Thence proceed in a generally easterly direction along the southerly right-of-way line of U. S. Highway 90 to its intersection with the east bank of the Atchafalaya River at Morgan City. Thence proceed in a generally northerly direction along the east bank of the Atchafalaya River to the southern bank of the alternate route of the Intracoastal Waterway. Thence proceed in an easterly direction along the southern bank of the alternate route of the Intracoastal Waterway to its intersection with the eastern corporate limits of the City of Morgan City. Thence proceed along the corporate limits of the City of Morgan City to its intersection with the northerly bank of Bayou Boeuf. Thence proceed in a generally southeasterly direction along the northerly bank of Bayou Boeuf to its intersection with the

westerly prolongation of the north bank of Bayou Chene. Thence proceed in a generally easterly direction along the northerly bank of Bayou Chene to its intersection, by prolongation, with the northerly bank of Bayou Cocodrie. Thence proceed in a generally easterly and southeasterly direction along the northerly bank of Bayou Cocodrie and Lake Cocodrie to its intersection, by southeasterly prolongation, with the northeasterly right-of-way line of the Intracoastal Waterway. Thence proceed in a generally southeasterly, easterly, and northeasterly direction along the northerly right-of-way line of the Intracoastal Waterway to its intersection with the northwesterly prolongation of the northeasterly bank of an un-named drainage canal, which intersection is in Section 104, T17S-R17E, Southeastern District West of the Mississippi River. Thence proceed from said intersection in a generally southeasterly direction along the northeasterly bank of said un-named canal to a point in the vicinity of Crozier Cemetery, which point is 2,000 feet west of the centerline of Louisiana Highway No. 315. Thence proceed in a generally southerly direction along a line parallel with and 2,000 feet westerly of the centerline of Louisiana Highway No. 315 to its intersection with the northerly right-of-way line of Falgout Canal. Thence proceed in a generally east-southeasterly direction along the northerly right-of-way of Falgout Canal and across Bayou DuLarge to its intersection with a line parallel with and 2,000 feet southeasterly from the centerline of Louisiana Highway No. 315. Thence proceed in a generally northerly direction along a line parallel with and 2,000 feet easterly from the centerline of Louisiana Highway No. 315 to a point due west of the intersection of the easterly right-of-way line of the Houma Navigation Canal and the northerly right-of-way line of Ashland Canal. Thence proceed due east to the aforementioned intersection. Thence proceed in a generally easterly and southerly direction along the northerly and easterly right-of-way line of Ashland Canal to its intersection with the northerly right-of-way line of St. Louis Canal. Thence proceed in a generally easterly direction along the northerly right of way line of St. Louis Canal to a point 2,000 feet westerly from the centerline of Louisiana Highway No. 57. Thence proceed from said point in a southerly direction along a line parallel with and 2,000 feet westerly from the centerline of Louisiana Highway No. 57 to its intersection with the southerly right-of-way line of an un-named, un-numbered paved road which is immediately south of an un-named canal, said intersection being about 0.56 miles southwest from the Dulac Water Tower. Thence proceed in a generally easterly direction along the southerly right-of-way line of the above-described un-numbered paved road and across Bayou Grand Caillou to its intersection with the centerline of Louisiana Highway No. 57. Thence proceed due east to the intersection with a line parallel with and 2,000 feet easterly from the centerline of Louisiana Highway No. 57. Thence proceed due east to the intersection with a line parallel with and 2,000 feet easterly from the centerline of Louisiana Highway No. 57. Thence proceed from said intersection in a generally northerly direction along a line parallel with and 2,000 feet easterly of the centerline of Louisiana Highway No. 57 to its intersection with the northerly right-of-way line of St. Louis Canal. Thence proceed in a generally easterly and northeasterly direction along the northerly right-of-way line of St. Louis Canal to its intersection with a line parallel with and 2,000 feet southwest from the centerline of Louisiana Highway No. 56. Thence proceed from said intersection in a generally southeasterly and southerly direction along a line parallel with and 2,000 feet westerly of the centerline of Louisiana Highway No. 56 to its intersection with the section line between Sections 3 and 9, T19S-R18E,

Southeastern District West of the Mississippi River. Thence proceed in a generally southeasterly direction along said section line and a southeasterly prolongation thereof to its intersection with the easterly right-of-way of an un-named un-numbered bituminous-paved highway on the east bank of Bayou Petit Caillou. Thence proceed in a generally northerly direction along the easterly right-of-way line of said un-numbered highway to its intersection with the section line between Sections 52 and 53, T19S-R18E, Southeastern District West of the Mississippi River. Thence proceed in a generally southeasterly direction along said section line between Sections 52 and 53 to its intersection with the Range Line between Ranges 18 and 19 East. Thence proceed in a generally northerly direction along said Range Line to the section corner of Sections 22 and 33, T19S-R19E, in said Land District. Thence proceed in a generally easterly direction along the section line between Sections 22 and 33, T19S-R19E, in said Land District, to the corner common to Sections 22, 33 and 6, T19S-R19E, in said Land District. Thence proceed from said corner in a generally southerly direction along the line between Sections 33 and 6, T19S-R19E, to the corner common to Sections 50, 33 and 6, T19S-R19E, of said Land District. Thence proceed from said corner in a generally easterly direction along the section line between Sections 6 and 50, T19S-R19E, and the prolongation thereof across Bayou Terrebonne to its intersection with the easterly right-of-way line of Louisiana Highway No. 55. Thence proceed in a generally northerly direction along the easterly right-of-way of Louisiana Highway No. 55 to its intersection with the southerly right-of-way line of Louisiana Highway No. 665. Thence proceed in a generally northeasterly direction along the southerly right-of-way line of Louisiana Highway No. 665 to its intersection with the centerline of Bayou Pointe au Chien. Thence proceed in a generally northerly, northwesterly and then westerly direction along the centerline of Bayou Pointe au Chien and the center of its relict channel, now the northeasterly and northerly ditch of an un-named dirt road, to its intersection with the easterly right-of-way line of Louisiana Highway No. 55. Thence proceed in a generally northerly direction along the easterly right-of-way line of Louisiana Highway No. 55 to its intersection with the southerly right-of-way line of Louisiana Highway No. 24. Thence from said intersection proceed in a generally easterly direction along the southerly right-of-way line of Louisiana Highway No. 24 to the southerly right-of-way line of Louisiana Highway No. 1 in Larose. Thence proceed in a generally easterly and northerly direction along the southerly and easterly right-of-way line of Louisiana Highway No. 1 and the northerly prolongation thereof to its intersection with the northerly right-of-way line of said highway. Thence proceed in a generally northerly direction across Bayou Lafourche along the easterly right-of-way line of Louisiana Highway No. 310 and the northerly prolongation thereof to its intersection with the northerly right-of-way line of Louisiana Highway No. 657. Thence proceed from said intersection in a generally westerly and northerly direction along the northerly and easterly right-of-way line of Louisiana Highway No. 657 and the prolongation thereof to its intersection with the northerly right-of-way line of Louisiana Highway No. 308. Thence proceed in a generally westerly direction along the northerly right-of-way line of Louisiana Highway No. 308 and the westerly prolongation thereof to its intersection with the westerly right-of-way line of the Intracoastal Waterway. Thence proceed in a generally northeasterly direction along the westerly right-of-way line of the Intracoastal Waterway to its intersection with the westerly right-of-way line of the Harvey Canal No. 2. Thence

proceed in a generally northeasterly direction along the westerly right-of-way line of the Harvey Canal No. 2 to a point 100 yards inland from the bank of Lake Salvador. Thence proceed in a generally northeasterly and northwesterly direction along a line 100 yards inland from the southwesterly bank of Lake Salvador to its intersection with a line 100 yards inland from the westerly bank of Bayou Des Allemands. Thence proceed in a generally northerly direction along the line 100 yards inland from the westerly bank of Bayou Des Allemands and Petit Lac Des Allemands to its intersection with the boundary separating Wards 7 and 8 of Lafourche Parish. Thence proceed in a generally southwesterly direction along the said boundary to its intersection with the westerly right-of-way line of the Midway Canal. Thence proceed in a generally northwesterly direction along said westerly right-of-way of the Midway Canal and along a northwesterly straight-line prolongation of said right-of-way line to its intersection with the southerly right-of-way line of U.S. Highway No. 90. Thence proceed in a generally northeasterly direction along the southerly right-of-way line of U.S. Highway No. 90 to its intersection with a line 100 yards inland from the westerly bank line of Baie Des Deux Chenes. Thence proceed in a generally northwesterly direction along the line 100 yards inland from the bank of Baie Des Deux Chenes to its intersection with the line 100 yards inland from the southerly bank line of Lac Des Allemands. Thence proceed in a generally westerly direction along the line 100 yards inland from the bank line of Lac Des Allemands to its intersection with the line 100 yards inland from the east bank line of Bayou Boeuf. Thence proceed in a generally southerly direction along the line 100 yards inland from the east bank of Bayou Boeuf to its intersection with the northerly right-of-way line of Louisiana Highway No. 307. Thence proceed in a generally westerly direction along the northerly right-of-way line of Louisiana Highway No. 307 to its intersection with the easterly right-of-way line of Louisiana Highway No. 20. Thence proceed in a generally northerly direction from said intersection along the easterly right-of-way line of Louisiana Highway No. 20 to its intersection with the boundary separating Lafourche and St. James Parishes. Thence proceed from said intersection in a generally westerly direction along the boundary separating Lafourche and St. James Parishes to its intersection with the boundary separating St. James and Assumption Parishes. Thence proceed from said intersection in a generally northerly direction along the boundary separating St. James and Assumption Parishes to its intersection with the boundary separating St. James and Ascension Parishes. Thence proceed from said intersection in a generally northerly and easterly direction along the boundary separating St. James and Ascension Parishes to its intersection with the boundary separating Ascension and St. John the Baptist Parishes. Thence proceed from said intersection in a generally northerly direction along the boundary separating Ascension and St. John the Baptist Parishes to its intersection with the boundary separating Ascension and Livingston Parishes. Thence proceed from said intersection in a generally northwesterly direction along the boundary separating Ascension and Livingston Parishes to its intersection with the boundary separating Livingston and East Baton Rouge Parishes. Thence proceed from said intersection in a generally northwesterly direction along the boundary separating East Baton Rouge and Livingston Parishes to its intersection with the southerly right-of-way line of U. S. Interstate Highway No. 12. Thence from said intersection proceed in a generally easterly direction along the southerly right-of-way line of U. S. Interstate Highway No. 12

to the intersection of its easterly prolongation with the southerly right-of-way line of U. S. Interstate Highway No. 10. Thence proceed in a generally easterly direction along the southerly right-of-way line of U. S. Interstate Highway No. 10 to its intersection with the interstate boundary between Louisiana and Mississippi, the east end of the inland boundary of the coastal zone.

C. The east interstate boundary of the coastal zone shall be the interstate boundary separating Louisiana and Mississippi. From its intersection with the southerly right-of-way line of U. S. Interstate Highway No. 10, proceed in a generally southeasterly and easterly direction along the interstate boundary separating Louisiana and Mississippi to the seaward limit of the Territorial Sea Boundary.

D. The seaward boundary of the coastal zone of Louisiana shall be the territorial sea limit from the interstate boundary separating Louisiana and Mississippi to the interstate boundary separating Louisiana and Texas, as each interstate boundary is determined by law.

APPENDIX k

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Appendix 1

STATE CONSTITUTIONAL AND STATUTORY PROVISIONS INCORPORATED INTO THE LCRP

This appendix identifies the constitutional and statutory provisions incorporated into the LCRP. The section on statutory provisions noted the statute number, e.g., "La. R.S. 30:1-63", and the related rule, e.g., "4 La. Reg. 76 at 86". Please refer to the glossary in the front of this document concerning the abbreviations of agencies responsible for the implementation of each program. The phrase "(LEAA to OEA-DNR)", indicates that there will be a shifting of agency responsibility brought about by the Louisiana Environmental Affairs Act (see section IV of this appendix, p. 1-12).

I. Constitutional Provisions

1. Article IX, Section 1, Louisiana Constitution (1974)

The natural resources of the state, including air and water, and the healthful, scenic, historic and aesthetic quality of the environment shall be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people.

2. Article IX, Section 3, Louisiana Constitution (1974)

The legislature shall neither alienate nor authorize the alienation of the bed of a navigable water body, except for purposes of reclamation by the riparian owner to recover land lost through erosion. This section shall not prevent the leasing of state lands or waterbottoms for mineral or other purposes. Except as provided in this section, the bed of a navigable water body may be reclaimed only for public use.

II. State Regulatory Provisions

A. Oil, Gas, and Mineral Operations

1. Oil and Gas Well Operations (OC-DNR)

La. R.S. 30:1-63, 204, 205, 213, 215

Statewide orders 29-b, 29B-A, 29-C through 29-L, 45-I, 25, 31-A, 151A-1

The conservation of oil and gas and the regulation, permitting and monitoring of the siting, drilling, producing, operating and abandonment of oil and gas wells, delineation of pools and units, and the use and sale of oil and gas products are under the authority of the Commission of Conservation, OC-DNR, and are to be issued "in-lieu" permits pursuant to Section 213.12 B of the Act. The pro-

visions are implemented by a series of statewide orders. Of these 29-B, rules for drilling and production; 29-B-a, storm choke rules; and 29-E and 29-H, on well spacing, are most relevant to coastal management. Individual orders may be issued for individual fields, pools, units or wells.

2. Subsurface storage and disposal of waste products by wells and surface storage facilities at non-hazardous well injection sites (OC-DNR).

La R.S. 30:1(D); 3(C)(1) and 4C(16)

Statewide order 29-N, 3 La. Reg. 342

The subsurface storage and disposal of waste products by wells and the surface and storage facilities at non-hazardous waste injection sites are permitted and regulated by OC-DNR. A joint application is to be filed with the Department of Health and Human Resources (joint application to OEA-DNR by LEAA).

3. Exploration, drilling, production and subsurface disposal of geothermal energy resources (OC-DNR).

La. R.S. 3-:800-809, 681.1-5

4 La. Reg. 251, Statewide Order 29-P

The exploration, drilling, production and subsurface disposal of geothermal energy resources is permitted and regulated by OC-DNR. Disposal by geothermal operations into surface waters is subject to regulation by the Stream Control Commission (transferred by LEAA to LEA) and the OMR-DNR is the leasing body for state lands. Rules by the commissioner for implementing his authority are found at 4 La. Reg. 251.

4. Storage of natural gas, oil, and other hydrocarbons in underground caverns and salt domes (OC-DNR).

La. R.S. 30:22-23

Statewide Order 29-M

3 La. Reg. 310

OC-DNR permits and regulates the storage of natural gas, oil and other hydrocarbons in underground reservoirs and salt domes. Authorization from OC-DNR is required and they have full regulatory authority over such storage. Rules for the use of salt domes for storage of hydrocarbons and for associated surface facilities are found in Statewide Order 29-M, 3 La. Reg. 310.

5. Intrastate natural gas transmission pipelines (OC-DNR).

La. R.S. 30:557(G), 560(C), 45:307-315
4 La. Reg. 76 at 86

Regulation and permitting of intrastate natural gas transmission pipelines for safety is under the authority of OC-DNR. La. R.S. 30:557(G) and 560(C). Natural gas pipeline safety rules were promulgated at 4 La. Reg. 76 at 86, which inter alia, incorporated the provisions of Parts 191 and 192 of Title 49 of the Code of Federal Regulations, together with Appendixes, a, b, c and d. Copies of these regulations are obtainable from OC-DNR. Natural gas pipelines must also meet the safety requirements of the Department of Public Safety. La. R.S. 45:307-315.

B. State Lands Management (Regulatory)

1. Geophysical and geological surveys (DWF; OMR-DNR)

La. R.S. 30:210-217

4 La. Reg. 9, 4 La. Reg. 300

DNR and DWF permit and regulate geophysical and geological surveying on state lands and waterbottoms, highways and other servitudes and easements owned by the state. Permits for geophysical surveys of state lands must be obtained from the Office of Mineral Resources. If they take place on state owned waterbottoms, regulation is also by the DWF. If the survey is along state highways or rights-of-way, adjoining land owners must be identified and their consent obtained before a permit is granted. OMR rules are found at 4 La. Reg. 9, and DWF rules at 4 La. Reg. 300.

2. Management of State Waterbottoms (DWF; DSL-DNR)

La. R.S. 41:1131, 41:1701-1714, 9:1101

5 La. Reg. 8

DNR is responsible for state management of waterbottoms, including determination of boundaries and permitting or reclamation of lands lost through erosion, construction of wharfs, piers, bulkheads, fills or other encroachments. Permits and leases are required from the DSL. Regulations implementing waterbottom management are found at 5 La. Reg. 8. DNR coordinates with DWF.

3. Regulations of Pipelines and other structures on or under State Waterbottoms (OC-DNR)

La. R.S. 30:40-H and 30:24 (1979)

DNR is to require that all wells, structures, and pipelines on state waterbottoms be buried, maintained, or removed so as to prevent creation of obstructions to navigation or fishing.

4. Leasing of state lands for storage and transportation of hydrocarbons (DSL-DNR)

La. R.S. 41:1271-1269, 41:1173-74

Public lands may be leased for the storage and transportation of hydrocarbons or goods and wares, including related sub-surface and surface facilities. Uses for which they may be leased include pipelines, underground storage, wharves and docks, salt-dome storage and construction and maintenance facilities. La. R.S. 41:1271-1269 provide for such leases by a governmental body owning the land and by the DNR for state lands. Any lease by the state is to be coordinated with DWF and leases for subsurface storage must be approved by the OC-DNR. The DNR may also grant rights-of-way across state lands. La. R.S. 41:1173-74. Rules for pipeline and other rights-of-way are found at 3 La. Reg. 314, which regulation contains requirements for the piping itself and coordination with other agencies.

5. Leasing of state lands for oil, gas, and other mineral operations (OMR-DNR)

La. R.S. 30:151-159, 171, 208, 209

3 La. Reg. 473

4 La. Reg. 210

The use of state owned lands and waterbottoms for oil and gas and other mineral exploration and production is under the authority of, or is subject to approval by the OMR, and requires a lease. Any structures or fill placed upon shore banks or waterbottoms pursuant to such lease must have a permit from the department and the OC-DNR.

DNR has adopted policies regarding the leasing of state property for mineral purposes. They are found at 3 La. Reg. 473 and 4 La. Reg. 210.

6. Leasing of state lands for purposes other than mineral operations (DSL-DNR)

La. R.S. 41:1211-1221, 41:1501-1505

Leases of state lands for other purposes are obtainable from the appropriate agency with control of the land. Such other purposes include trapping, grazing, hunting, agricul-

ture and other legitimate purposes other than minerals, La. R.S. 41:1211-1221, and the leasing of waterbottoms and reclaimed lands for public recreational purposes subject to wildlife and fishery laws, La. R.S. 41:1501-1505.

7. Management of State Wildlife Refuges (DWF)

La. R.S. 56:109, 651-659, 701-801

3 La. Reg. 212, 297, 394

DWF establishes, manages, and regulates uses of wildlife management areas, preserves, refuges and sanctuaries. Regulations governing mineral operations on the State Wildlife Refuge are found at 3 La. Reg. 207; regulations regarding the non-commercial taking of aquatic species in coastal refuges and management areas at 3 La. Reg. 394, and regulations regarding mineral operations in the St. Tammany Wildlife Refuge at 3 La. Reg. 212.

The Russell Sage or Marsh Island Wildlife Refuge and Game Preserve has been designated as an area of particular concern and shall be subject to the management regime set forth in that section of this document.

8. Management of the Natural and Scenic River System (DWF)

La. R.S. 56:1841-1849

DWF administers and regulates the state Natural and Scenic River System, including permits and reviews of uses thereof.

Guidelines and procedures for the administration of and permitting of uses of the system were adopted on September 18, 1973. Rules for hearings on appeals are found at 2 La. Reg. 456.

9. Management of shell, sand, and gravel operations on state lands (DWF)

La. R.S. 56:450, 541, 609(C)(1)

DWF grants and collects the severance tax on dredging of shells, sand, gravel and fill materials from state waterbottoms.

10. Protection of levees and drainage channels (OPW-DOTD)

La. R.S. 38:211-225

OPW-DOTD issues letters of clearance for pipelines on state lands or through levees.

La. R.S. 38:211-225 also contain sanctions against cutting or destroying levees; riding or hauling on levees; hunting or shooting on levees; interfering with, obstructing or diverting drainage and drainage channels; pollution of natural drains, irrigating of flooding lands near the bases of levees; obstructing levees, waterways, and rights of way; and installing certain pipes through or under levees. La. R.S. 38:222 provides regulations for construction and operation of siphons through levees.

11. Management of archeological and historical sites

La. R.S. 41:1601-1613

1 La. Reg. 375

DCRT administers and protects all archeological and historical remains and sites on state owned lands and water-bottoms and reviews impacts on all such sites. Notice is to be given prior to altering or destroying sites or remains.

C. Transportation, storage and disposal of hazardous waste (DNR)
(To be transferred by LEAA to OEA-DNR)

La. R.S. 30:1101-1116

5 La. Reg. 182

Regulation and permitting of the transportation, storage and disposal of hazardous waste is under the authority of the Department of Natural Resources pursuant to Act 334 of 1978, La. R.S. 30:1101-1116, with advise from the governor's office of science, technology and environmental policy. All generation, transportation, storage and disposal of hazardous wastes (except nuclear) in or into the state are subject to permitting and reporting requirements. The regulations went into effect August 1, 1979.

D. Use and disposal of radioactive materials (OC-DNR) (LEAA to OE-DNR)

La. R.S. 51:1051 et. seq., 51:1071(A), 51:1072(A)

3 La. Reg. 183

The regulation and permitting of the use of nuclear energy is under the OC-DNR. Regulations and permitting procedures for the proper use and disposal of radioactive material were adopted at 3 La. Reg. 183. The complete text was not published but copies may be obtained from OC-DNR.

(1) La. R.S. 51:1071(A) (LEAA 30:1115B)

Notwithstanding any law, order, or regulation to the contrary, no salt dome within the jurisdiction of the State of

Louisiana shall be utilized as a temporary or permanent disposal site for radioactive waste or other radioactive material of any nature by any person.

(2) La. R.S. 51:1072(A) (LEAA 30:1111D)

Notwithstanding any law, order, or regulation to the contrary, no high level radioactive waste, including spent fuel rods from nuclear reactors, shall be transported into the state for disposal or storage in this state or elsewhere.

E. Management of wildlife, fish, and other aquatic life (except oysters) (DWF)

La. R.S. 56:1-28

56:101-181 56:251-278 56:311-637

The general authority over and regulation of the fish and wildlife of the state, including the requiring of appropriate permits is under the DWF and the Wildlife and Fisheries Commission.

1. The laws affecting the regulation of wild birds and game are found at La. R.S. 56:101-181.
2. The laws affecting the regulation of trapping fur-bearing animals and alligators are found at La. R.S. 56:251-278.
3. The laws affecting the regulation of fish, agriculture, and other aquatic life are found at La. R.S. 56:3-1-637.

The policy of the state regarding wildlife, fish and other aquatic life is to protect, conserve and replenish them. La. R.S. 56:1A.

F. Management of oyster bedding grounds (DWF)

La. R.S. 56:421-463

The DWF has authority over all aspects of oyster fishing as well as being the state leasor for oyster beds. Those licenses and leases issued by the DWF for oystering shall be "in-lieu" permits pursuant to §213.12(C) of Act 361.

G. Water Quality Regulation (SCC-DWF) (LEAA to OEA-DNR)

La. R.S. 56:1431-1446, 1451-1453, 1461-1464; 38:216

4 La. Reg. 302, 4 La. Reg. 212

The DWF through its Division of Water Pollution Control and the Stream Control Commission supervises, regulates and permits, including the issuance of certificates of compliance, discharges of polluting substances into the surface waters of the state. Act 423 of 1978 broadened the permitting and regulatory authority to include all discharges of brine solutions into surface waters,

thereby overcoming the limitations of La. R.S. 38:216. Water quality criteria for the waters of the state, including coastal waters, and streams discharging into them, are set forth at 4 La. Reg. 302 et seq.

Additional pertinent regulations relate to discharges in the Mississippi River and Bayou Lafourche, 3 La. Reg. 424, and the permitting of discharges from sand and gravel operations, 4 La. Reg. 212.

H. Resident endangered or threatened species (DWF)

La. R.S. 56:1901-1907

The DWF has the authority to adopt rules and regulations and programs necessary and advisable to conserve and maintain resident endangered or threatened species. Permits may be issued for the taking, exportation or commercial use of such species.

I. Construction and Operation of Offshore Terminal Facilities (LOTA-DOTD)

La. R.S. 34:3101-3116

Environmental Protection Plan (1978)

The Louisiana Offshore Terminal Authority of DOTD permits, regulates, and controls all phases of construction and operation of offshore terminal facilities (Superport) within the jurisdiction of the authority and has developed and enforces an environmental protection plan for the construction and operation of such facilities. The area and facilities subject to this regulatory authority have been designated as a Special Area by §213.10(C) of the Act and activities carried out in keeping with the environmental protection plan are exempted from the coastal use permitting program by §213.15(A)(6) of the Act.

J. Construction, operation and abandonment of water wells (over 50,000 gallons/day) (OPW-DOTD)

La. R.S. 38:3091-3097

1 La. Reg. 249, 315, and 582 2 La. Reg. 88 and 119 3 La. Reg. 209

The OPW of DOTD registers and regulates the construction, operation and abandonment of water wells producing in excess of 50,000 gallon per day. Regulations implementing this authority are found at 1 La. Reg. 249, 315, and 582; 2 La. Reg. 88 and 119, and 3 La. Reg. 209.

K. Air Quality Regulation (ACC-DHHR) (LEAA to DEA-DNR)

La. R.S. 40:2201-2216

4 La. Reg. 31, 5 La. Reg. 99 5 La. Reg. 170

The ACC of DHHR has the authority for the proper control of the quality of the air resources of the state. This is to be carried by means of a permit system and otherwise to control air contaminants by all practical and economically feasible methods and reduce undesirable levels of contaminants. The initiation of emission control actions in emergency air pollution conditions is also authorized.

III. State Non-Regulatory Provisions

A. First Use Tax and Barrier Islands Conservation Account of First Use Tax (La. R.S. 47:1301-07)

Article IX § 9 of the Louisiana Constitution of 1974 (as amended) and Act 293 of 1978, La. R.S. 47:1351, established an irrevocable trust fund from the proceeds of the First Use Tax established by Act 294 of 1978, La. R.S. 47:1301-1307. Twenty-five percent of the proceeds are to be maintained as the "Barrier Islands Conservation Account" and used for capital improvement projects designed to conserve, preserve and maintain the barrier islands, reefs and shores of the coastline of Louisiana. The protection of the barrier islands, reefs, and shores of the coast has been given great emphasis in the coastal management program and is of tremendous importance to the state. As increasing outer continental shelf development continues off of the state, its attendant pipeline and navigation canals and onshore support developments have taken an incredible toll on the coastal environment of the state, thereby requiring the availability of such funds for mitigating some of the impacts suffered by the state's coastal resources. Therefore, the First Use Tax and the dedication thereof are included as an integral part of the coastal resources program.

B. Freshwater diversion and salinity control of Mississippi River (DWF, OPW - DOTD) Acts 424 of 1964, 54 of 1969, 462 of 1970, 559 of 1972, 698 of 1972, and others.

A series of Acts have given DWF and DPW of DOTD the authority to create, operate and maintain a system of siphons, structures, and canals for freshwater diversion and salinity control from the Mississippi River.

C. Planning, construction, operation and maintenance of all public works projects of the state, including effects on wetlands and other wildlife habitat (DWF, OPW - DOTD) La. R.S. 38:1-18

The Office of Public Works in DOTD has been given the administrative functions regarding the planning, construction,

operation and maintenance of all public works projects of the state and the provision of technical assistance and review of public works projects conducted by political subdivisions. Of particular note is the authority regarding waterway projects and levees and other flood control projects. Such projects are to be reviewed by DWF for impacts on fish and wildlife.

- D. The Office of Aviation in the DOTD regulates and approves the location, design, construction and operation of all airports, landing fields, and aids to navigation. (OA-DOTD) La. R.S. 2:6 and 8

- E. State Park System, commemorative areas, preservation areas, and experimental sites. (DCRT) La. R.S. 41:1681 1 La. Reg. 343

The DCRT is charged with the establishment, operation and maintenance of a system of state parks, commemorative areas, preservation sites, preservation areas and experimental sites.

Regulations governing the uses of the areas subject to this program are set forth in 1 La. Reg. 343

- F. State Outdoor Recreation Plan (DCRT)

La. R.S. 56:1801-1808

DCRT is to prepare and upgrade a comprehensive long-range plan for outdoor recreation development and for establishing policies and procedures for participation under the Land and Water Conservation Fund Act, 16 USCA 4601-4 to 4601-11.

- G. Management of portions of Atchafalaya Bay, East Cote Blanche Bay, West Cote Blanche Bay, and Vermilion Bay (DCRT)

La. R.S. 38:2351 et seq

DCRT is charged with the responsibility of preserving the environmental quality of the Atchafalaya Basin, including Atchafalaya Bay, East and West Cote Blanche Bays, and Vermilion Bay developing facilities permitting the enjoyment of the scenic and educational features of this area, and maintaining and enhancing the economic value of the region.

La. R.S. 38:2356 establishes state policy for the use of the basin and the bays:

- (1) The state owned lands, private lands whose owners have voluntarily agreed to such use of their lands, and those lands which by location, are a critical part of the basin ecosystem shall be left in their natural state with no commercial or industrial activity permitted, except the exploration and production of minerals and necessary transportation thereof, the harvesting of timber by selective

cutting methods, the development of facilities by the state for purposes of enhancing recreational use of the area for the benefit of the citizens of the state and nation, fishing, trapping, moss picking and farming, and other traditional industries all in a manner which are not detrimental to the essentially wild character of the area, will be permitted.

- (2) All possible action shall be taken immediately to preserve the swamp ecosystem of annual flooding and dewatering in its present form for as long a period as human ingenuity can preserve it and thereby take the necessary action to implement and enforce the land use plan.
- (3) That portion of Atchafalaya Bay, East Cote Blanche Bay, West Cote Blanche Bay and Vermilion Bay in the area described in R.S. 38:2352(b) and any enlargements thereof, exclusive of the one mile buffer zone around Marsh Island, is hereby established as a permanent wildlife and recreation area in which title to said bodies and all submerged, accreted and other lands including minerals and other resources in said areas except for presently existing privately owned islands are and shall remain the property of the State of Louisiana. The term "wildlife and recreation area" as used in this subsection shall be understood to mean an area designated for use by the public as long as such use does not interfere with other uses as authorized in R.S. 38:2356(E).
- (4) The area described in R.S. 38:2356(M)(1) is hereby permanently declared to be an arm of the sea and the laws of accretion and dereliction as defined in Civil Code Articles 509 and 510 shall not apply; provided, however, as to other areas nothing herein shall be construed to affect the laws of accretion and dereliction as defined in Civil Code Articles 509 and 510.

H. Fishermen's Gear Compensation Fund (DNR) La. R.S. 56:700.1 - 700.5 (1979)

DNR is to collect and administer a fund of at least \$100,000 from the proceeds of a \$300.00 fee to be paid by state mineral lessees and grantees of state rights of way in the coastal zone. The fund will be used to compensate commercial fishermen for damages resulting from snagging underwater obstructions.

I. Louisiana State Parks Land Acquisition Trust Fund (DCRT)
La. R.S. 56:1809

This is a trust fund of up to 100 million dollars collected from the proceeds of mineral activities on lands acquired with Land and Water Conservation Fund Act monies. The fund is to be used for acquisition of lands and improvement of facilities for public outdoor recreation.

- J. Transportation of out-of-state waste materials for storage or disposal (other than those generated by offshore mineral operations) DHHR & DNR (LEAA to DNR)

La. R.S. 40:1299.36

DHHR and DNR permit and control the transportation of out of state waste materials into Louisiana for storage or disposal. This does not apply to waste to be reprocessed or that generated by OCS mineral operations. DHHR regulates non-hazardous waste and DNR regulates hazardous.

- K. State Sanitary Code, including regulation of water supplies, food processing, oyster and shellfish control, waste materials, sewage disposal, noise, and obnoxious odors. (DHHR)

La. R.S. 40:4-6 (LEAA transfers waste management to OEA)

DHHR enforces the State Sanitary Code which, among other things, requires compliance with standards and regulations for water supplies; handling and control of hygienic conditions for foods including oysters and other shellfish; handling, storage and disposal of waste materials and sewage; noise; and obnoxious odors. Health permits or clearances are required.

IV. Environmental Reorganization

Louisiana Environmental Affairs Act, (LEAA) Act 449, 1979

La. R.S. 30:1051-1147

(OEA-DNR)

This act, which goes into effect on January 1, 1980, consolidated many of the state's environmental regulatory authorities and agencies into the DNR. To implement the authorities, it created the Environmental Control Commission (ECC) which is to serve as the rule and policy making body and issue all permits (permitting may be delegated to the Office of Environmental Affairs (OEA) subject to ECC review) and the OEA which is to be the technical monitoring and enforcing body. The act does away with the Air Control Commission and the Stream Control Commission. The ECC and OEA are to have authority over air and water pollution, nuclear energy and radiation, solid waste management, hazardous wastes, and other environmental regulation.

APPENDIX m- Additional Definitions

Adverse Impacts - Impacts which result in a reduction in the quality of, or destruction of, existing levels of coastal resources.

Biological productivity - The amount of living material produced over a certain period of time. Roughly equivalent to fish or agricultural harvest.

Critical Habitat - Vital nesting, breeding, feeding or nursery areas which are essential for the continued existence of a species of plant or animal or for the continued productivity of sport or commercial species.

Critical Wildlife & Vegetation Areas - Areas in which the immediate environment of specific animals or plants are of special concern because of limitations on available habitat.

Cultural Resources - Non-renewable resources such as archaeological sites, historic places, folk culture activities, and other areas that are important in providing an identity of place and cultural roots.

Estuary - A semi-enclosed coastal body of water which has a connection with the open Gulf and within which sea water is measurably diluted with fresh water derived from land drainage.

Eutrophication - Over-enrichment of the nutrient content of a waterbody causing dissolved oxygen content to be reduced or depleted.

Important Wildlife or Fisheries Areas - Areas required by wildlife or aquatic species for breeding or spawning or which contain habitats suitable to their existence.

Irreplaceable Resource Areas - Areas containing resources which cannot be replaced through natural processes.

Known Oyster Reefs - Those natural or man-made oyster producing areas of record with the DWF.

Navigation Canals - Man-made canals which are to be utilized for navigation throughout the project life of the canal.

Non-Navigation Canals - Man-made channels which are not to be utilized for navigation purposes or are only to be used temporarily for navigation in association with another primary activity, for example: flotation access canals to drill sites or pipeline canals. Those guidelines and regulations requiring restoration or plugging of such canals shall become applicable upon cessation of the need for navigation directly associated with the primary activity.

Non-structural methods of Shoreline modification - Natural methods of shoreline protection such as retaining existing shoreline vegetation or planting of wetland vegetation, locating and designing structures where they will produce minimal interference with natural processes, and avoiding the placement of structures in areas of high erosion or sedimentation.

Open, productive oyster reefs - These are currently producing oyster areas open to harvest by the public.

Secondary Development - Activities or uses occurring ancillary to, or as a consequence of, an initial development.

Secondary impacts - Those impacts that result from uses ancillary to, or as a consequence of, an initial development, for example: the need to provide housing areas for workers may be a secondary impact of developing a new manufacturing plant in an area.

Shoreline stabilization structures - Man-made structures, such as bulkheads, used to prevent or reduce erosion or modification of shorelines

Submerged Vegetation - Rooted vegetation normally completely immersed in water even at low tide.

Unmodified or biologically productive wetlands - Wetlands in which the intervention of man has caused minimal impacts on biological productivity.