LOUISIANA COASTAL RESOURCES PROGRAM
FINAL ENVIRONMENTAL IMPACT STATEMENT

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
OFFICE OF COASTAL ZONE MANAGEMENT
AND
LOUISIANA DEPARTMENT OF NATURAL RESOURCES
COASTAL MANAGEMENT SECTION

1980

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UNITED STATES DEPARTMENT OF COMMERCE

FINAL ENVIRONMENTAL IMPACT STATEMENT

AND THE

LOUISIANA COASTAL RESOURCES PROGRAM

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and

Louisiana Coastal Resources Program
Louisiana Department of Natural
Resources
P. O. Box 44396
Baton Rouge, Louisiana 70804

DESIGNATION: Final 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 of 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 Natural Resources

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

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ACRONYMS

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, La. R. S. 49:213.1
AG	Attorney General
CEI	Coastal Environments, Inc.
CEIP	Coastal Energy Impact Program
CMS, CMS/DNR	Coastal Management Section, Louisiana Department of Natural Resources
CZMA	The federal Coastal Zone Management Act (P. L. 92-583)
CZM	Coastal Zone Management
DCRT	Louisiana Department of Culture, Recreation and Tourism
DEIS	Draft Environmental Impact Statement
DHHR	Louisiana Department of Health and Human Resources
DNR	Louisiana Department of Natural Resources
DPS	Louisiana Department of Public Safety
DOT	U. S. 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
ECC	Environmental Control Commission
EPA	U. S. Environmental Protection Agency
FEIS	Final Environmental Impact Statement

HCRS	Heritage Conservation and Recreation Service, U. S. Department of Interior
HUD	U. S. Department of Housing and Urban Development
LACCMR	Louisiana Advisory Commission on Coastal and Marine Resources
LEAA	Louisiana Enviromental 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 Managment 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
NMFS	National Marine Fisheries Service, National Oceanic and Atmospheric Administration
OA	Office of Aviation, Louisiana Department of Transportation and Development
OC, OC/DNR	Office of Conservation, Louisiana Department of Natural Resources
OCS	Outer Continental Shelf
OCZM	National Oceanic and Atmospheric Administration's 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, Louisiana Department of Transportation and Development
SCC, SCC/DWF	Stream Control Commission, Louisiana Department of Wildlife and Fisheries
SWFRC	Southwest Federal Regional Council
USF&W	U. S. Fish and Wildlife Service, U. S. Department of Interior

DISTRIBUTION: Comments were requested on the DEIS from the following federal, state and local agencies and other parties:

Federal Agencies

*Advisory Council on Historic Preservation
*Department of Agriculture
*Department of the Army, Corps of Engineers
*Department of Commerce
*Department of Defense
*Department of Energy
Department of Health, Education and Welfare
*Department of Housing and 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
*Amerada Hess Corporation
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 Littoral Society
American Mining Congress
American Oceanic Organization
American Petroleum Institute
American Planners Association
American Shore and Beach Preservation Association
American Society of Civil Engineers
American Society of Landscape Architects, Inc.
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 and Regional Resources
Chamber of Commerce of the United States
*Chevron U.S.A., Inc.
*Cities Service Company
City Service Oil Company
Coastal States Organization
*Conoco, Inc.
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 and Producing, Inc.
Murphy Oil Company
National Academy of Engineering
National Association of Conservation Districts

National Interest Groups (Continued)

National Association of Counties
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
..ational 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
*Phillips Petroleum Company
Resources for the Future
Rice University Center for Community Design and Development
Shell Oil Company
*Shellfish Institute of North America
Shipbuilders Council of America
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
*Tennessee Gas Pipleine
*Texaco, Inc.
Texas A & M University
*Texas Eastern Transmission Corp.
*Texas Pacific Oil Company, Inc.
*Transco Energy Company
United Brotherhood of Carpenters and 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 Comissioners 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

State and Local Agencies (continued)

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
*Lafourche-Terrebonne Soil and Water Conservation District
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 Transportation and Development
Offshore Terminal Authority
Louisiana Department of Wildlife and Fisheries
Louisiana Legislative Council
Louisiana Soil and Water Conservation Committee
Louisiana State Parks 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
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

State and Local Agencies (continued)

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 Canners 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
*Chamber of Commerce of New Orleans and the River Region
*Citizens for Safe Energy
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
*Fund for Animals
Gulf States Utilities, Inc.
Harvey Canal Industrial Association
Homebuilders Association of Greater New Orleans
*Houma-Terrebonne Chamber of Commerce
Louisiana Association of Business and Industry
Louisiana Assocation 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 and Growers Association

State and Local Interest Groups (continued)

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, Benson, Woodward, Hillyer, Pierson and Miller
*New Orleans Chapter of the Audubon Society
New Orleans Public Service, Inc.
New Orleans Shrimp Company
Public Affairs Research Council
*RESTORE
St. Charles Parish Environmental Council
St. Mary-Franklin Banner-Tribute
Schrober and Associates
Sellers, Dubroc and Associates
State Times and Morning Advocate
States Item and Times Picayune
Steimle, Smalley and Associates, Inc.
Tangipahoa Environmental Council
T. Baker Smith and Son, Inc.
*Williams, 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

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Representative John Breaux
Former Representative David Treen
Representative Robert Livingston
Representative Gillis Long
Representative Henson Moore

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NOTE: (*)Denotes agencies/parties from which comments on the Draft Evironmental Impact Statement were received.

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 to be administered by the Coastal Management Section of the Department of Natural Resources 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 policies, the coastal use guidelines, to coastal land and water use decision making.

2) The implementation of a 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 deepwater 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 area 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 of federal agencies affecting the coastal zone are coordinated and consistent with the policies of the program.

Federal approval of the LCRP will 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 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 Natural Resources 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 program's 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. DNR has developed memoranda of understanding with other agencies to ensure that such in-lieu permits and other such activities undertaken, conducted or supported by state agencies are consistent with the coastal use guidelines. The state and the Corps will also initiate a joint permit system following program approval. This system will take advantage of joint review of permit applications and provides for consistency between state and federal decision-making. The DNR is also currently beginning the development of a broader coordinated permit review

process pursuant to Act 361. This process includes memoranda of understanding with relevant state and federal agencies. It should be noted, however, that federal approval of the LCRP does not result in the delegation of federal permitting programs, e.g., the Corps' section 404 permit program to the states.

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 a memorandum of understanding with the Port of New Orleans.

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 DNR 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 the Louisiana Offshore Terminal Authority (LOTA), related to the construction of the Louisiana Offshore Oil Port do not require a coastal use permit. These activities 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 DNR 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 to the public 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". In response to comments received on the DEIS, additional narrative sections have been added to Chapter II to explain the application of guideline 1.8.

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 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, as shown in Table 1. 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.

6. Includes sufficient legal authorities and organizational arrangements to implement the program and to insure conformance to it.

In arriving a these substantive aspects of the management program, states are obligec 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 monies 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 final environmental impact statement (FEIS) and coastal management program document. Part I of this FEIS was prepared by OCZM and includes a summary of the Louisiana Coastal Resource Program. Part II was prepared by the Louisiana Department of Natural Resources (DNR) as were the appendices 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 FEIS and were prepared jointly by OCZM and DNR.

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 final environmental impact statement.

TABLE 1
FINDINGS NECESSARY FOR SECTION 306 APPROVAL
(Fed. Reg. Vol. 44, No. 61 - March 28, 1979 - Sec. 923.71, Table 2)

Requirements	Section of Approval Regulations	Source
Sec. 306(a), which includes the requirements of Sec. 305		
305(b)(1): Boundaries	923.31 - 923.34	Chapter III
305(b)(2): Uses subject to management	923.11	Chapter IV
305(b)(3): Areas of particular concern	923.21 - 923.23	Chapter V
305(b)(4): Means of control	923.41	Chapter IV
305(b)(5): Guidelines on priorities of uses	923.21	Chapter V
305(b)(6): Organizational structure	923.46	Chapter IV
305(b)(7): Shorefront planning process	923.24	Appendix d
305(b)(8): Energy facility planning process	923.13	Appendix e
305(b)(9): Erosion planning process	923.25	Appendix f
Sec. 306(c), which includes:		
306(c)(1): Notice; full participation; consistent with Sec. 303	923.3, 923.51, 923.55 and 923.58	Appendices g and h
306(c)(2)(A): Plan coordination	923.56	Appendix h
306(c)(2)(B): Continuing consultation mechanisms	923.57	Appendix h
306(c)(3): Public hearings	923.58	Appendix g
306(c)(4): Gubernatorial review and approval	923.48	Page 13
306(c)(5): Designation of receipient agency	923.47	Page 13 and Chapter IV
306(c)(6): Organization	923.46	Chapter IV
306(c)(7): Authorities	923.41	Chapter II/IV
306(c)(8): Adequate consideration of national interest	923.52	Chapter VI
306(c)(9): Areas for preservation/restoration	923.22	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

TABLE 1
FINDINGS NECESSARY FOR SECTION 306 APPROVAL
(Fed. Reg. Vol. 44, No. 61 - March 28, 1979 - Sec. 923.71, Table 2)

Requirements	Section of Approval Regulations	Source
Sec. 306(e), which includes:		
306(e)(1): Technique of control	923.42 - 923.44	Chapter IV
306(e)(2): Uses of regional benefit	923.12	Chapter VI
Sec. 306(h): Segments	923.61	N/A
Sec. 307, which includes:		
307(b): Adequate consideration of federal agency views	923.51	Chapter VI/ Appendix h
307(f): Incorporation of air and water quality requirements	923.45	Chapter II/IV

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

DAVID C. TREEN
GOVERNOR

State of Louisiana
EXECUTIVE DEPARTMENT
Baton Rouge

August 5, 1980

The Honorable Philip M. Klutznick, Secretary
United States Department of Commerce
14th and Constitution Avenue, N. W.
Washington, D. C. 20230

Dear Secretary Klutznick:

I am pleased to submit the Louisiana Coastal Resources Program for your review and approval pursuant to Section 306 of the Federal Coastal Zone Management Act of 1972, as amended.

Louisiana initiated efforts to plan for and manage its coastal resources in 1971 when the Legislature created the Louisiana Advisory Commission on Coastal and Marine Resources. This Commission was directed to identify the needs and problems in the use of Louisiana's coastal and marine resources and to determine what action should be taken to insure the orderly long-range conservation and development of its coastal and marine resources. In 1974, Louisiana applied for and received the first planning grant under Section 305 of the Federal Coastal Zone Management Act of 1972. Following two years of planning, the Legislature passed a comprehensive bill, the State and Local Coastal Resources Management Act of 1978. Based on this legislation, we have worked diligently to develop a sound management program which will preserve, protect, develop and, where appropriate, restore the resources of the coastal area.

I have examined the program and approve it as state policy and further certify that:

a. In order to consolidate the environmental resource responsibilities within the state, I have, by Executive Order 80-15 of July 8, 1980 (attached), transferred the Louisiana Coastal Zone Management Program from the Office of the Secretary of the Department of Transportation and Development to the Office of the Secretary of the Department of Natural Resources;

b. The Office of the Secretary of the Department of Natural Resources, as designated by the Executive Order, is the lead agency for implementation of the Louisiana Coastal Resources Program and shall receive and administer grants authorized by the Coastal Zone Management Act, including those for the Coastal Energy Impact Program; and

c. Louisiana has the authority required under the State and Local Coastal Resources Management Act of 1978 and has the organizational structure to implement the Louisiana Coastal Resources Program.

We appreciate the cooperation and assistance provided by your staff in the Office of Coastal Zone Management, and look forward to a strong and productive relationship between Louisiana and the Federal Government in administering a balanced coastal management program.

Sincerely,

David C. Treen

DCT/db

STATE OF LOUISIANA
EXECUTIVE DEPARTMENT
BATON ROUGE

EXECUTIVE ORDER NO. 80-15

WHEREAS, the state and local Coastal Resources Management Act of 1978 created the Louisiana Coastal Zone Management Program; and

WHEREAS, Louisiana Revised Statute 49:213.3(7) vests the authority of this Act in the Secretary of Transportation and Development; and

WHEREAS, Louisiana Revised Statute 49:213.21 empowers the Governor to transfer, by executive order, this authority to the Secretary of the Department of Natural Resources or to the Secretary of the Department of Wildlife and Fisheries; and

WHEREAS, there is a need to consolidate the environmental resource responsibilities within the state, thereby increasing the efficiency of management and assure conformity of action between environmental agencies; and

WHEREAS, there is a need to expedite and streamline the permitting process,

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the power vested in me, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby transfer The Louisiana Coastal Zone Management Program, as contained in Louisiana Revised Statute 49:213.1 through 49:213.21, from the Office of the Secretary of the Department of Transportation and Development to the Office of the Secretary of the Department of Natural Resources.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 8th day of July, A.D., 1980.

David C. Treen
GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR:

SECRETARY OF STATE

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 enviroment. 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, coastal 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, former Governor Edwards explained in a letter to former 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 Act 361, the State and Local Coastal Resources Management Act of 1978, was signed. 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 developed under the Act are 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.

In 1979 two amendments to Act 361 were passed which relate to special management areas. One amendment directed 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 directed the Secretary of

Department of Transportation and Development 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.

In recent years, the State of Louisiana has undertaken the cumbersome task of reorganization. Foreseeing the day when the coastal management program might be subject to reorganization efforts, Act 361 empowered the Governor to transfer authority for the program. Section 213.21 of the Act provides that the authority originally vested in the Secretary of the Department of Transportation and Development might be transferred by the Governor's order to the Secretary of the Department of Natural Resources or the Secretary of the Department of Wildlife and Fisheries.

On July 8, 1980, Governor David C. Treen transferred the authority for the Louisiana Coastal Resources Program from the Secretary of DOTD to the Secretary of DNR by Executive Order 80-15. The move was made to consolidate environmental resource responsibilities within the State and the need to expedite and streamline the permit process. DNR is now the lead agency for implementation of the Louisiana Coastal Resources Program.

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 has been utilized in the development and completion of the LCRP (see Table 2). Such a review process has made 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 2 DATES FOR PROGRAM COMPLETION PROCESS

	Date of Issuance	Hearing(s) Date
I. Hearing Draft	March 12, 1979	April 17, 18, 1979
II. Draft Environmental Impact Statement	September 15, 1979	October 30, 31; November 1, 1979
III. Final Environmental Impact Statement	August, 1980	No Hearing
IV. Program Approved	Late September, 1980	N/A

The first and second step of this review process, the Hearing Draft, and DEIS, have already been completed. The Hearing Draft was distributed in March, 1979 and two public hearings were held in April. This 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.

The 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 included the revised management program based on public comment on the Hearing Draft and the environmental impact assessment of the management program. The DEIS was distributed in September, 1979, and public hearings were held in October and November to receive comments from persons interested in the Louisiana Coastal Resources Program.

After careful analysis of all comments, this Final Environmental Impact Statement (FEIS) has been prepared for adoption by DNR and OCZM and approved by the Governor. The FEIS was issued by OCZM in August, 1980.

D) GUIDE TO THE FINAL ENVIRONMENTAL IMPACT STATEMENT

This Final Environmental Impact Statement is composed of appropriate revisions to the DEIS, 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 Natural Resources 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 polices 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 Final 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; Appendicies 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; Appendix l provides a summary description of the state constitutional and statutory provision included in the LCRP; Appendix m contains additional definitions; Appendix n contains memoranda of understanding with state agencies; Appendix o is the draft memorandum of understanding with the Corps of Engineers; and Appendix p contains the responses to comments on the draft environmental impact statement. This last Appendix is printed as a separate document.

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 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 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 wetland 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 Beer 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 chenier, beach ridges, salt domes, indian middens 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 (Hydrocotyl 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 portion 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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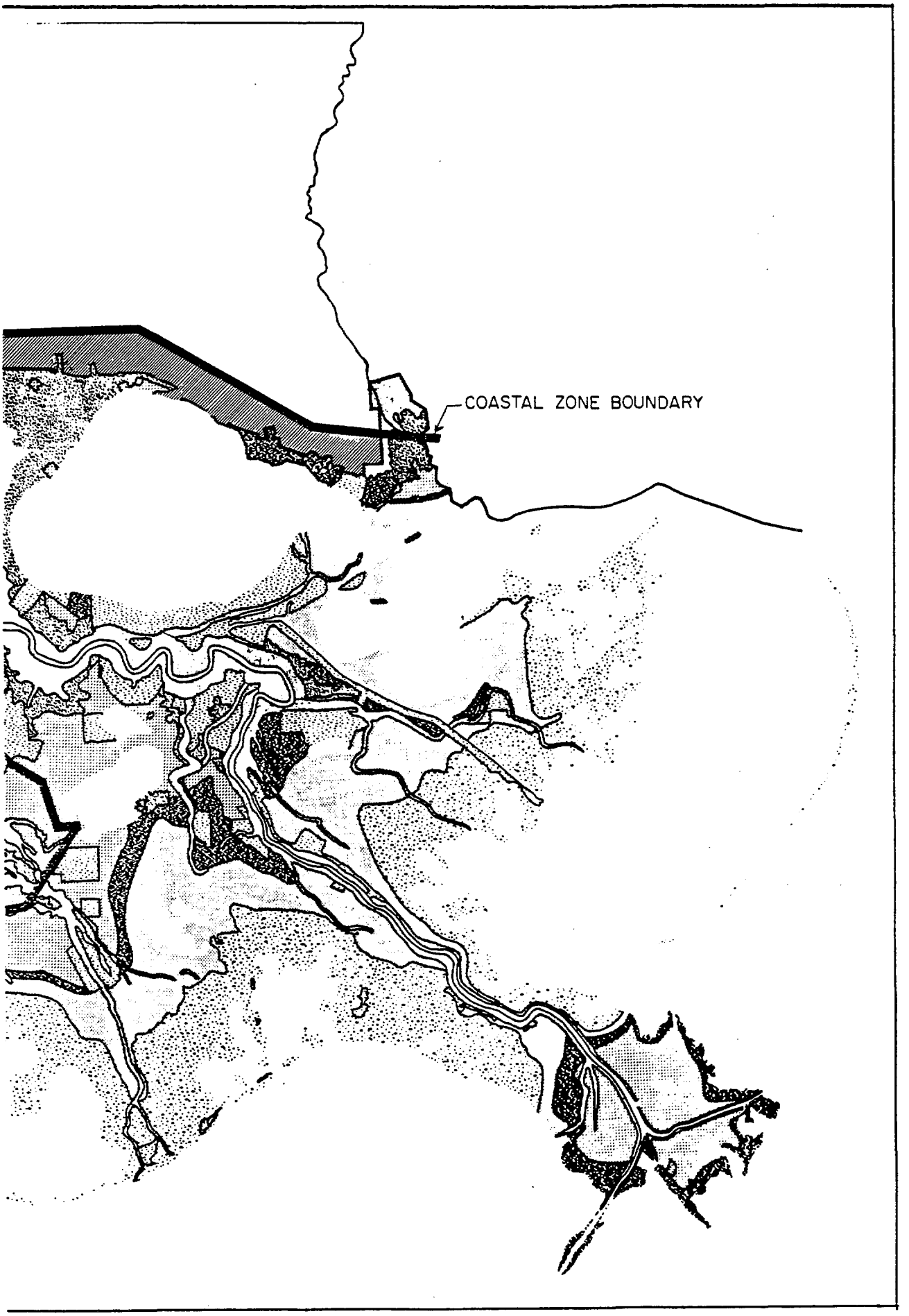
Figure - 1



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 2 shows the relationship between fisheries yields and intertidal areas for the Gulf of Mexico (Craig, et al., 1979).

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).

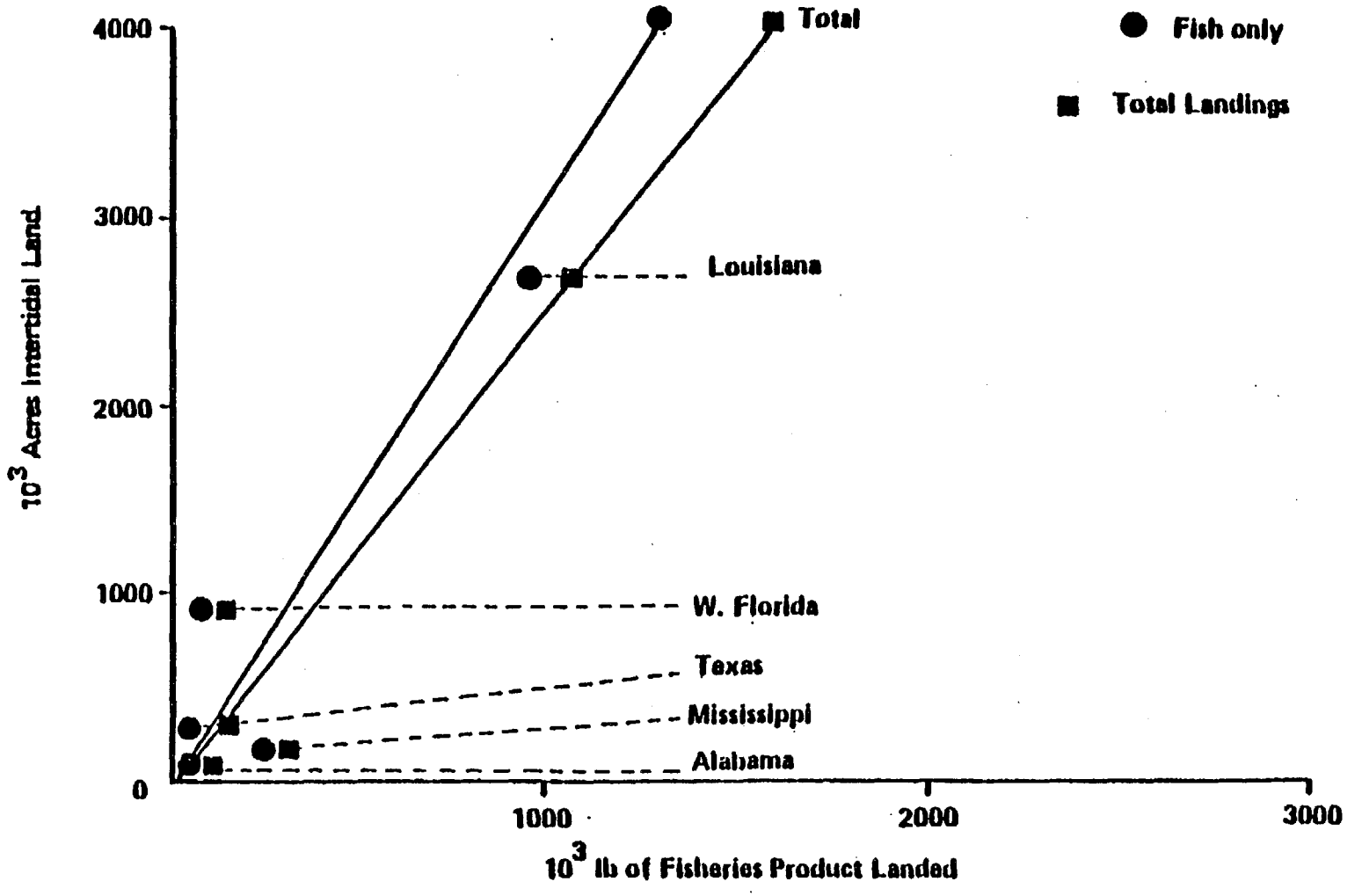
Wildlife depends for survival on adequate food, water and shelter—not only for protection from the elements and enemies, but as an area conducive to reproduction and the successful growth of the young. Deprived of such a habitat, a species' chances for survival are negligible.

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



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.

FIGURE 2

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).

Farmlands are classified by the U. S. Department of Agriculture, Soil Conservation Service, as "prime farmland" or "farmland of statewide importance". Prime farmland is land best suited for producing food, feed, forage, fiber, and oilseed crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically, when treated and managed according to modern farming methods.

It does not have a serious erosion hazard, nor is it subject to flooding. Prime farmland consists mainly of level or slightly sloping soils that are well suited to large multirow farming equipment. Farmland of statewide importance is land, in addition to prime farmlands, that is important in the production of food, feed, fiber, forage, and oilseed crops. These lands are important to agriculture in Louisiana, yet they exhibit some properties that exclude them from prime farmland. Examples of such properties are erodibility, occasional flooding, and droughtiness (State Planning Office, 1977-78).

It has been estimated that 2,500,000 acres in Louisiana can be classified as prime farmland. Roughly half of this is now being farmed (Warren, 1980). Prime farmland acreage by parish was not available for every coastal parish. Table 3 presents agricultural acreage for coastal parishes, including areas outside of the coastal zone boundary.

TABLE 3

AGRICULTURAL ACREAGE FOR COASTAL PARISHES
(Acreage Figures are for the Entire Parish)

Calcasieu	363,246	St. Bernard	5,696
Cameron	97,942	St. Charles	30,077
Iberia	118,957	St. James	55,279
Jefferson	22,594	St. John the Baptist	29,339
Lafourche	129,521	St. Mary	93,681
Livingston	83,505	St. Tammany	104,891
Orleans	7,381	Tangipahoa	172,633
Plaquemines	29,289	Terrebonne	69,859
		Vermilion	377,722

(Source: Burk and Associates, Inc., 1978).

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 percent 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 percent 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.

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 (Louisiana State Planning Office, 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), and (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 totalled 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 4.

TABLE 4

LOUISIANA PORTS:
WATERBORNE COMMERCE OF RIVERS, BAYOUS AND WATERWAYS

1. Total Navigable Waterways in Louisiana - 6,905 miles

2. Total Waterborne Commerce Tonnage (foreign and 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 times $44 equals - $5,670,000,000

129,000,000 tons times $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 asterisks (*).

<u>BAYOU PORTS</u>:

*Barataria	1,948,000
Big and Little Pigeon	194,000
*Bonfouca	61,000
*Petit Anse and Tigre and Carlin	1,517,000
Des Cannes and Nezpique	998,000
*Lacarpe, Dulac and Grand Caillou	739,000
*Dupre	151,000
*Freshwater	183,000
*Johnson Bayou	599,000
*LaLoutre and St. Malo and 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 and 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 and 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

List of Deepwater Ports and Port Commissions - Port, Harbor and Terminal Districts in the 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	Slidell
16.	Terrebonne Port Commission	Houma
17.	East Cameron Port, Harbor and Terminal District	Grand Cheniere
18.	West Cameron Port, Harbor and Terminal District	Cameron
19.	West St. Mary Parish Port Harbor and Terminal District	Franklin
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 Sections 10 and 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.

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 percent of the 16.5 square-mile average annual net land loss during the past 30 years is the direct result of petroleum industry dredging (Gagliano, et. al., 1973) and (Gagliano and Van Beek, 1970). In addition, the construction of channels, such as the Mississippi River Gulf Outlet (MRGO), has increased saltwater intrusion. In the case of the MRGO, 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. Directional drilling techniques, where feasible and practicable, can often reduce wetland loss associated with such access canals. 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 responsibile 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 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; and 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. The subsidence problem is common in Orleans, Jefferson, and St. Bernard Parishes where, 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 and 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 2). Given the economic importance of fisheries production to Louisiana, continued land loss bodes serious consequences for the economy of the state.

Fresh and 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 and 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 and 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 water samples 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 and 1972, 172 acres (18 percent) of the principal Grand Terre island were 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, salt-water 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 eight and seventeen 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 Management 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 provisons 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 for the Louisiana Coastal Resources Program (LCRP), including the coastal use guidelines and the selected constitutional and statutory provisions that serve as the basis of decisons 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:

- DNR issuance of coastal use permits for activities subject to the state coastal use permit system.

- o OC/DNR issuance of in-lieu permits.
- o DNR 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 DNR and in certain instances gubernatorial review of the activities of state agencies, local governments and deep water ports for consistency with the LCRP.
- o DNR 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 and program were then issued as a Draft Environmental Impact Statement (DEIS) by OCZM in September, 1979. Following the completion of the review process for the DEIS and consideration of the comments received, the guidelines and the rules and regulations contained in Appendix c were submitted to the House and Senate Natural Resources Committees on July 7, 1980. The House and Senate met on the guidelines, rules and regulations in separate hearings. The House met on July 9, 1980 and took no action which constituted approval on July 27, 1980. The Senate Natural Resources Committee met on July 11, 1980 and approved the guidelines, rules and regulations with only minor modifications to several definitions and asked that work begin on a variance procedure as provided for by Section 213.11(E) of Act 361 within 30 days of final OCZM approval.

The guidelines, rules and regulations were submitted to the Governor on July 14, 1980 and approved by the Governor on July 24, 1980. After approval by the Governor, the guidelines, rules and regulations were placed in the Louisiana Register for adoption on August 20, 1980 and will take affect on September 20, 1980.

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 ar. 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, as changing technology and advances in development alternatives which 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 must be read in their entirety and a number of guidelines will apply to a single proposed use. In making a decision as to whether or not a particular use complies with the guidelines, all applicable guidelines must be considered and complied with.

In the general guidelines, guideline 1.2 requires that a proposed use conform with all applicable laws, standards and regulations which have been incorporated by reference in Appendix 1 into the Coastal Resources Program. This includes those standards related to water and air quality.

Guideline 1.6 is an informational guideline; it provides a list of those factors which will be considered in evaluating applications for permits. The list is designed to show applicants the range of relevant information considered and provides guidance for local decision makers who may not be fully familiar with the requirements of the Louisiana Coastal Resources Program. Guideline 1.6 assures that in every decision full consideration will be given to all relevant factors. Under 1.6, primary responsibility is on the decision maker to request or generate necessary information regarding the impacts of a use and the existing environmental conditions under which the proposed project would be located and carried out. The responsibility, however, is on the applicant to provide sufficient information on the proposed use itself, the applicant's needs and financial ability, and alternatives available to the applicant which would permit the use to be carried out successfully.

Guideline 1.7 provides a general listing of impacts which the LCRP has identified as being appropriate to avoid or minimize if uses are to be carried out in the coastal zone. These impacts can serve as the basis for conditions or denial of permits.

In some 44 of the 94 guidelines, the term "maximum extent practicable" is used. An understanding of this term and how it is to be utilized is an essential element of the coastal use permit decision making process. The term is an integral part of the process set forth in guideline 1.8. The purpose of guideline 1.8 is to delineate the manner in which the benefits and impacts of a proposed use, as well as available alternatives, are systematically reviewed and balanced. The process establishes the basis upon which discretion can be exercised to resolve apparent conflicts or inconsistencies among the other guidelines. Such discretion is necessary if an appropriate balancing between the need for conservation of Louisiana's important coastal natural resources and the need for continued economic growth and development is to be realized. This process assures that uses which must be carried out in wetland areas are carried out in an environmentally sound manner and that the degradation of Louisiana's coastal resources by new activities is reduced to a minimum.

As pointed out in the first sentence of guideline 1.8, the guideline is only applicable when triggered by other guidelines in which the term "maximum extent practicable" appears. It is not applicable to any other guidelines and does not stand as a general process to be used in every case. For example, assume that a permit application is being reviewed for compliance with the guidelines. Several guidelines do not contain the term "maximum extent practicable". If after review, the decision maker determines that the proposed use is in compliance with all of those guidelines which do not contain the term "maximum extent practicable", the review then turns to those guidelines in which the term appears. When compared to some of the guidelines in which the term appears, the proposed use meets the substantive standard and is in compliance with the guideline.

But, in other cases it may not meet the standard; it is these remaining cases to which the three-part test provided for in guideline 1.8 is applied.

The use will be in compliance with the guidelines and may be permitted if, "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", the decision maker finds that the proposed use meets all of the three following tests:

(1) "The benefits resulting from the use would clearly outweigh the adverse impacts that would result from noncompliance with the modified standard", and

(2) "There are no feasible and practical alternative locations, methods, or practices for the use that are in compliance with the modified standard", and

(3) The use meets one of the following three criteria:

(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".

If, and only if, the use meets all three of the above criteria, may it be permitted. If the decision maker determines that the use should be permitted, permit conditions must then be developed such that adverse impacts resulting from the proposed use are minimized. These conditions must "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". Thus, if a proposed use meets the three criteria for determining as to whether the use may be allowed to proceed, notwithstanding noncompliance with the substantive standard of the triggering guideline, it must also comply with conditions which assure that resulting adverse impacts are as minimal as is feasible and practicable.

The three tests provided for in guideline 1.8 are to be carried out as follows:

The first test, which requires that the benefits resulting from the use must clearly outweigh the adverse impacts that would result from noncompliance with the triggering guideline, resembles a cost/benefit analysis. The test requires that the resulting benefits, whether public or private, are of sufficient magnitude to make the loss of coastal resources acceptable. However, this is not a straight cost/benefit ratio with monetary

allocations to benefits and damages. As environmental harm frequently is not capable of being measured in monetary values and research to provide proper allocation is, at best, tenuous, monetary allocations are unacceptable. The process is more in the nature of a subjective test which places heavy emphasis on the value of the natural resources and the value to the public from the proposed use.

The second test assures that if another location or design for a use is available which would allow the use to be successfully carried out in compliance with the triggering guideline it must be utilized. In carrying out this test, full consideration must be given to all feasible and practical alternatives including alternative locations for the use and alternative methodologies and practices for the use at the best location. This consideration of alternatives should be similar to the process provided for under Section 102 of the National Environmental Policy Act. In considering what alternatives are feasible and practical, the decison maker must consider the alternatives legally and economically available to the particular person applying for the permit. However, the decision maker is not held to the options economically available to the applicant. The test is what alternatives would be available to a reasonable person in a normal situation. An undercapitalized applicant should not be permitted to damage or destroy important public resources when a well financed one is prevented from doing so.

The third test is made up of three criteria, one of which must be met. The first one of the criteria which can be met is whether significant public benefits will accrue from the proposed use. These public benefits must go to the public as a whole, not just to a few individuals in the locality, and must be measurably substantial.

The second criterion is whether the use will serve important interests of greater than local concern. Such uses are those which would serve the national interest in the siting of facilities and resources which have been specifically identified in Tables 7 and 8 in Chapter VI of this document. This assures that those projects which are important to the region, to the state or to the nation, are assured full consideration.

The third criterion available is whether the use is coastal water dependent. Coastal water dependent uses are defined on page 65 as "those which must be carried out on, in or adjacent 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 of uses meeting the terms of this definition include surface and subsurface mineral extration, fishing, ports and necessary supporting commerical and industrial facilities, facilities for the construction, repair and maintenance of vessels, navigation projects, and fishery processing plants". This provides the special status appropriate for coastal water dependent uses for which there are sometimes only a limited range of locational alternatives.

If the three tests are met, permit conditions are developed to assure that the use results in minimal adverse impacts. The language of the

guideline, while not requiring mitigation, clearly permits it and, when read in conjunction with certain other guidelines, as for example guideline 4.2, makes it clear that any activity reasonably available to the permittee to reduce or offset adverse impacts should be utilized if it is practical to do so the conditions placed on permits must, however, be feasible and practical in that they must be limited to these locations, methods and/or practices which are of established usefulness and efficiency which allow the use to be carried out successfully. The decision maker must give full consideration to technical, economic, environmental, social, and legal limitations, in determining the feasibility and practicality of permit conditions which must be applied. Such consideration ensures that conditions are arrived at in a balanced fashion, consistent with both the CZMA and Act 361.

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 DNR, jointly with the Secretaries of DOTD 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.

The following pages contain the final coastal use guidelines adopted pursuant to the process described on page 45. Following the guidelines is a description of the other policies incorporated into the LCRP from existing provisions of law.

COASTAL USE GUIDELINES
AS APPROVED BY THE HOUSE NATURAL RESOURCES COMMITTEE ON JULY 9, 1980, THE SENATE NATURAL RESOURCES COMMITTEE ON JULY 11, 1980 AND THE GOVERNOR ON JULY 24, 1980

LOUISIANA DEPARTMENT OF NATURAL RESOURCES
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 forest lands.

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. L. 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 Wastes 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.

Guidline 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 floatation 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 - 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 DNR, 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 Par. 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 or projects which directly affect Louisiana's coastal zone must be consistent with the state program.

Figure 3

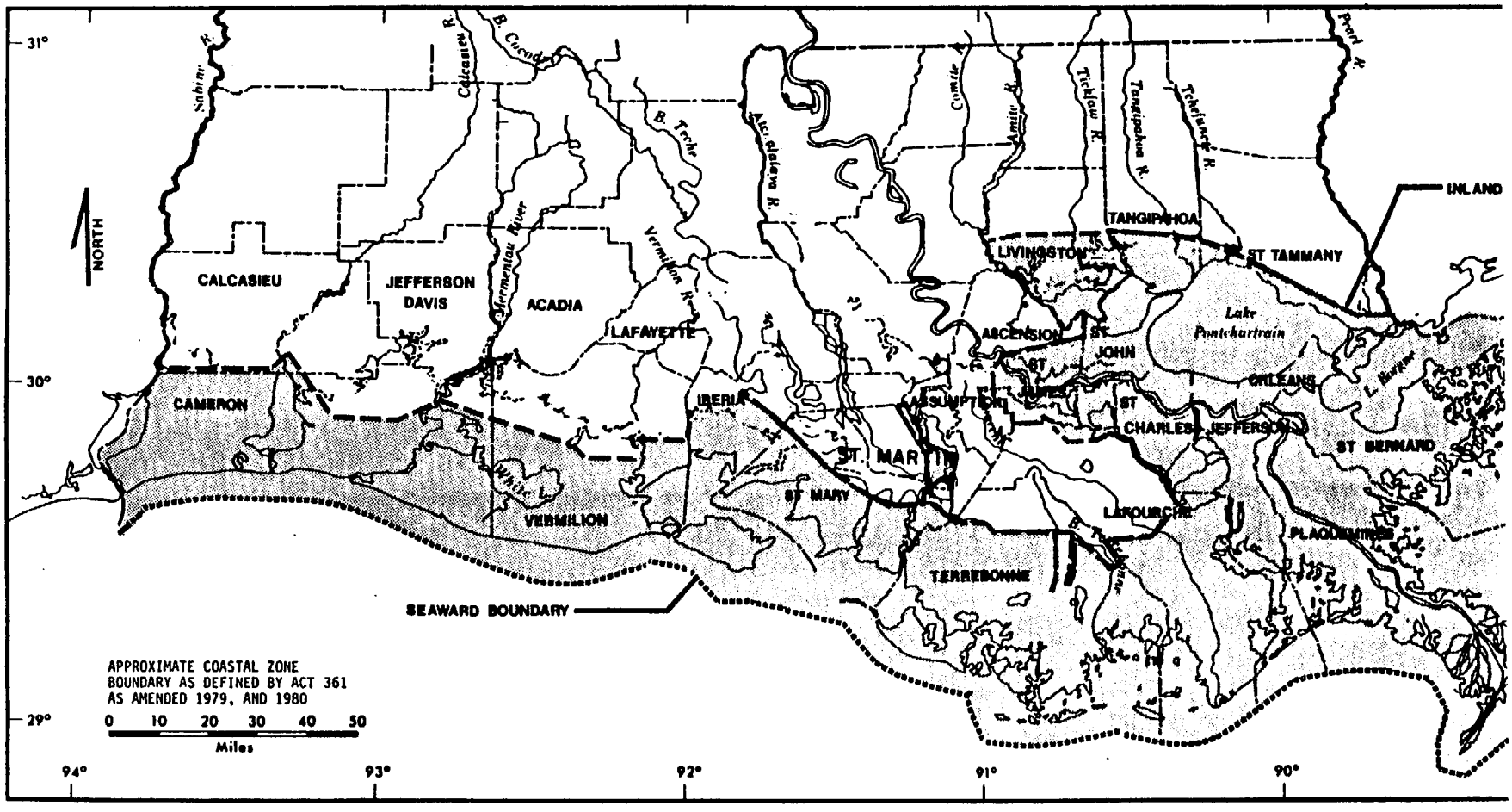
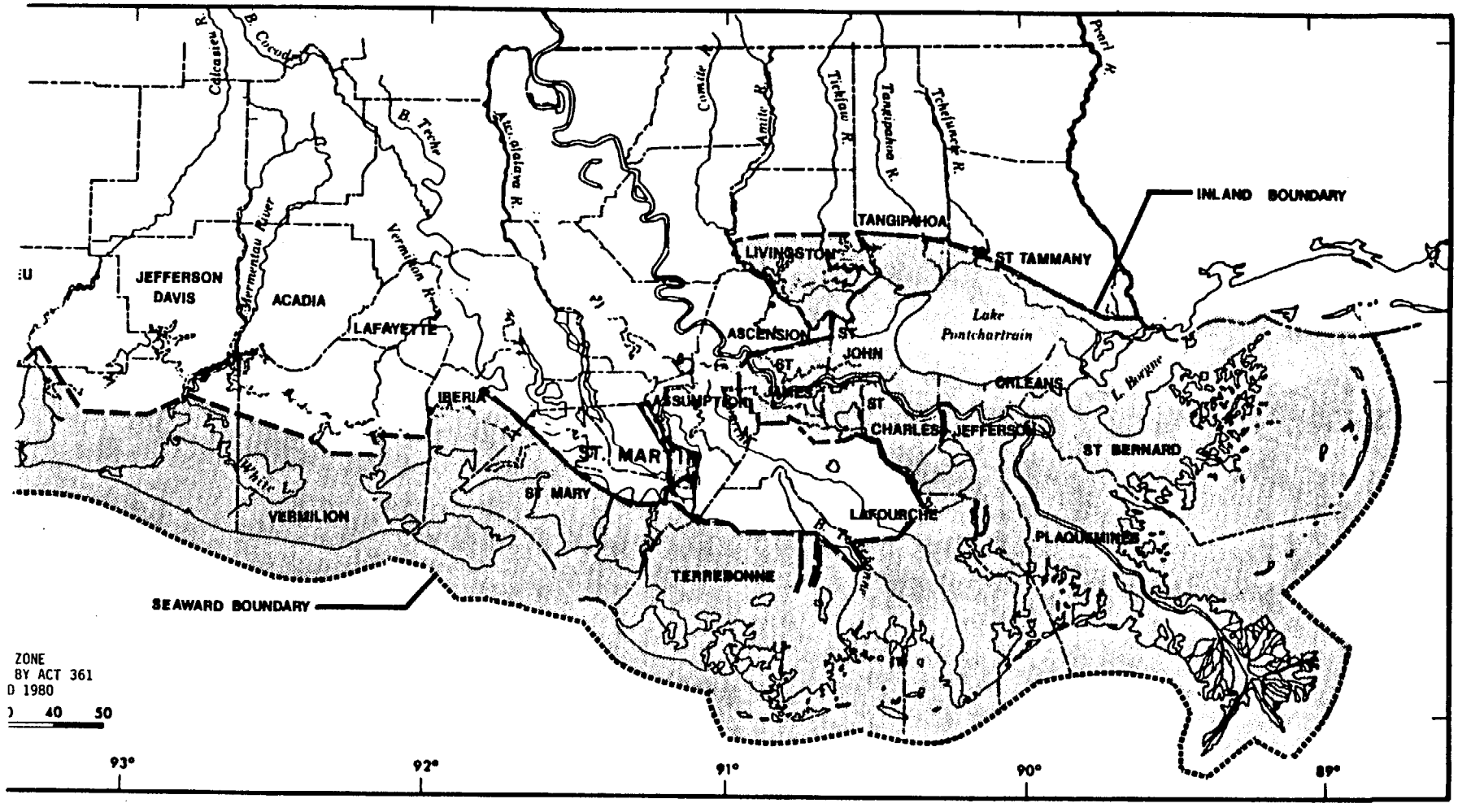

NORTH
CALCASIEU
JEFFERSON DAVIS
ACADIA
LAFAYETTE
CAMERON
IBERIA
VERMILION
ST. MARY
ST. MARTIN
TERREBONNE
ASSUMPTION
LAFOURCHE
ST CHARLES
JEFFERSON
ORLEANS
ST BERNARD
PLAQUEMINES
ST JOHN
ST JAMES
ASCENSION
LIVINGSTON
TANGIPAHOA
ST TAMMANY
INLAND
SEAWARD BOUNDARY
APPROXIMATE COASTAL ZONE
BOUNDARY AS DEFINED BY ACT 361
AS AMENDED 1979, AND 1980
0 10 20 30 40 50
Miles
31°
30°
29°
94°
93°
92°
91°
90°

Figure 3



ZONE
BY ACT 361
D 1980

40 50

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 three times. 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, a larger portion of Livingston Parish, and portions of Lafourche, St. Mary and Assumption parishes. The third revision came in 1980 when the Legislature amended Act 361 to include a portion of St. Martin Parish, which will become effective as of September 12, 1980.

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 3 and includes the most recent boundary modifications contained in Act 396 of 1980. Pursuant to Act 361, Section 213.4(d), DOTD promulgated a legal description of the 1979 inland boundary of the coastal zone, which is set forth in Appendix j. DOTD also prepared large scale maps of the coastal zone boundary as amended by the 1979 Louisiana Legislature. DNR is presently preparing a legal description of the new inland coastal boundary as modified by Act 396-1980. DNR will also prepare a new large scale boundary map showing the 1980 coastal boundary. Any amendments to the boundary made subsequent to federal approval will be subject to OCZM's program amendment procedures set forth in 15 C.F.R., Sections 923.80-84.

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 boundry. 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 16 to 32 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 nineteen parishes: in general, this boundary begins at the state line of Texas and Louisiana in the west and proceeds easterly through the parishes of Calcasieu and Cameron then south through Vermilion, Iberia, St. Mary, St. Martin, Assumption, Terrebonne and Lafourche. The boundary then turns to the north to

include the parishes of St. Charles, St. John the Baptist, St. James and then east again through Livingston, Tangipahoa and St. Tammany parishes to the Mississippi state line. The only parishes whose boundaries are completely within the coastal zone are the parishes of Orleans, Jefferson, St. Bernard, Plaquemines, St. John the Baptist, St. James and St. Charles.

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 nor Mississippi currently have approved coastal zone management programs. The FEIS on the Mississippi Program is currently being prepared. The Texas Program has received preliminary approval under Section 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 the 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 the Interior also owns and controls the Chalmette National Park in St. Bernard Parish and the newly acquired Jean Lafitte National Park in Jefferson Parish.

National Aeronautics and Space Administration

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 ozne. Most of these easements are on lands adjacent to navigational canals, channels and the Atchafalaya and Morganza spillways.

Table 5 lists the approximate acreage of major federally controlled lands by department.

TABLE 5

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

Department or Agency	Acreage
U. S. Department of the Interior	228,067
National Aeronautics and Space Administration	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	5,364
U. S. Department of the Air Force	20
TOTAL ACRES	438,809

CHAPTER IV

ORGANIZATION AND AUTHORITIES

A) INTRODUCTION

Prior to July 1980, the Department of Transportation and Development had primary responsibility for coastal zone management in Louisiana. This responsibility included development of the guidelines, procedural rules and the DEIS. On July 8, 1980, Governor Treen, in accordance with Section 213.21 of the Act, signed Executive Order 80-15 transferring the responsibility for implementation of the management program to the Department of Natural Resources in order to have all environmental agencies in the same department. Consequently, the Department of Natural Resources has the primary responsibility for the implementation of coastal zone management.

A number of other agencies are involved in the development and implementation of the program including the Department of Wildlife and Fisheries, the Louisiana Coastal Commission, and the 19 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. 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 Natural Resources (DNR), the state agency designated by the Governor pursuant to the provision of Section 213.21 of Act 361 to administrate the LCRP. The following are state and local organizational responsibilities as provided for by Act 361.

1) The Department of Natural Resources

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

Administration of Federal CZM Programs

DNR is the designated state agency for administration of Sections 305, 306, 307 and 308 of the CZMA. In this capacity, DNR 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 DNR determines which projects, among those eligible, will be funded with CEIP monies allocated to Louisiana under the federal CEIP program.

Development of Coastal Use Guidelines

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

Implementation of Coastal Use Permit Program

DNR 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, DNR 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

DNR is responsible, in conjunction with the secretaries of DWF and DOTD, 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

DNR 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

DNR 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

DNR 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 213.10(B) of the Act. In addition, DNR is responsible for providing financial and technical assistance to local governments for special projects and special areas pursuant to Section 213.10(E) of the Act.

Boundary Delineation

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

Consistency Determinations

The Secretary 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 carried out under the Secretary's authority shall be made by the Governor.

Review of Deepwater Port Activities

DNR 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

DNR 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

DNR 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

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

Research and Planning

DNR is to conduct investigations, studies, planning and research pursuant to Section 213.6(B)(2) of the Act.

2) Louisiana Coastal Commission

The Louisiana Coastal Commission (LCC or Commission) was established by Act 361 as an independent body within the Department of Natural Resources with staff functions being provided by DNR. 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 23 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 appoints 11 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; 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 12 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 DNR 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 DNR 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 DNR and in-lieu permits issued by OC/DNR 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 DNR, will play key roles in the implementation of the LCRP. These include new roles for the Department of Transportation and Development and Wildlife and Fisheries prescribed by Act 361 and pre-existing responsibilities which have been incorporated into the LCRP by DNR 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 participated

with DOTD in the development and review of the coastal use guidelines pursuant to Section 213.8(C) of the Act. DWF and DNR also 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 DNR, both DOTD and DWF 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. The Office of Conservation of the Department of Natural Resources (OC/DNR) 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 nonregulatory programs into the LCRP in 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 Natural Resources (DNR)

DNR has primary responsibility for the conservation, management, and development of water, minerals, timber, and other natural resources of the state, for the administration and supervision of state lands and for air and water quality, solid and hazardous waste management and nuclear energy and radiation control. Within this department, but retaining independent authority and control over their functions, are the Commissioner of Conservation in the Office of Conservation, the State Mineral Board in the Office of Mineral Resources, and the Environmental Control Commission in the Office of Environmental Affairs.

Department of Transportation and Development (DOTD)

The Department of Transportation and Development's activities in the coastal zone include the construction of state highways, handling of public works projects, setting standards of water wells and comment authority on pipeline crossings and obstructions of levees.

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; shell dredging; and the granting of oyster leases.

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 oyster and shell fish control, 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 archaeological and historic sites in the coastal zone will be coordinated with the LCRP.

Department of Public Safety (DPS)

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

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. DNR 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 OC/DNR 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 DNR 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 DNR, a local government is delegated the responsibility for the management of a set of uses, i.e, uses of local concern. DNR 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 DNR and local governments. Initially, the coastal use permit program will be implemented entirely by DNR, with local governments assuming a portion of the permit responsibilities as their local coastal programs are approved by DNR.

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 approved by the Senate and House Natural Resource Committees. These rules are 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 c3

- rules for public hearings pursuant to Section 213.11(C)(6).

Appendix c5

- procedural rules for the hearing of appeals by the Louisiana Coastal Commission pursuant to Section 213.11(G)(1).

Appendix c6

- definitions to be used in implementing the LCRP.

The above rules and other rules included in Appendix c are final rules, with notice of intent to adopt such rules having been published in the Louisiana Register. These rules will become effective on September 20, 1980.

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 DNR 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 from OC/DNR unless exempted by Act 361 or regulations of DNR. 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.
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 or the Louisiana Department of Natural Resources.

14. Activities which impact barrier islands, salt domes, cheniers, and beaches.

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 Termina. 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."

"Fastlands," 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."

The rules contained in Appendix c1 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.

In response to comments received on the DEIS, a new Part VII was added to the rules in Appendix c1. The new part provides for a process by which a person can request that the Administrator determine whether or not a coastal use permit is required for a proposed activity. Also, the Administrator can determine that a permit is not required after reviewing a coastal use permit application. Public notice of all such decisions is to be given and appeals to the LCC are available.

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 DNR pursuant to the procedures summarized below, DNR 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 DNR 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 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, Section 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 DNR setting forth procedures for the determination as to whether a proposed use is a use of state or local concern. Proposed DNR 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 DNR, whose determination may be appealed by the local government to the LCC. Criteria for such determinations are found in Appendix c1, Part VI, c and 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, or

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 capabilites. 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. Table 6 indicate the amount of federal Section 305 program development funds which have been spent to support local planning efforts.

TABLE 6

FINANCIAL ASSISTANCE TO LOCAL GOVERNMENTS

	Federal	Local Match	Total
1976-77	$225,000	$112,500	$337,500
1977-78	$450,000	$112,500	$562,500
1978-79 (6 months)	$482,000	$160,000	$642,000
May 1979-April 1980	$178,990	$ 74,943	$253,933
	$1,335,990	$459,943	$1,795,933

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 DNR, 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 DNR 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 DNR.

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 DNR will be responsible for the permitting of uses of both state and local concern upon 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, DNR 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 DNR 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 DNR 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 DNR.

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 final rules adopted by DNR 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 Coastal Use Permits found in Appendix cl.

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

Within 10 days of receipt of an application, DNR 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 during the comment period. 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 proposed to be 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 DNR, 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 DNR is currently refining 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 DNR 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 staf: 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. Current plans also call for legal assistance to be provided to the Coastal Management Section by both DNR's legal section and the LSU Sea Grant Legal Program.

The Administrator of the Coastal Management Section of DNR 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 DNR. 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 Office of Conservation of the Department of Natural Resources (OC/DNR). Presently OC/DNR conducts field investigations 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. CMS/DNR 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 of DNR 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 Legal Section of DNR. 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 incorporaton 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 a coordinated coastal permitting process described in Chapter VII.

In-Lieu Permits

Section 213.12(B) of the Act provides for DWF and OC/DNR issuance and administration of in-lieu permits for the activities set forth in these provisions. Under this provision, permits issued pursuant to existing statutory authority by the Office of Conservation in DNR for the location, drilling, exploration and production of oil, gas, sulphur and other minerals and permits issued pursuant to existing statutory authority by the DWF for the seeding, cultivation, planting or marking of oyster bedding grounds are to be issued in-lieu of the coastal use permits. However, such permits must be consistent with the coastal use guidelines, the state program and affected approved local programs. CMS/DNR has developed a memorandum of understanding with OC/DNR to insure the successful implementation of the in-lieu permit process (see Section E, Memorandum of Understanding, below).

Although DWF has statutory authority over oysters, including the granting of oyster leases, its statutory authority does not extend to the issuance of permits for the leasing, seeding, planting, harvesting or marking of oyster bedding grounds. Consequently, as there is no overlap between DWF functions and the implementation of the coastal use permit program, no MOU between DWF and CMS/DNR is necessary.

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 CMS/DNR 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 Certain aspects of oil, gas and other mineral activities in the coastal zone will require a permit from OC/DNR pursuant to its statutory authority. Permits for these specific activities will be issued in-lieu of coastal use permits (see In-lieu Permits Section above). 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 DNR has signed an MOU with OC/DNR that will facilitate the overall state permitting process for these activities.

- State Lands Management The proprietary activities of the state related to state owned waterbottoms, 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.

- 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 Baton Rouge is 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 memoranda of understanding entered into with port, harbor and commissions when appropriate.

To implement the first method of assuring consistency of the deepwater port activities, the LCRP will, on an ongoing basis, monitor port activities including A-95 materials submitted by ports, 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 actio . commented on. If the port authority does not follow these requirements, mandamus would be available.

Because of the location and number of activities of the Port of New Orleans in coastal areas, an interim memorandum of understanding has been entered into with the Port of New Orleans until such time as, and if, it is designated as a Special Area. This Memorandum of Understanding provides 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 memorandum of understanding is contained in Appendix n.

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.

The first method is agency coordination procedures set forth in memoranda of understanding between CMS/DNR and other governmental bodies.

These MOU'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. MOU's with state 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 Section 213.13 B, C, and D.

D) ACQUISITION OF PROPERTY

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

> "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 intent and purpose 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

The Coastal Management Section of DNR has signed Memoranda of Understanding with eight governmental agencies which include the 1) Office of Conservation of the Department of Natural Resources, 2) Office of State Lands of the Department of Natural Resources, 3) Department of Health and Human Resources, 4) Department of Transportation and Development, 5) Port of New Orleans, 6) Department of Culture, Recreation and Tourism, 7) Department of Agriculture and 8) the Environmental Control Commission and Office of Environmental Affairs of the Department of Natural Resources. These agreements 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 and procedures for conflict resolution. These MOU's, which are contained in Appendix n, are summarized below.

1) In-Lieu Permit Process with the Office of Conservation of the Department of Natural Resources

The most important memorandum of understanding is between the CMS/DNR and OC/DNR. The memorandum of understanding delineates a process to be followed by CMS/DNR and OC/DNR to insure that permits issued by OC/DNR and other OC/DNR activities are consistent with the LCRP. OC/DNR shall have the responsibility for permitting activities occurring within the boundary of the coastal zone as set forth in the Act for which OC/DNR issued permits as of January 1, 1979, for the location, drilling and exploration and production of oil, gas sulphur and other minerals. It is the intent of Section 213.12(B) of Louisiana R. S. 49 that the in-lieu permit of OC/DNR be issued in place of a coastal use permit for these activities.

The following list delineates those activities subject to the permit issued by OC/DNR.

- Oil and gas activities subject to regulation pursuant to La. R. S. 30:1-36, 204, 205, 213 and 215 and as provided for in statewide orders 29-B, 29-E, 29-H and 28-J.

- Subsurface injection activities subject to regulation pursuant to La. R. S. 30:1(D), 3(C)(1), 4C)(16) and the Louisiana Environmental Affairs Act and as provided for in statewide order 29-N.

- Geothermal energy activities subject to regulation pursuant to La. R. S. 30:800-809 and as provided for in statewide order 29-P.

- Uses of salt domes for storage subject to regulation pursuant to La. R. S. 30:22-23 and as provided for in statewide order 29-M.

- Letters of clearance for intrastate natural gas pipelines subject to regulation pursuant to La. R. S. 30:554, 555, 557 and 560 and as provided for in La. Reg 4-76.

OC/DNR will issue permits only if the proposed activity is consistent with the coastal use guidelines, the Louisiana Coastal Resources Program and affected approved local programs.

CMS/DNR shall issue coastal use permits for the following aspects of the above activities in accordance with the Louisiana Coastal Resources Program, the guidelines and approved local programs:

- Dredging of canals, slips and channels

- Filling of waterbottoms, marsh or other wetlands

- Disposal of dredged spoil

- Building of board roads

- Designation of access routes

- Construction of auxiliary structures such as wharfs, piers, bulkheads, etc. not presently regulated by a statewide order.

- Maintenance dredging.

The OC/DNR will forward copies of all in-lieu permit applications to CMS/DNR within two working days. The CMS/DNR will review the in-lieu permit application and comments received from other agencies and the public to make a determination as to whether or not the activities comply with the coastal use guidelines, the Coastal Resources Program and any affected approved local program. CMS/DNR will notify OC/DNR of its determination within thirty days of the application.

The MOU between CMS/DNR and OC/DNR also agrees to establish a joint permitting process for oil and gas activities requiring in-lieu permits, coastal use permits and Corps of Engineers permits under Section 404 of the Clean Water Act of 1977.

If a conflict arises between OC/DNR and CMS/DNR, the Commissioner of Conservation and the Administrator of CMS/DNR will meet to resolve the issue. In the event a resolution of the differences cannot be reached, the Secretary of DNR will be notified, and the process set forth in Section 13.13(D) of Act 361 will be initiated. The written comments received from the secretaries will then be followed by CMS/DNR and OC/DNR.

2) Division of State Lands of the Department of Natural Resources (DSL/DNR)

The agreement between CMS/DNR and DSL/DNR concerns permits and leases for the following activities within the coastal zone.

- Reclamation of lands lost through erosion, construction of wharfs, piers, bulkheads, fills or other encroachments requiring class A, B, C, D and E permits pursuant to the State Water Bottoms Management Act, Louisiana R. S. 41:1131, 41:1701-1714, 9:1101, 5 Louisiana Reg. 8.

- Pipelines and other structures on or under state water-bottoms subject to regulation pursuant to Louisiana R. S. 30:4-H and 30:24.

- Leasing of state lands for storage and transportation of hydrocarbons pursuant to Louisiana R. S. 41:1261-1269, 41:1173-74.

- Leasing of state lands for purposes other than mineral operations pursuant to Louisiana R. S. 41:1211-1223, 41:1501-1506.

- Leasing of state lands for oil, gas and other mineral operations pursuant to Louisiana R. S. 30:151-156, 158-159, 171, 208, 209, 209.1, 3 Louisiana Reg. 473, 4 Louisiaina Reg. 210.

The CMS/DNR and DSL/DNR have agreed to send each other copies of all applications received. Coastal use application forms will contain sufficient information for DSL/DNR review and permitting applications for coastal use permits can serve as applications for DSL/DNR permits. DSL/DNR will require that their permittees obtain coastal use permits and DSL/DNR permit decisions will be consistent with the LCRP. CMS/DNR will assure that permittees comply with DSL/DNR requirements. DSL/DNR 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.

3) Department of Agriculture (DOA)

The MOU with DOA provides that the CMS/DNR will notify the DOA of all coastal use permits and will provide copies of those applications which would impact agricultural resources and the use of pesticides. The DOA will provide appropriate comments on coastal use permit applications after review of impacts to agricultural resourcs.

The DOA agrees that any grant activities, and other activities, including investigations of misuse of pesticides, directly affecting the coastal zone that it undertakes, conducts, approves, supports or permits, will be consistent to the maximum extent practicable with the State Coastal Resources Program and affected approval local programs having geographical jurisdiction over the action.

4) Louisiana Department of Transportation and Development (DOTD)

DOTD will provide notice to CMS/DNR of its intent to conduct activities that directly affect the coastal zone, including planning and construction. DOTD and CMS/DNR will meet as often as necessary to coordinate activities and resolve conflicts.

5) Board of Commissions of the Port of New Orleans (Port)

The MOU between the Port and CMS/DNR provides that the two agencies will coordinate activities. The Port will coordinate with CMS/DNR at a preliminary planning/preconstruction stage as to all proposed construction activities to be carried out by the Port in any area subject to Port jurisdiction in order to assure that works affecting the coastal zone are consistent with the LCRP and all affected approval local programs.

CMS/DNR will provide the Port with copies of all coastal use permit applications received for activities in Jefferson, Orleans, St. Bernard and Plaquemines Parishes and CMS/DNR will notify the Port of all permit decisions.

The CMS/DNR and the Port also agree to propose the Port of New Orleans as a special area pursuant to Section 213.10 of Act 361, as amended, which will encompass lands and waters within the geographical area subject to the jurisdiction of the Port. It is agreed that CMS/DNR and the Port will work together in development of such a special area designation and the management regime for the special area. It is intended that the designation process outlined in Appendix c4 of CMS/DNR be instituted as soon as practicable and as soon as an agreement on the terms, guidelines and priorities of use can be reached between CMS/DNR and the Port.

6) Department of Culture, Recreation and Tourism (DCRT)

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

7) Department of Health and Human Resources (DHHR)

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

8) Environmental Control Commission and the Office of Environmental Affairs of the Department of Natural Resources (ECC-OEA/DNR)

The ECC-OEA/DNR and the CMS/DNR have agreed to notify each other of all permit applications and decisions which are in or effect, the coastal zone. The ECC-OEA/DNR will provide CMS/DNR appropriate comments on coastal use permit applications regarding impacts on matters subject to ECC-OEA/DNR authority.

CMS/DNR will condition the approval of all coastal use permits and all consistency decisions on compliance with the rules and regulations of ECC-OEA/DNR and the applicant obtaining all permits required by ECC-OEA/DNR including the terms and conditions thereof.

ECC-OEA/DNR will condition issuance of permits for uses and activities in the coastal zone on the applicant's first obtaining any required coastal use permit or permit from an approval local program and on complying with all terms and conditions thereof.

F) JOINT STATE AND CORPS OF ENGINEERS PERMITTING PROCESS

Upon approval of the LCRP, a joint permit process with the Corps of Engineers will be established for activities within the coastal zone. The procedures established will provide for joint applications, joint public notices, public hearings and joint permits. Procedures for the establishment of a coordinated enforcement program, including a surveillance and monitoring program, will also be implemented on approval of the program. The CMS/DNR and the Corps have tentatively agreed on a draft memorandum of understanding which is contained in Appendix o. The memorandum will be completed and signed following federal approval of the LCRP.

G) COORDINATED PERMIT PROCESS

Section 213.14(B) of Act 361 directs the Secretary of DNR, the Administrator, local government and all other relevant governmental bodies to establish a coordinated coastal permitting process through interagency agreements. DNR will initiate the development of such a process during the first year of program implementation. The objective will be to expedite and streamline the issuance 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 would 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.

The CMS/DNR 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.

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 is 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 DNR 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."

Final rules for the nomination of special management areas as required by Section 213.10 of Act 361, are 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 DNR 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 DNR 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 special management areas have been chosen 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 Louisiana Offshore Oil Port (LOOP or Superport) was nominated as a "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 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 started 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 feasability of developing a deepwater, offshore marine terminal which would have the capability of handling the new large "supertankers". 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 1975, in the Federal Register.

Louisiana Offshore Oil Port, Inc. applied for state and federal licenses to develop the superport in December, 1975, one month after the federal regulations were published in the Federal Register. 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 (LOTA) on January 27, 1977 issued its license which LOOP accepted on August 1, 1977.

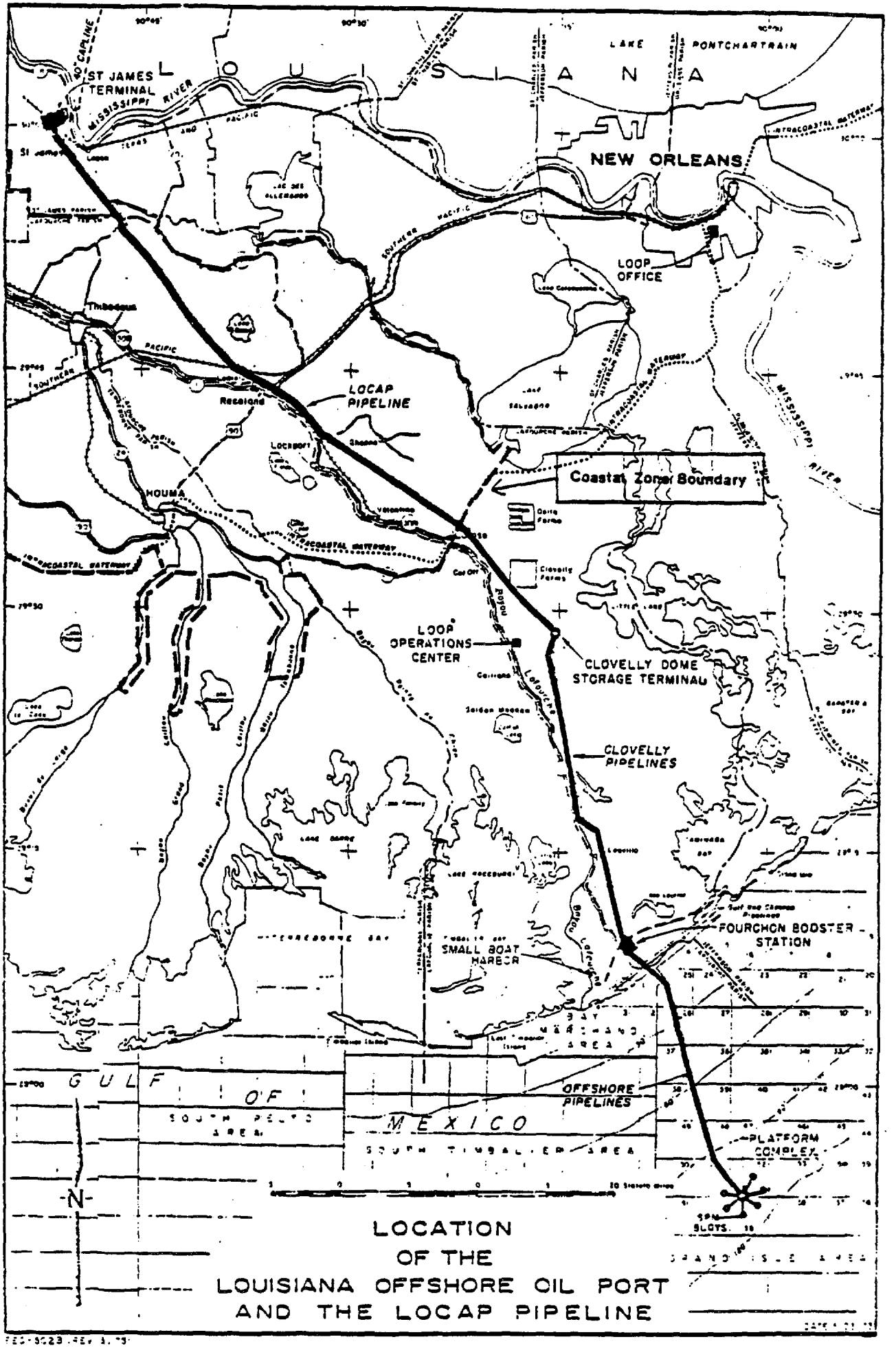
Section 2.3.10(C) of Act 361 designates the areas and facilities subject to the jurisdiction of the Offshore Terminal Authority as a "special area." The LOOP is an extremely important development for the economy of Louisiana. Crude oil production within Louisiana is currently on the decline. The record 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, (Figure 4). All aspects of operations between the 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 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

Fig. 4


LOUISIANA
LAKE PONTCHARTRAIN
ST JAMES TERMINAL
MISSISSIPPI RIVER
NEW ORLEANS
LOOP OFFICE
LOCAP PIPELINE
Thibodaux
Raceland
Lockport
HOUMA
Coastal Zone Boundary
LOOP OPERATIONS CENTER
CLOVELLY DOME STORAGE TERMINAL
CLOVELLY PIPELINES
FOURCHON BOOSTER STATION
SMALL BOAT HARBOR
OFFSHORE PIPELINES
PLATFORM COMPLEX
GULF OF MEXICO
SOUTH PELTO AREA
SOUTH TIMBALIER AREA
GRAND ISLE AREA
N
LOCATION
OF THE
LOUISIANA OFFSHORE OIL PORT
AND THE LOCAP PIPELINE

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.

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 licensee as required in the Environmental Protection Plan is responsible for any discharge 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

1. 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

The following information on Marsh Island and the Russell Sage Foundation was provided by Lawrence K. Benson, attorney for the Foundation in Louisiana.

Marsh Island was donated to the State of Louisiana by the Russell Sage Foundation and accepted under Act 70 of 1920, and the supplement thereto, Act 136 of 1958, as a Wildlife Refuge and Game Preserve. The island, located in the southern part of Iberia Parish, 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 habitat for the American alligator and for large concentrations of ducks and geese.

The deed of donation for Marsh Island specifically prohibits any type of business, manufacture, or development to be carried out on the island. It also specifically prohibits trespassing, hunting, shooting, trapping, fishing, taking or destroying wildlife thereon, except that the State is permitted through its own authorized agents to destroy such wildlife as may destroy game or bird life on the refuge. The State also has the right to remove from the refuge, in limited quantities, wildlife used in propagating similar wildlife on other refuges. Private persons cannot be given permission to hunt, shoot, trap or take any wildlife for their own purposes. "Public use" of Marsh Island is not permitted. It is a trespass and a criminal offense for any member of the public to go upon the refuge without the State's consent. A one mile buffer zone, designed to prevent trespassing from nearby recreation areas into the wildlife refuge, exists around Marsh Island.

Because of the stringent restrictions contained in the deed of donation, the State found itself unable to conduct any oil and gas activities without special legislation. This was enacted through a number of statutes, beginning in 1944 (Act 47 of 1944, Act 157 of 1954, Act 62 of 1971 and Act 154 of 1973). These statutes authorize oil and gas activities under leases and geophysical permits awarded by competitive bidding by the State Mineral Board, only if and when approved by Russell Sage Foundation. The leases and permits are granted pursuant to the cited statutes, with the approval of the Russell Sage Foundation.

As recommended by the Foundation and in accordance with the legal requirements and permissable uses pertaining to Marsh Island, the following are the priority of uses for the 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, as permitted by the deed of donation and pertinent statutes and agreements.

2. 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

None.

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 Ecological Features of the Louisiana Coast and Potential Preservation and Restoration Areas in the Louisiana Wetlands. 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 and the DEIS, the CMS/DNR has identified the following areas as potential special areas to be investigated in the first year of program implementation.

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 the 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, DNR is developing information necessary for the designation of Louisiana's barrier islands as a generic special management area.

Various methods to protect and restore the barrier islands will be developed during the first year and a half of program implementation. 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 is integrated with DNR 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 DNR to develop an indexing system of critical areas and areas subject to rapid change, including barrier islands. It also mandates DNR to undertake a pilot program to create artificial barrier islands to determine their effectiveness in controlling shoreline erosion.

The barrier island management plan will be completed during the first 18 months of program implementation. The first 12 months will involve formulation of an indexing system to identify the critical areas of deterioration along the coast. This time period will also include the important process of coordinating with other local, state and federal agencies so that implementation of the plan can take place as soon as possible after completion.

The final six months will involve incorporation of newly acquired data and the formulation of management recommendations.

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 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.

Manmade 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 a number of historic and archaeological sites (LACCMR, 1972).

Recommendations for the location and general design of a pilot program to create one or more artificial barrier islands will be developed as part of the barrier island management program mentioned above.

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 operating 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.

A freshwater diversion plan for Hydrologic Basins I, II, and III will be completed during the first year of program implementation. The plans will include identification of critical areas, identifying the goals of resource management within these areas, detailed studies of hydrology and water quality in these areas, and identification of favorable locations for the diversion structures. Another important step in the plan will be the assessment of the adverse impacts of the diversions. Consideration of changes in habitat, water quality and displacement of human activities (oyster grounds, etc.) will be incorporated in the recommendations.

Throughout the study, coordination between concerned agencies, especially the DWF, National Marine Fisheries Service, U. S. Fish and Wildlife, and the U. S. Army Corps of Engineers and local governments will be maintained.

The freshwater diversion plans for the remainder of the coast (Hydrologic Basins IV, V, VI, VII) will be formulated during the second year of program implementation.

Lake Pontchartrain Basin

The Lake Pontchartrain basin includes all or part of 15 different parishes. Included in the basin are areas of unique and highly productive habitats, areas of oil and gas production, shell deposits and areas suitable for development.

The large number of political units and interests in the basin opens the possibility of it being a special area for management under Section 213.10 of Act 361. The formulation and implementation of a comprehensive basinwide management plan would require consideration of the project plans and problems of all these political units.

The first step to basinwide management will be taken during the first year of program implementation. This initial project will identify all responsible agencies and applicable regulations within each political unit and to interface these responsibilities to eliminate overlaps and gaps in their jurisdictions. This would promote a more efficient and direct application of existing agency resources to the problem of coastal zone management. In addition, this task would provide a list of issues of importance that would need to be addressed in a basinwide program. Possible issues would include development, public access, flood and hurricane protection, and protection of renewable resources.

Following the completion of work on the above areas, the LCRP will also investigate the following areas as potential special management areas.

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 Herbert 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 (NOBRMA) study, 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 commerical 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 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 CMS/DNR 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 DNR 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 special 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 lessening of damages to wildlife habitats associated with port and channel expansion.

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 the 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).

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:

> "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" (2).

> "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" (6).

Guidelines 3.5 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:

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 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 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.

In the future the LCRP will explore a number of planning options 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 OCZM regulation 15 CFR Section 923.52, states must:

1) Describe the national interest in the planning for and 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 interest is reflected in the substance of the management program.

4) Describe the process for continued consideration of the national interest in the planning for and siting of facilities during program implementation, including a clear detailed description of administrative procedures and decision points where such interest 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 considered in decisions regarding the siting of identified national interest facilities. Consequently, these types of rescurce issues, wetland and endangered species protection, air and water quality, and historic and archaeological 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 thereto. 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 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 nonetheless be permitted due to overriding concerns set forth in the guidelines. This consideration must be made in the implementation of the coastal use permit program by DNR and local governments with approved programs, the implementation of the in-lieu permits by OC/DNR and DWF, as well as the development and the approval of local coastal programs by CMS/DNR. The LCRP, therefore, provides for a comprehensive mechanism for continued consideration of the national interest during program imple-

mentation. 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 describes the national interests in the planning for and siting of facilities that have been considered in the development of the LCRP, the sources 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 and the DEIS issued in September, 1979.

Tables 7 and 8 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 7

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; arge and outstanding beaches and recreational waterfronts.
Transportation.....	Interstate highways, railroads; airports; ports; aids to navigation including Coast Guard Stations.

TABLE 8

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

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:

- Department of Energy
- National Energy Plan
- Bureau of Land Management
- Maritime Administration

- U. S. Geological Survey
- Department of Transportation
- U. S. Army Corps of Engineers
- 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 Sections 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, Section 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.

Since siting of oil and gas facilities is included in Table 8 as a national interest, this implies national interest in the resource. The purpose of locating facilities is to locate the resources. It would be redundant to include oil, gas, sulphur, and other minerals in Table 8. Therefore they have not been included.

(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 Nationwide Outdoor Recreation Plan
- Historic Preservation Act
- Land and 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.
- 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 (Section 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.
- 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 (Section 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 (Section 213.13(A)), thereby simplifying coastal permitting procedures by such entities.

- Act 361 designates the Superport as a special area (Section 213.10(C)) and exempts the Superport from coastal use permit requirements (Section 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 (Section 123.8(c)(4)).

- Section 213.8(C)(6) of Act 361 states that a goal for the development of coastal use guidelines is to:

  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).

  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 for designation as a special area.

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 (Section 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 Marine Mammal Protection Act of 1972, as amended

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.
- 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 Section 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 forest lands.

- 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

The Nation's basic fisheries goals are set forth in the Fishery Conservation and Management Act of 1976. The conservation and management of

Louisiana fisheries resources and development of the fishing industry will provide a major source of employment, a significant contribution to the economy and support to Louisiana coastal communities. 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
- Fishery Conservation and Management Act of 1976
- National Environmental Policy Act
- Coastal Zone Management Act
- Marine Mammal Protection Act
- Endangered Species Act

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 (Section 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 (Section 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 forest lands (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 Part 930). Table 9 summarizes the federal actions covered, the notification procedures and related matters.

Consistency reviews will be undertaken by the Secretary of DNR, 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. DNR will work with relevant federal agencies toward the development of memoranda of understanding (MOU's) and more specific procedures 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 during the first year of program implementation. Such MOU's will 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 can 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.

(b) The policies included in other state laws identified in Appendix I as part of the LCRP and the implementing regulations promulgated pursuant to such laws.

TABLE 9

FEDERAL CONSISTENCY PROCEDURES

	307(c)(1)&(2)	CZMA Section 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	Federal assistance to state and local government
Coastal zone impact	Directly affecting the coastal zone	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	A-95 clearinghouse receiving state or local government application for federal assistance
Notification procedure	Consistency determination	Consistency certification	Consistency certification	OMB Circular A-95 notification procedure
Consistency requirement	Consistent to the maximum extent practicable with CZM Program	Consistent with the CZM Program	Consistent with the CZM program	Consistent with the CZM Program

TABLE 9 (Continued)

FEDERAL CONSISTENCY PROCEDURES

	CZMA Section 307(c)(1)&(2)	CZMA Section 307(c)(3)(A)	307(c)(3)(B)	307(d)
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)

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 transportaton, 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 adoped 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 adoped 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. Cons stency determinations shall be made by the secretary except the consisten :y 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 govermental 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 particulary 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 activitiy 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 acquisiion, 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 or the Louisiana Department of Natural Resources.(See page 83 item 13)

n. Activities which impact barrier islands, salt domes, cheniers and beaches.

o. Drainage projects.

C. In-Lieu Permits

Coastal Use Permits shall not be required for the location, drilling, exploration and production of oil, gas, sulphur and other minerals subject to regulation by the Office of Conservation of the Department of Natural Resources as of January 1, 1979. The parameters and procedures of the in-lieu permit process are as provided for under existing Memorandum of Understanding between the Coastal Management Section and the Office of Conservation and the rules and procedures of the Office of Conservation.

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 subsections:

(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 occuring 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 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 appropriate factual 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 that 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 does not require a permit from the U. S. Army Corps of Engineers and meets federal requirements for such exempted activities, and,

c. The activity is not intended to, nor will it result in, changing the agricultural, forestry, or aquacultural use to which the land has been consistently used for in the past to another use.

(2) The exemption includes but is not limited to 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;

b. The administrator determines that it does not have a direct or significant impact on coastal waters; or

c. The administrator determines one is not required pursuant to Part VII of these rules.

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 apparently complete 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 an apparently 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 an apparently 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.

(7) Public notice of permit decisions shall be given pursuant to E (b) below.

(8) The applicant, the secretary, any 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. Public Notice and Consideration of Public Comment

(1) Public notice of the receipt of all apparently complete 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 all appropriate news media in the parish or parishes in which the use would be located, and

(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 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. In the event that attachments to the application are not readily reproducible, they shall be available for inspection at the permitting office.

(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 advise 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 shall 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) are appropriate when there is significant public opposition to a proposed use, or there have been requests from legislators or from local governments or other local authorities, or in 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 to the Coastal Commission.

(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.

(5) If a request for a public hearing has been received, and the decision is made that no hearing will be held, public notice of the decision shall be given.

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 processing periods provided for in D (4) or (6) will be interrupted. Upon receipt of the required changes or information, a new processing period will begin.

(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 on Permits

(1) The permitting body will determine whether or not the permit should be issued. Permits shall be issued only for those uses which are consistent with the guidelines, the state program and affected approved local programs. Permit decisions will be made only after a full and fair consideration of all information before the permitting body, and shall represent an appropriate balancing of social, environmental and economic factors.The permitting body shall prepare a short and plain statement explaining the basis for its decision on all applications. This statement shall include the permitting body's conclusions on the conformity of the proposed use with the guidelines, the state program and approved local programs. 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.

I. 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 impacts 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 30 days 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 Adminstrator 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. Such authorization shall be issued within 30 days of receipt of the notice.

(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.

E. Appeals

(1) Appeals of decisions on general permits shall be to the Louisiana Coastal Commission pursuant to Part III D(8).

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 apparently complete 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, including a brief explanation of the rationale for the reversal shall be sent to the local government within two working days of the application from 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 apparently complete 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. The Administrator shall give full consideration to 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 development, production or 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 jurisdication,

5. Will result in major changes in the quantity or quality of water flow and circulation or in salinity or sediment transport regimes, or

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 fifteen (15) 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 forty-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 Commissions's decision and the processing 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.

PART VII. Determination As To Whether A Coastal Use Permit Is Required

A. Request By Applicant

(1) Any person who proposes to conduct an activity may submit a request in writing to the Administrator for a formal finding as to whether the proposed activity is a use of state or local concern within the coastal zone subject to the coastal use permitting program. The person making the request shall submit with the request a complete application for a coastal use permit

and shall provide such additional information requested by the Administrator as may be appropriate.

(2) The requesting party must set forth sufficient facts to support a finding that the proposed activity either:

(a) Is exempt from coastal use permitting; or

(b) Does not have a direct and significant impact on coastal waters; or

(c) Is outside the coastal zone boundary.

(3) Within 30 days of receipt of the request and the complete application, the requestor shall be sent notice of the decision on the request and public notice of the decision shall be given.

B. Finding Without A Request

(1) In reviewing a permit application for which no request has been submitted, the Administrator may find after full consideration of the application, likely impacts of the proposed use, comments received, and applicable rules, regulations and guidelines, that a coastal use permit is not required. If he finds that no permit is required, the Administrator shall notify the applicant and give public notice.

(2) A local government with an approved program may request that the Administrator review an application for a use of local concern and make a determination as to whether a coastal use permit is required, pursuant to the procedures provided for in Subsection B(1) above. The Administrator shall notify the local government of his decision.

C. Decisions

(1) Only the Administrator may determine that coastal use permit is not required. A permit shall not be required if the proposed use or activity will not occur within the boundary of the coastal zone, does not have a direct and significant impact on coastal waters, or is exempt from permitting by Part I of these rules or by Section 213.12 (B) or (C), Section 213.13 (A) or Section 213.15 of the Act.

(2) The notice sent to the requestor or applicant shall include a short and plain statement of the basis for the decision. Public notice of the decision shall be given pursuant to Part III, E (6) of these rules.

D. Actions After Decision

(1) If the determination is that a coastal use permit is required, processing of the application may be commenced or continued pursuant to Part III of these rules.

(2) If the determination is that a coastal use permit is not required, the requestor or the applicant may proceed to carry out the activity. Provided that the Administrator shall not be estopped from subsequently requiring a permit or issuing cease and desist orders if it is found that the activity as implemented is significantly different from that shown on the request or application, does in fact have a direct or significant impact on coastal waters, or otherwise requires a coastal use permit. Other civil or criminal sanctions shall not be available in the absence of fraud, ill practices, deliberate misrepresentation or failure to comply with any cease and desist or other lawful order of the Administrator.

E. Appeal

(1) The determination shall be subject to appeal to the Coastal Commission pursuant to Part III, D (8) of these rules. The burden of proof shall be on the appellant. In the event of an appeal of a decision that a permit is required, the processing of the permit application shall be interrupted pending a final decision by the Coastal Commission. In the event of an appeal of a decision that a permit is not required, implementation of the use or activity shall be suspended pending a final decision by the Coastal Commission.

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 DNR by sending a letter of intent approved by the parish Police Jury or Council.

II. Program Development

The 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 federal, state, local and municipal 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 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) An illustrative 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 all ordinances included in the local program demonstrating that the effect of such ordinances, when applied to uses not subject to the local coastal use permit program, would result in compliance with the goals and provisions 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, and

   d) regional, state or national plans affecting the parish coastal zone and other projects affecting more than one parish.

6) Certified copies of all ordinances, plans, programs, and regulations proposed to be included in the program,

7) A resolution from the governing body of the parish expressing approval of the local program as submitted and its intent to implement the submitted program subsequent to state approval.

H. Documentation that the parish has provided a full opportunity for 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. Fifteen copies of the complete proposed local program shall be submitted to the Secretary. The local government shall have additional copies available for distribution upon request. 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 and request public comment. 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 federal, state, local and municipal 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 the regulatory program meets all requirements for procedures and time frames established by the Act and regulations of the Department; 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; and

8. Documentation that the parish has provided a full opportunity for governmental and public involvement in the development of the proposed modification.

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.

VII. Funding of Local Programs

A. All funds provided to local governments by the Department for program development or implementation shall be subject to the following:

1. Any state or federal funds provided to local governments for development or implementation of approved local program shall be by contract with the Department. Any such financial assistance shall be subject to these rules and any applicable federal requirements.

2. Such financial assistance shall be on a matching fund basis. The required local match shall be determined by the Administrator.

3. Eligibility of a local government for such financial assistance shall be determined by the Administrator pursuant to these rules and the contractual requirements of the Department.

4. Local programs shall receive an equitable share of the total federal money received by the Department from the Office of Coastal Zone Management for Section 306 implementation.

B. Planning and Development Assistance funding shall be subject to the following:

1. Funding for planning and development of local programs shall be available. The level of such funding shall be at the discretion of the Administrator and as provided for herein. A base level of funding will be made available to each parish in the coastal zone which does not have an approved program. Any unutilized allocated funds will be available for use by other parishes at the discretion of the Administrator for special planning and development projects.

2. To be eligible to continue receiving planning and development assistance, the local government must be making substantial progress toward finalization of an approvable local program.

3. Planning and development funds may only be used to plan for and develop those elements of a local program required by Parts II and III of these rules and the Act.

4. Planning and development assistance will be provided by the Department for two years from the date of federal approval of the state program or until a parish receives an approved local program, whichever is sooner.

C. The Department will make funds available to local governments for costs incurred in applying for approval from the Department, including printing and advertising, holding required public hearings and making copies of the local program available to governmental bodies and the general public.

D. Implementation Assistance funding shall be subject to the following:

1. Funding for implementation of a local program shall be available after approval of the local program by the Department. A local program shall be eligible for such assistance only so long as it continues to be an approved program.

2. The Administrator shall establish and modify, as appropriate, a reasonable allocation formula utilizing objective criteria regarding the coastal zone of the parish, including:

a. Population

b. Total Surface Area

c. Wetland Area

d. Number of Permits

e. Length of interface between urban and agricultural areas and wetland areas.

3. Each parish with an approved program shall be assured of a base level of funding, with additional funding based upon the allocation formula. Any unutilized implementation funds will be available, at the discretion of the Administrator, for use by other parishes for special planning, implementation or management projects.

4. Implementation funds may only be used to implement the approved local program, carry out planning for or development of approvable alterations or modifications in the local program, and to update or revise the data base utilized by the local program.

VIII. Written Findings

A. All findings and determinations required by these rules shall be in writing and made part of the record.

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. Notice shall be sent to all persons requesting notices of public hearings and shall be posted in 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; 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 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 the 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 Commission 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
PROCEDURAL RULES FOR THE HEARING OF APPEALS BY
THE LOUISIANA COASTAL COMMISSION

A. Meetings

1. The Commission shall meet on the second Tuesday of each month at 10:00 A.M. or upon the call of the chairman.

2. A quorum shall consist of twelve members and a majority vote of the membership of the commission is required to reverse or modify any lower administrative decision. Failure to have a quorum at the time any vote is taken will invalidate any such votes.

3. All meetings of the Commission shall be open to the public and the public shall have a reasonable opportunity to be heard. The Commission may from time to time impose reasonable restrictions on public testimony as may be appropriate.

B. Notice of Appeals

1. All appeals must be filed within 30 days of the giving of public notice regarding the decision at issue, except that appeals regarding the Administrator's decisions as to whether uses are of state concern or local concern shall be filed within 10 days of the giving of notice to the local government.

2. A petition for appeal must be filed with the Commission and service made on the applicant, the Administrator and affected local governments. Upon the filing of a petition for appeal, the Commission shall assign a docket number to the proceeding and thenceforth all pleadings, notices, and other documents must bear that docket number.

3. The petition of appeal must be filed in quadruplicate and set forth the application number, the date of decision, the decision, and the grounds for appeal. Appellant must specify the grounds for appeal, with appropriate citations to the rules, the Act and/or prior decisions.

4. Within seven days of receipt of a proper petition for appeal, the Commission shall give public notice of a public hearing on the appeal. The hearing is to be held within thirty-five days of the giving of public notice. Such public notice shall be given by publication in the state journal and in the parish journal in the parishes in which the use is proposed to occur, and by sending copies to all requesting persons, all persons on the administrator's mailing list for notices of applications, the applicant, the appellee, the Secretary, the Administrator and any affected local governments.

5. The public notice shall include:

   a) A statement of the time, place and nature of the hearing;

   b) A statement of the legal authority and jurisdiction under which the hearing is to be held;

   c) A reference to the particular section(s) of the statute, guidelines and rules involved;

   d) A short and plain statement of the matters asserted.

   e) If the Commission is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

   f) A reference to where further information on the appeal may be obtained.

C. Pleadings

1. All petitions for appeal, answers, briefs, memoranda, motions, or other pleadings shall be on white paper, 8 1/2" x 11" in size. All such pleadings shall be filed in quadruplicate.

2. All pleadings shall have the following format:

Appeal of (name of appellant) Louisiana Coastal Commission

(Action Being Appealed) #_____

(Style of Pleading)

1._____

2._____

_____
Appellant or Attorney

3. The body of the pleading shall consist of numbered paragraphs which state the facts, law and arguments which form the basis for the pleading.

4. All pleadings shall be in writing and signed by the party or his attorney.

D. Pre-hearing Procedures, Discovery, Simplification of Issues

1. Appellant must file a brief or memorandum setting forth the facts, law and arguments upon which he is to rely in his appeal at least fifteen days prior to the public hearing. Appellees, intervenors and amicus curiae shall file oppositions or memoranda of support which set forth facts, law and arguments upon which they are to rely prior to the hearing.

2. At least three days prior to the public hearing, all parties shall mutually exchange exhibits, documentary evidence and offerings, lists of proposed witnesses, a statement of the substance of facts and opinions to which each witness will testify, copies of any written reports prepared by the witness regarding the matter at issue, and an explanation of the basis for each party's position on the matter at issue. Further discovery will not be required, but the parties may agree to further exchanges of information or other discovery. In the absence of a showing of good cause for the failure to have complied with the above requirements, only those witnesses named on the lists exchanged will be permitted to testify on behalf of a party, and any materials not exchanged may not be offered or received in evidence.

3. The Commission staff may in its discretion, or upon request of any party, require the holding of a prehearing conference. All parties to the appeal shall appear at the specified time and place to consider:

   a) simplification of issues

   b) amendments to pleadings

   c) possibility of stipulations, admissions of facts or documents

   d) limitations on witnesses

   e) such other matters as may be pertinent

4. If a prehearing conference is held, the Commission staff shall issue an order setting forth the actions having taken place at the conference. This order shall control the subsequent course of the proceedings unless modified by further order for good cause, and shall be binding on all parties whether present at the conference or not.

E. Subpoenas

1. The Commission and authorized staff members shall have power to sign

and issue subpoenas in the name of the Commission requiring the attendance and giving of testimony by witnesses and the production of books, papers, and other documentary evidence. No subpoena shall be issued until the party who wishes to subpoena the witness first deposits with the Commission a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Witnesses subpoenaed to testify before the Commission only to provide an opinion founded on special study or experience in any branch of science, or to make scientific or professional examinations, and to state the results thereof, shall receive such additional compensation from the party who wishes to subpoena such witness as may be fixed by the Commission with reference to the value of the time employed and the degrees of learning or skill required. Whenever any person summoned under this subsection neglects or refuses to obey such summons, or to produce papers, records or other data, or give testimony, as required, the Commission may apply to the judge of the district court for the district within which the person so summoned resides or is found, for an attachment against him as for a contempt.

2. Records and documents, in the possession of any agency of the State of Louisiana, or of any officer or employee thereof, including any written conclusion drawn therefrom, which are deemed confidential and privileged shall not be subject to subpoena by any person. Such records or documents shall only include any private contracts, geological and geophysical information and data, trade secrets and commercial or financial data, which are obtained by an agency through a voluntary agreement between the agency and any person, which said records and documents are designated as confidential and privileged by the parties when obtained, or records and documents which are specifically exempt from disclosure by statute.

3. Any party may designate records or documents deemed to be trade secrets, commercial or financial data as confidential and privileged, and the Commission shall provide that such records or documents are confidential and privileged when such records or documents are subpoenaed.

F. Evidence

1. The Commission shall have the power to administer oaths and affirmations.

2. The Commission may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonable, prudent men in the conduct of their affairs. They shall give effect to the rules of privilege recognized by law. The Commission shall exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. Objections to evidentiary offers may be made by parties and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received

in written form. In making rulings on evidentiary matters, the Commission shall be guided by, but not bound by, those rules of evidence followed by Louisiana district courts in civil cases heard without a jury.

3. All evidence, including records and documents in the possession of the Commission relating to the matter at issue shall be offered and made a part of the record, and all such documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. In case of incorporation by reference, the materials so incorporated shall be available for examination by the parties before being received in evidence.

4. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of the Commission. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, as to the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Commission's and the Commission staff's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

5. Depositions and answers to interrogatories shall be admissible in any proceeding. The admission of such materials may be objected to at the time of hearing and may be received in evidence or excluded from the evidence by the Commission in accordance with the rules of evidence provided above.

G. Testimony

Any person may appear and testify at the public hearing, but only parties as defined in Section O, below, may cross-examine witnesses, object to evidentiary offers or testimony or otherwise participate in the adjudicatory procedures described in these rules. The Commission may impose reasonable restrictions on public testimony as may be appropriate.

H. Burden of Proof

The burden of proof in matters before the Commission shall be as follows:

1. In the appeal of a permit, the burden of proof shall be on the appellant.

2. In the appeal of a decision regarding the approval or disapproval of local government's coastal program, the burden of proof shall be on the appellant.

3. In the appeal of a decision by the Administrator as to whether a use is one of state or local concern, the burden of proof shall be on the Administrator.

4. In the appeal of a decision by the Secretary that an activity occurring wholly on lands five feet or more above mean sea level or within fast lands has direct and significant impacts on coastal waters, the burden of proof shall be on the Secretary.

I. Decisions and Orders

1. All final decisions or orders shall be in writing. A final decision shall include findings of fact and conclusions of law. Findings of fact, if set forth in statutory language, shall be accompanied by a concise statement of the underlying facts supporting the findings. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

2. No decision or order shall be issued except upon consideration of the whole record and as supported by and in accordance with the reliable, probative and substantial evidence.

3. Informal disposition may be made of any appeal by stipulation, agreed settlement, or consent order.

4. Should any party fail to file briefs or memoranda on time or fail to appear at a prehearing conference without good cause, that party shall not be permitted to introduce evidence, cross examine witnesses or otherwise participate in the appeals process as a party.

5. Should any party fail to appear at the hearing on the appeal, disposition of that appeal shall be made as follows:

   a) If appellant fails to appear, the Commission may at its discretion dismiss the appeal, continue it to a later date or proceed with the hearing and render its decision based upon the evidence admitted at the hearing.

   b) If appellee fails to appear, the Commission may at its discretion continue the hearing to a later date or proceed with the hearing and render its decision based upon the evidence admitted at the hearing.

   c) If any other party fails to appear, the Commission shall proceed with the hearing and render its decision based upon the evidence admitted at the hearing.

   d) The Commission may, for good cause shown, upon a two-thirds vote of the membership present rehear an appeal to permit an absent party to take part.

6. The Commission, on its own motion, or upon written motion of a party after an adversary hearing, may summarily dispose of an appeal if it finds that:

   a) the Commission lacks jurisdiction over the matter,

   b) the person bringing the appeal has no legal right to appeal,

c) the appeal is not timely, or

d) the appeal is moot.

J. Rehearing

1. A decision or order shall be subject to rehearing, reopening, or reconsideration by the Commission within ten days from the date of its entry. The grounds for such action shall be either that:

   a) The decision or order is clearly contrary to the law and the evidence;

   b) A party has discovered since the hearing evidence important to the issues which he could not have with due diligence obtained before or during the hearing;

   c) There is a showing that issues not previously considered ought to be examined in order to properly dispose of the matter; or

   d) There is other good ground for further consideration of the issues and the evidence in the public interest.

2. The petition of a party for rehearing, reconsideration, or review, and the order of the Commission granting it, shall set forth the grounds which justify such action. Nothing in this Section shall prevent rehearing, reopening or reconsideration of a matter on the grounds of fraud practiced by the prevailing party, ill practices, or procurement of the order by perjured testimony or fictitious evidence. The hearing shall be confined to those grounds upon which the reconsideration, reopening, or rehearing was ordered. If an application for rehearing shall be timely filed, the period within which judicial review must be sought, shall run from the final disposition of such application.

K. Record

1. The record in an appeal heard by the Commission shall include:

   a) All pleadings, motions, intermediate rulings;

   b) Evidence received or a resume' thereof if not transcribed;

   c) A statement of matters officially noticed;

   d) Offers of proof, objections, and rulings thereon;

   e) Proposed findings and exceptions;

   f) Any decision, opinion, or report by the officer presiding at the hearing.

2. The Commission shall make a full transcript of all proceedings before it, and shall, at the request of any party or person, have prepared and furnish him with a copy of the transcript or any part thereof upon payment of the cost thereof.

L. Ex Parte Consultations and Recusation

1. Unless required for the disposition of ex parte matters authorized by law, members of the Commission shall not communicate, directly or indirectly, in connection with any issue of fact or law, with any party or his representative, or with any officer, employee, or agent engaged in the performance of investigative, prosecuting, or advocating functions, except upon notice and opportunity for all parties to participate.

2. A Commission member shall withdraw from any proceeding in which he cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification of a member on the ground of his inability to give a fair and impartial hearing by filing an affidavit promptly upon discovery of the alleged disqualification stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined promptly by the remaining members of the Commission, if a quorum. Upon the disqualification of a member of the Commission and his alternate, a member pro-tem appointed by the appropriate appointing authority may sit in place of the disqualified member in that proceeding. In further action, after the disqualification of a member of the Commission, the provisions of R.S. 49:957 shall apply.

M. Continuances

Extensions of time for the rendering of decisions shall be granted by the Commission only upon the request or agreement of the appellant. No more than two extensions of not more than thirty-one days each shall be granted.

N. Service of Pleadings and Orders

1. The Commission shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served or caused to be served by the person filing it.

2. All papers served by either the Commission or any party shall be served upon all representatives of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any representative entering an appearance subsequent to the initiation of the proceeding shall notify all other representatives then of record and all parties not represented of such fact.

3. Final orders, decisions, and any other papers required to be served by the Commission upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to representatives of record. Public notice of final orders and decisions shall be given by publication in the state journal, appropriate parish journals and by inclusion in the administrator's normal mailing process.

4. Method of Service. Service of papers shall be made personally, by certified return receipt requested first class mail, or telegraph.

5. When Service Complete. Service upon parties shall be regarded as complete: by certified return receipt requested mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid.

6. Filing with Commission. Papers required to be filed with the Commission shall be deemed filed upon actual receipt by the Commission at the Commission's office.

O. Parties and Intervention

1. The appellant and the person or governmental body whose decision is being appealed shall be parties.

2. The administrator, the Secretary, the Attorney General, the Secretaries of the Department of National Resources and the Department of Wildlife and Fisheries, affected local governments with an approved local program and the applicant for the coastal use permit at issue, as appropriate, shall have the right to intervene as parties.

3. Any other person having standing to appeal the lower administrative decision at issue may be permitted by the Commission to intervene as parties. Intervention shall be freely granted provided the proper petition for intervention is timely filed and such intervention is not likely to create an undue broadening of the issue or otherwise unduly impede the resolution of the appeal.

4. Petitions for intervention shall be filed with the Commission at least ten (10) days prior to the public hearing and copies served on all parties. Oppositions by parties to an intervention must be filed with the Commission and served on all parties and intervenors prior to the hearing.

5. Persons filing proper petitions for intervention shall be considered a party for discovery, exchanges of information, pre-hearing conferences, service of pleadings, and other such purposes until the Commission has an opportunity to hear the matter.

6. The Commission shall rule on a petition to intervene on the record at the public hearing prior to the consideration of the appeal at issue. If requested by the intervenor or a party, such ruling shall be in writing.

7. A petition for intervention shall set out the reasons why petitioner desires to intervene, give the substance of what petitioner would try to show regarding the appeal at the public hearing, and how petitioner is affected by the appeal at issue.

APPENDIX c6
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, as amended, La.R.S.49:213.1-213.21.

(2) Administrator: The Administrator of the Coastal Management Section within the Louisiana Department of Natural Resources.

(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: The term "coastal zone" shall have the same definition as provided in Section 213.3(4) of the Act.

(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 Natural Resources.

(12) Direct and Significant Impact: An impact which is a direct and significant 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) Governmental Body: Any public department, agency, bureau, authority, or subdivision of the government of the United States or the State of Louisiana and shall include parishes and municipalities and subdivisions thereof and those governmental agencies constitutionally established.

(17) Guidelines: Those rules and regulations adopted pursuant to §213.8 of the Act.

(18) Habitat: The natural environment where a plant or animal population lives.

(19) 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.

(20) In-lieu Permit: Those permits issued in-lieu of coastal use permits pursuant to §213.12(b) and (c) of the Act.

(21) Local Government: A governmental body having general jurisdiction and operating at the parish level.

(22) Local Program: Same as "Approved Local Program".

(23) Marsh: Wetlands subject to frequent inundation in which the dominant vegetation consists of reeds, sedges, grasses, cattails and other low growth.

(24) Particular Areas: Areas within the coastal zone of a parish with an approved local program which have unique and valuable characteristics requiring special management procedures. Such areas shall be identified, designated, and managed by the local government following procedures consistent with those for Special Areas.

(25) Permit: A coastal use permit, or an in-lieu permit.

(26) Permitting Body: Either the Department of Natural Resources or a local goverment with an approved local program with authority to issue, or that has issued, a coastal use permit authorized by the Act.

(27) Person: Any individual, partnership, association, trust, corporation, public agency or authority, or governmental body.

(28) 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.

(29) Secretary: The Secretary of the Department of Natural Resources.

(30) 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.

(31) Uplands: Lands five feet or more above sea level, fastlands, or all lands outside the coastal zone.

(32) Use: Any use or activity within the coastal zone which has a direct and significant impact on coastal waters.

(33) Waste: Any material for which no use or reuse is intended and which is to be discarded.

(34) 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 prevalance 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 protecton 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 DNR 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 and g) 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 Heritage Conservation and Recreation 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 Natural Resources, provides grants and loans to accommodate 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.

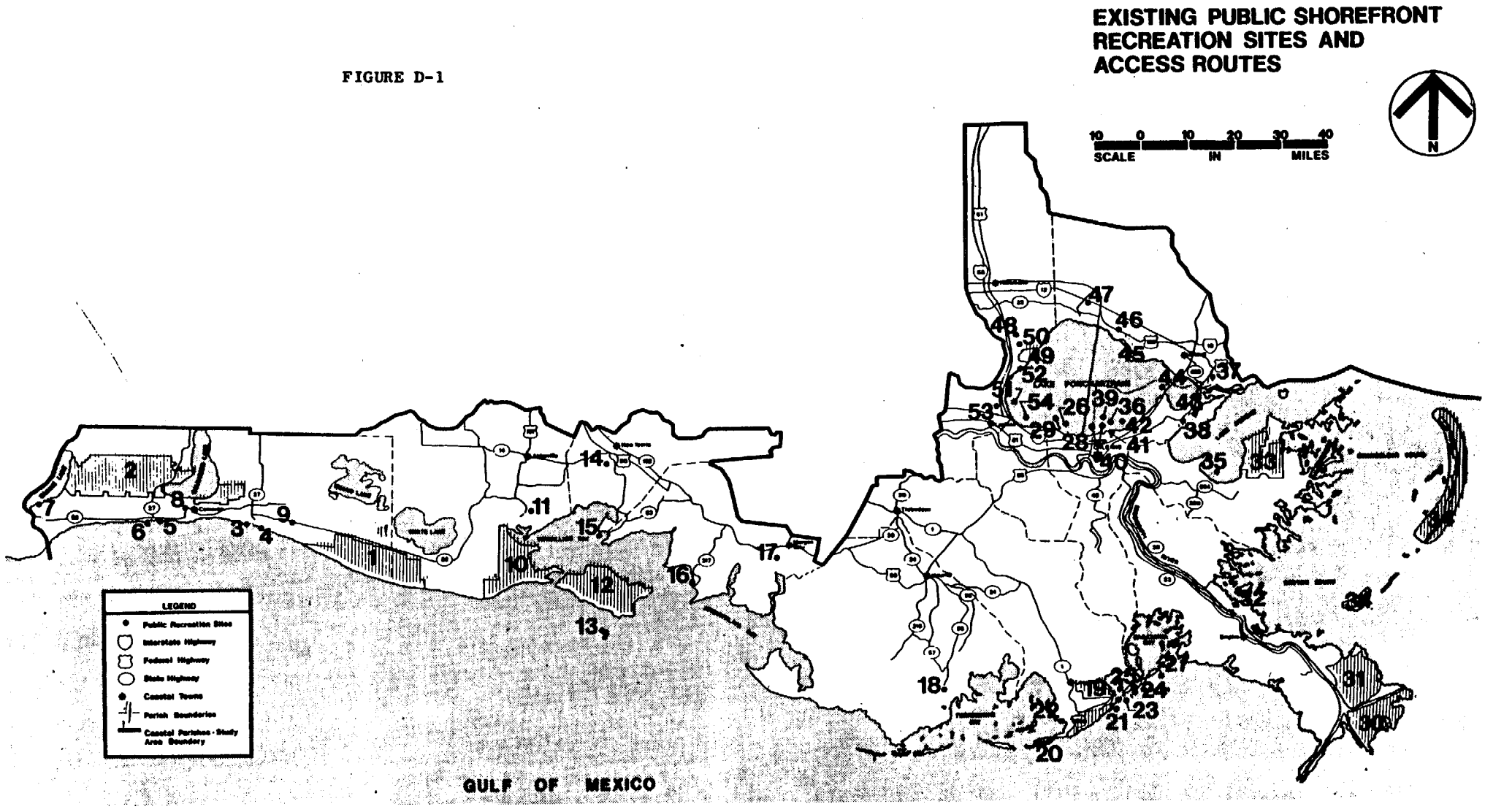
- The Economic Development Administration (EDA) of the U. S. Department of Commerce provides up to 80 percent funding for public works facilities construction. To be eligible for such funding, the project must respond to a local economic need, since EDA's mandate is specifically concerned with economic development and aiding and encouraging employment.

Parish	Site #	Name & Description
Cameron	(1)	Rockefeller State Wildlife Refuge: 64,500 acres: birdwatching, fishing
	(2)	Sabine National Wildlife Refuge: 142,717 acres: limited hunting, birdwatching, fishing
	(3)	Rutherford Beach State Park: camping, swimming, sun bathing, fishing
	(4)	Hackberry Beach: Swimming, sun bathing, fishing
	(5)	Holly Beach: swimming, sun bathing, fishing
	(6)	Cameron Camping Area: swimming, camping, fishing.
	(7)	Sabine Lake Boat Launch
	(8)	Calcasieu Ship Channel Boat Launch
	(9)	Mermentau River Boat Launch
Vermillion	(10)	Paul J. Rainey Private Wildlife Refuge: 27,000 acres: birdwatching
	(11)	Intracoastal City Boat Launch
Iberia	(12)	Marsh Island State Wildlife Refuge: 78,000 acres: birdwatching, fishing
	(13)	Shell Keys Federal Wildlife Refuge: 8 acres: birdwatching
	(14)	Commercial Canal Boat Launch
St. Mary	(15)	Cypremort Beach: 3,000 foot manmade beach: picnicking, swimming, sun bathing, fishing
	(16)	Burns Point: picnicking, swimming, sun bathing, fishing
	(17)	Intracoastal Canal Boat Launch

Parish	Site #	Name & Description
Terrebonne	(18)	Cocodrie Boat Launch
LaFourche	(19)	Wisner State Wildlife Management Area: 21,600 acres: hunting, fishing
	(20)	East Timbalier Island National Wildlife Refuge: 337 acres: birdwatching
	(21)	Elmer's Island: swimming, sun bathing, fishing
	(22)	Fourchon: boat launch, swimming, sun bathing, fishing
Jefferson	(23)	Grand Isle State Park: (East End and West End combined) 140 acres: camping, swimming, sun bathing, fishing
	(24)	Grand Isle Beach: swimming, sun bathing, fishing
	(25)	Grand Isle Fishing Pier: (old La. 1 bridge) fishing
	(26)	Linear Park: 10 miles along Lake Pontchartrain: biking, hiking, jogging, picnicking, fishing
	(27)	Fort Livingston: Grand Terre Island: historic fort.
	(28)	Bonnabel Boulevard Boat Launch
	(29)	Williams Boulevard Boat Launch
Plaquemines	(30)	Pass a Loutre State Wildlife Management Area: 66,000 acres: limited hunting, fishing, birdwatching
	(31)	Delta National Wildlife Refuge: 48,800 acres: fishing, birdwatching
	(32)	Bohemia State Wildlife Management Area: 33,000 acres: hunting, fishing, birdwatching

Parish	Site #	Name & Description
St. Bernard	(33)	Biloxi Wildlife Management Area: 39,580 acres: hunting, birdwatching, fishing
	(34)	Breton Islands National Wildlife Refuge: 7,500 acres: birdwatching, fishing
	(35)	Fort Proctor: Lake Borgne historic fort
Orleans	(36)	Pontchartrain Seawall and Lakeshore: swimming, fishing, jogging, walking, biking, picnicking
	(37)	Fort Pike: 125 acres: historic fort, picnicking, fishing, boat launch
	(38)	Fort Macomb: historic fort
	(39)	Municipal Yacht Harbor: public marina
	(40)	Orleans Marina: public marina
	(41)	West End Boat Launch
	(42)	Seabrook Bridge Boat Launch
	(43)	Chef Menteur Pass Boat Launch
	(44)	South Shore Boat Launch
St. Tammany	(45)	St. Tammany Wildlife Refuge: limited hunting, birdwatching, fishing
	(46)	Fountainbleau State Park: 2,733 acres: camping, hiking, biking, swimming, sun bathing, fishing
	(47)	Fairview Riverside State Park: 100 acres: on Tchefuncte River 2 miles from Lake Pontchartrain: camping, swimming, sun bathing, fishing, boat launch
Tangipahoa	(48)	North Pass Boat Launch
St. John	(49)	Manchac State Wildlife Management Area: 5,261 acres: hunting, fishing, boating, crawfishing
	(50)	Akers Fishing Pier: (old U.S. 51 bridge)
	(51)	Frontier Beach: boat launch
	(52)	Ruddock Boat Launch
	(53)	LaPlace Boat Launch
St. Charles	(54)	Bonnet Carre East Levee Small Boat Launch

FIGURE D-1


EXISTING PUBLIC SHOREFRONT
RECREATION SITES AND
ACCESS ROUTES
10 0 10 20 30 40
SCALE IN MILES
N
LEGEND
Public Recreation Sites
Interstate Highway
Federal Highway
State Highway
Coastal Towns
Parish Boundaries
Coastal Parishes - Study Area Boundary
GULF OF MEXICO

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 (15 C.F.R. Section 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; and
   - 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 utlilization 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 there is 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 availablility 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. Guidelines 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 coordinated with CMS/DNR 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 waterbottoms. 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 4(C)(16).

- Permitting and regulation of exploration, drilling, production and subsurface disposal of geothermal energy resources La. R.S. 30:800899 and 681.1-6815.

- 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 wharfs, 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.

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 213.8(C)12 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 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 and 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 transportated 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 Interstate Highways 10 and 12 is down-warping. Throughout the Quartenary 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 acrete 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 their causes were. A study was funded by the Louisiana Coastal Resources Program to determine where erosion or accretion was occurring, what the causes of 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 navigation 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 saltwater 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 saltwater 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 1.4(a), 1.4(i), 1.41, 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 1.4(h), 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, DNR 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 DNR 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 IX, Section 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, Lutcher
L'Observateur, LaPlace
Daily Review, Morgan City
Daily Sentry News, Slidell
Kentwood Ledger, Kentwood
Houma Daily Courier, Houma
Abbeville Meridonal, Abbeville
States Times-Morning Advocate, Baton Rouge

Announcements of the meetings and the availability of the Hearing Draft and DEIS were 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.

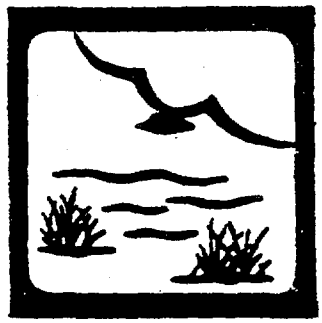
LA. DEPT. OF TRANSPORTATION AND DEVELOPMENT
COASTAL MANAGEMENT SECTION

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	22	48
State Agencies	3	13	18	5	2	40
Environmental Groups	4	4	4	6	1	19
Service Groups	6	14	13	2	0	35
Parish Advisory Committee	0	14	147	168	240	403
L C C. Meetings	0	2	1	0	14	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	5	11
C.E.I.P. Meetings w/ Local Officials	0	0	0	0	1	1

*Through March 1, 1980

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 Fiscal Years 1976, 1977, and 1978.

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 requests 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 the 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 and 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 and Development Administration*
Federal Energy Regulation Commission (formerly Federal Power Commission)*
General Services Administration
U. S. Department of Health, Education and Welfare
U. S. Department of Housing and Urban Development
National Aeronautics and Space Administration
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 MOU. 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 the 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 and 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.

January 10, 1980 - Presentation to HUD Staff on LCRP and coordination efforts with federal agencies.

January 16, 1980 - Meeting with Department of the Interior Geological Survey to discuss information required in OCS exploration and development plans.

January 21, 1980 - Meeting with Corps of Engineers on permit processing procedures to facilitate joint permitting process.

January 28, 1980 - Meeting with Corps of Engineers to review environmental assessment procedures.

February 21, 1980 - Monthly interagency meetings with Corps, U.S.FWS, EPA and NMFS to discuss questions concerning Corps permit applications.

February 26, 1980 - Meeting with Department of Interior, Geological Survey, on consistency review requirements and on environmental assessment procedures.

February 27, 1980 - Meeting with Soil Conservation Service on watershed programs.

B) <u>CONTINUING CONSULTATION WITH FEDERAL, STATE, AREAWIDE, REGIONAL, AND LOCAL AGENCIES</u>

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 govenments, 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:

> 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

August 1980

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 environment, 3) assess the implications 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. If 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 and Associates, Inc. Louisiana Coastal Resources Inventory, Volume 1, "Geographic Areas of Particular Concern". New Orleans: Burk and Associates, Inc., June, 1975.

An inventory by parish (questionnaries 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 and Associates, Inc. Louisiana Coastal Resources Inventory, Volume 2, "Impact Assessment Review". New Orleans: Burk and 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 and Associates, Inc. Louisiana Coastal Resources Inventory, Volume 3, "Significant Coastal Plans and Projects". New Orleans: Burk and 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 and Associates, Inc. Louisiana Shorefront Access Plan. New Orleans: Burk and 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 and Associates, Inc. Potential Preservation and Restoration Areas in the Louisiana Wetlands. New Orleans: Burk and 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 and Associates, Inc. Recreational Potential Along the Louisiana Coast: Proposed New and Expanded Sites for Recreation. New Orleans: Burk and 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 and Associates, Inc. Unique Ecological Features of the Louisiana Coast. New Orleans: Burk & Associates, Inc., June 1976.

Describes 23 catagories 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 fordes, 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 and 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 and 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. Cumulative Impact Studies in the Louisiana Coastal Zone: Eutrophication and Land Loss. Baton Rouge: Center for Wetland Resources, Louisiana State Unversity, 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, Louisiana. 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)

Mendelssohn, 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 Louisian'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 and 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 chaning 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 the federally operated National Technical Information Service (NTIS). For accession numbers and complete information for ordering, please feel free to write or telephone our office.

COASTAL MANAGEMENT SECTION
Louisiana Department of Natural Resources
Post Office Box 44396
Baton Rouge, Louisiana 70804

504/342-7591

APPENDIX j
REVISED BOUNDARIES, LOUISIANA COASTAL ZONE
Coastal Zone Boundary

NOTICE: This boundary description does not include the amendments of Act 396, 1980. Act 396 adds a portion of St. Martin Parish to the coastal zone (see Chapter IV). A new boundary description is being prepared by the Office of Public Works.

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 is 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 Cemetary, 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 southwesterly 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 is 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 southwesterly 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 8 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 unnamed 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 wth 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 has been a shift 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 provisions 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 Office of Environmental Affairs.

3. Exploration, drilling, production and subsurface disposal of geothermal energy resources (OC-DNR).

   La. R.S. 30-: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 Environmental Control Commission 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. Authoriztion 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 pipe line 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, agriculture 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. Managment 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 leveess; 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 waterbottoms 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 (E.C.C./DNR) (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 E.C.C./DNR pursuant to the LEAA 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.

D. Use and disposal of radioactive materials (E.C.C.-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 E.C.C.-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 OEA-DNR.

(1) La. R.S. 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. 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. Managment 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 (ECC/DNR and OEA/DNR)

La. R.S. 30:1068, 1091-1096; 38:216

3 La. Reg. 424, 4 La. Reg. 302, 4 La. Reg. 212, 5 La. Reg. 49, 6 La. Reg. 158.

Act 449 of 1979 removed responsibility for water quality regulation from DWF and placed it in the OEA/DNR and ECC/DNR. The act abolished the Stream Control Commission in DWF.

The ECC/DNR and OEA-DNR supervises, regulates and permits, including the issuance of certificates of compliance, discharges of polluting substances into the surface waters of the state.

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 and 5 La. Reg. 49.

Submission of reports for the discharge of industrial waste and for the construction or alteration of treatment works is governed by a regulation adopted on August 1, 1951. The disposal of waste oil, oil field brine and other materials resulting from the drilling for, production of or transportation of oil, gas or sulphur.

These regulations, adopted by the Stream Control Commission, remain in effect pursuant to the provisions of R. S. 30:1068, 1091-1096. The interim rules of procedure for the ECC/DNR are found at 6 La. Reg. 158.

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 587, 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 gallons 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 (ECC/DNR and OEA/DNR)

La. R.S. 30:1068, 1081-1087

4 La. Reg. 31, 5 La. Reg. 99, and 5 La. Reg. 170, 243, 326, 383

Act 449 of 1979 removed responsibility for air quality regulation from DHHR and placed it in the OEA/DNR and ECC/DNR. The act abolished the Air Control Commission in DHHR.

Air quality standards and emission limitations are set forth at 4 La. Reg. 31, 5 La. Reg. 99 and 5 La. Reg. 170. Permit and fee schedules are set forth at 5 La. Reg. 170, 243, 326, and 383.

These regulations adopted by the Air Control Commission, remain in effect pursuant to the provisions of R.S. 30:1068, 1081-1087. Interim rules of procedure for the ECC/DNR are found at 6 La. Reg. 158.

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, CMS-DNR) Acts 424 of 1964, 54 of 1969, 462 of 1970, 559 of 1972, 698 of 1972, 561 and 574 of 1979, and others.

A series of Acts have given DWF, DPW of DOTD and CMS-DNR 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. 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

E. 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.

F. 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, expect 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.

G. 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.

H. 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.

I. State Sanitary Code, including regulation of water supplies, food processing, oyster and shellfish control, sewage disposal, noise, and obnoxious odors. (DHHR)

La. R.S. 40:4-6

DHHR enforces the State Sanitary Code which, among other things, requires compliance with standards and regulations for water supplies; handling and control of hygenic conditions for food including oysters and other shellfish; noise; and obnoxious odors. Health permits or clearances are required.

IV. Environmental Reorganization (ECC/DNR and OEA/DNR)

Louisiana Environmental Affairs Act, (LEAA) Act 449, 1979

La. R.S. 30:1051-1147

This act, which went 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 and 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 archaelogical 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 coastal waters even at low tide.

Unmodified or Biologically Productive Wetlands - Wetlands in which the intervention of man has caused minimal impacts on biological productivity.

APPENDIX n
MEMORANDA OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING BETWEEN THE
COASTAL MANAGEMENT SECTION OF THE DEPARTMENT OF NATURAL RESOURCES
AND THE OFFICE OF CONSERVATION OF THE DEPARTMENT OF NATURAL RESOURCES

It is the purpose of this Memorandum of Understanding between the Coastal Management Section of the Department of Natural Resources (CMS/DNR) and the Office of Conservation of the Department of Natural Resources (OC/DNR) to establish an agreement on the issues and procedures involved in implementing the provisions of Title 49 of the Louisiana Revised Statues of 1950, Sections 213.1 through 213.21, the State and Local Coastal Resources Management Act of 1978, as amended, in particular Sections 213.12 B, 213.13 B and D, and 213.14.

In order to assist OC/DNR and CMS/DNR in meeting their lawful responsibilities, implement the in-lieu permit system, reduce conflicting decisions by the two agencies, assure conformity of action with the Louisiana Coastal Resources Program and reduce duplication of effort by applicants for permits, it is agreed that:

GENERAL

1. In-lieu permits are to be implemented by OC/DNR. OC/DNR shall have the responsibility for permitting activities occurring within the boundary of the coastal zone as set forth in the Act for which OC/DNR issued permits as of January 1, 1979, for the location, drilling, exploration and production of oil, gas, sulphur and other minerals. It is the intent of Section 213.12 B of Louisiana R.S. 49 that coastal use permits are not required for these activities.

2. The following list delineates those activities subject to an in-lieu permit issued by OC/DNR.

- Oil & gas activities subject to regulation pursuant to La. R.S. 30:1-36 204, 205, 213, and 215 and as provided for in statewide orders 29-B, 29-E, 29-H, & 28-J.

- Subsurface injection activities subject to regulation pursuant to La. R.S. 30:1 (D), 3(C)(1), 4(C)(16) & the Louisiana Environmental Affairs Act, and as provided for in statewide order 29-N.

- Geothermal energy activities subject to regulation pursuant to La. R.S. 30:800-809, and as provided for in statewide 29-P.

- Uses of salt domes for storage subject to regulation pursuant to La. R.S. 30:22-23, and as provided for in statewide order 29-M.

- Letters of clearance for Intrastate Natural Gas Pipelines subject to regulation pursuant to La. R.S. 30:554, 555, 557 and 560, and as provided for in La. Reg 4-76.

OC/DNR will issue in-lieu permits only if the proposed activity is consistent with the Coastal Use Guidelines, the Louisiana Coastal Resources Program and affected approved local programs.

3. CMS/DNR shall issue coastal use permits for the following aspects of the above activities in accordance with the Louisiana Coastal Resources Program, the guidelines and approved local programs:

- Dredging of canals, slips and channels
- Filling of waterbottoms, marsh, or other wetlands
- Disposal of dredged spoil
- Building of board roads
- Designation of access routes
- Construction of auxiliary structures, such as wharfs, piers, bulkheads, etc., not presently regulated by a statewide order.
- Maintenance dredging

IN-LIEU PERMIT PROCEDURES

1. OC/DNR will forward copies of all in-lieu permit applications to CMS/DNR within two working days. CMS/DNR will distribute copies of the application to other affected governmental agencies. OC/DNR will give public notice of all in-lieu permit applications in a manner similar to that provided for by CMS/DNR regulations and will provide an opportunity for public comment and public hearing.

2. CMS/DNR will review the in-lieu permit application and comments received from other agencies and the public to make a determination as to whether or not the activities comply with the Coastal Use Guidelines, the Coastal Resources Program and any affected approved local program. CMS/DNR will notify OC/DNR of its determination within thirty days of receipt of

the application.

3. The Administrator of CMS/DNR, or his designee, and the Commissioner of Conservation, or his designee, shall meet when necessary to resolve conflicts between the two agencies on in-lieu permits. In the event they cannot mutually resolve the conflicts, the Secretary of the Department of Natural Resources will be notified, and the process set forth in Section 213.13 D of Louisiana R.S. 49 shall be initiated. Upon receipt of the written comments stating the basis for the decision, from the Secretaries acting jointly, CMS/DNR and OC/DNR shall take the actions recommended by the Secretaries.

4. OC/DNR and CMS/DNR will coordinate closely in establishing typical permit conditions for activities requiring an in-lieu permit in the coastal zone in order to assure that those activities are conducted consistently with the Coastal Resources Program and the guidelines, to reduce permit review time and increase predictability.

5. OC/DNR will notify CMS/DNR of any work permits or abandonments and will assure that such activities are in compliance with the Coastal Resources Program, the guidelines and affected approved local programs.

6. OC/DNR will notify CMS/DNR of any public hearings held regarding activities requiring an in-lieu permit and will provide CMS/DNR with copies of all available materials regarding the matters at issue upon request. CMS/DNR staff may testify at any such hearing for purposes of making known the views of CMS/DNR regarding the use. OC/DNR will

incorporate CMS/DNR comments from these hearings into its decisions and subsequent actions.

7. OC/DNR and CMS/DNR will coordinate closely on alternative locations and methods of operation to assure that adverse impacts on coastal waters are minimized or avoided. CMS/DNR comments on applications for in-lieu permits will be given full consideration by OC/DNR. To implement this process, staff from the two agencies shall meet, whenever appropriate, to jointly review in-lieu permits and share expertise. OC/DNR will not issue in-lieu permits until CMS/DNR comments on in-lieu permit applications have been received and all conflicts resolved.

FIELD MONITORING AND COORDINATION OF ENFORCEMENT

1. OC/DNR and CMS/DNR will establish procedures for coordinating enforcement activities including coordinating surveillance and monitoring activities, exchanging information regarding violations and unilateral enforcement actions, coordinating cease and desist orders and coordinating civil or criminal actions against violators. OC/DNR has primary responsibility for the enforcement of the terms and conditions of in-lieu permits, and CMS/DNR has primary responsibility for the enforcement of the terms and conditions of coastal use permits.

2. OC/DNR field personnel and inspectors will, during their normal field inspections of activities conducted under an in-lieu permit monitor such activities for compliance with coastal management requirements.

3. CMS/DNR will provide OC/DNR personnel with materials and briefings which explain coastal management requirements.

4. OC/DNR and CMS/DNR agree that regulatory personnel may be exchanged during training courses or assignments in order to be informed of the other agency's permitting, enforcement and review program.

PUBLIC EDUCATION

1. CMS/DNR and OC/DNR will assist each other in notifying the oil and gas industry and mineral industry of the permit process established by this agreement and of which oil and gas activities require coastal use and in-lieu permits.

INTERAGENCY COORDINATION

1. CMS/DNR and OC/DNR agree that the two agencies will meet formally and informally as frequently as necessary and as needed to share field reports to determine the adequacy of existing Memorandum of Understanding and the need for expanding or revising Memorandum of Understanding, to discuss, with an intent to resolve, any conflicts which may arise, and develop and implement the coordinated coastal permitting process provided for by Section 213.14 of Louisiana R.S. 49.

2. CMS/DNR and OC/DNR agree to establish a joint permitting process for

oil and gas activities requiring in-lieu permits, coastal use permits and Corps of Engineers permits for Section 404(b)(1) of the Clean Water Act of 1977.

Signed this 8th day of July, 1980.

RAY SUTTON, COMMISSIONER, Office of Conservation of the Department of Natural Resources

FRANK A. ASHBY, JR., SECRETARY Department of Natural Resources

MEMORANDUM OF AGREEMENT BETWEEN THE
COASTAL MANAGEMENT SECTION OF THE DEPARTMENT OF NATURAL RESOURCES
AND THE ENVIRONMENTAL CONTROL COMMISSION AND THE OFFICE OF
ENVIRONMENTAL AFFAIRS OF THE DEPARTMENT OF NATURAL RESOURCES

It is the purpose of this Memorandum of Understanding between the Coastal Management Section of the Department of Natural Resources (CMS/DNR) and the Environmental Control Commission and the Office of Environmental Affairs of the Department of Natural Resources (ECC-OEA/DNR) to establish an agreement on the issues and procedures involved in implementing the provisions of Title 49, of the Louisiana Revised Statutes of 1950, particularly all or parts of the following sections: 213.2, 213.6, 213.8, 213.13 and 213.14, the State and Local Coastal Resources Management Act of 1978, as amended.

In order to assist ECC-OEA/DNR and CMS/DNR in meeting their lawful responsibilities, reduce conflicting decisions by the two agencies, assure conformity of action with the Louisiana Coastal Resources Program (LCRP) and reduce duplication of effort by applicants for permits, it is agreed that:

Permit Procedures

1. CMS/DNR will provide ECC-OEA/DNR notice of all coastal use permit applications and decisions for activities within the coastal zone as established by Louisiana R. S. 49 on a regular basis.
2. ECC-OEA/DNR, on a regular basis, will provide CMS/DNR notice of all permit applications, decisions, hearings, enforcement proceedings and similar administrative actions for the following

activities in the coastal zone, and notice of such applications and decisions for activities outside the coastal zone which may have significant impacts on the coastal zone or coastal waters:

- Transportation, storage and disposal of hazardous waste pursuant in general to Louisiana R. S. 30:1061-1067 and in particular pursuant to Louisiana R. S. 30:1131-1147, and regulations promulgated thereunder.
- Transportation of out-of-state waste materials for storage or disposal (other than those generated by offshore mineral operations) pursuant to Louisiana R. S. 40:1299.36.
- Activities requiring air quality permits pursuant in general to Louisiana R. S. 30:1061-1067 and in particular, 30:1081-1087, and regulations promulgated thereunder.
- Activities requiring water quality permits pursuant in general to Louisiana R. S. 30:1061-1067 and in particular to Louisiana R. S. 30:1091-1096, 38:216, and regulations promulgated thereunder.
- Use and disposal of radioactive materials pursuant in general to Louisiana R. S. 30:1061-1067 and in particular Louisiana R. S. 30:1101-1116.

3. ECC-OEA/DNR will provide CMS/DNR appropriate comments on coastal use permit applications regarding impacts on matters subject to ECC-OEA/DNR authority. Such comments shall be provided to CMS/DNR within 25 days of receipt of the copy of the application. All comments will be reviewed by CMS/DNR and incorporated in permit decisions to the maximum extent practicable.

Permit Consistency

1. CMS/DNR will condition the approval of all coastal use permits and all consistency decisions on compliance with the rules and regulations of ECC-OEA/DNR and the applicant obtaining all permits required by ECC-OEA/DNR and complying with the terms and conditions thereof. Failure to obtain a required ECC-OEA/DNR permit or to comply with its terms will be a basis for revocation of the coastal use permit.
2. ECC-OEA/DNR will condition issuance of permits for uses and activities in the coastal zone on the applicant's first obtaining any required coastal use permit or permit from an approved local program and on complying with all terms and conditions thereof.

Interagency Coordination

1. CMS/DNR and ECC-OEA/DNR agree that the two agencies will meet formally and informally as frequently as necessary and as needed to share reports on activities in the coastal zone, review all aspects of the agencies' relationship, determine the adequacy of the existing Memorandum of Understanding and the need for expanding and/or revising the existing Memorandum of Understanding and to discuss with an intent to resolve any conflicts which may arise.
2. CMS/DNR and ECC-OEA/DNR agree that the two agencies will meet and develop a coordinated coastal permitting process as set forth in Section 213.14 of Louisiana R. S. 49.

Conflict Resolution

1. In the event that CMS/DNR should find that ECC-OEA/DNR is issuing permits which are not consistent to the maximum extent practicable with the state coastal management program or approved local program, and which might significantly affect land and water resources within the coastal zone, CMS/DNR shall report this to the Secretary of DNR for his review and determination as to whether the actions of ECC-OEA/DNR are consistent. If the Secretary of DNR determines there is an inconsistency, the process set forth in Section 213.13 D of Louisiana R. S. 49 shall be initiated. Upon receipt of the written comments stating the basis for the decisions from the secretaries acting jointly, ECC-OEA/DNR and CMS/DNR shall take the actions recommended by the secretaries.

Effective Date and Termination Consent

1. This agreement will be effective when signed and dated by the parties hereto and may be terminated, with approval of the Governor, by mutual consent of the parties hereto or by either party after 60 days notice of intent to terminate.

Signed this 11th day of July, 1980.

Frank A. Ashby Jr.

FRANK A. ASHBY, JR., CHAIRMAN
Environmental Control Commission
Department of Natural Resources

B. Jim Porter

B. JIM PORTER, ASSISTANT SECRETARY
Office of Environmental Affairs,
Department of Natural Resources

MEMORANDUM OF UNDERSTANDING BETWEEN
THE COASTAL MANAGEMENT SECTION OF THE DEPARTMENT OF NATURAL RESOURCES
AND THE DEPARTMENT OF HEALTH AND HUMAN RESOURCES

It is the purpose of this Memorandum of Understanding between the Coastal Management Section of the Department of Natural Resources (CMS/DNR) and the Department of Health and Human Resources (DHHR) to establish an agreement on the issues and procedures involved in implementing the provisions of Louisiana Revised Statute 49, the State and Local Coastal Resources Management Act of 1978, as amended, particularly all or parts of the following sections applicable to DHHR: 213.2, 213.5, 213.8, 213.10, 213.11, 213.12, 213.13, and 213.14.

In order to assist DHHR and CMS/DNR in meeting their lawful responsibilities, reduce conflicting decisions by the two agencies, assure conformity of action with the Louisiana Coastal Resources Program, and reduce duplication of effort by applicants for permits, it is agreed that:

Permit Procedures

1. CMS/DNR will provide DHHR with notification of all applications received for activities within the coastal zone as established by La. R.S. 49 and CMS/DNR will notify DHHR of all permit decisions.
2. DHHR will provide CMS/DNR notice of all request of approvals received for activities in the coastal zone and DHHR will provide CMS/DNR copies of all final permits or grants for activities in the coastal zone.

3. DHHR will provide appropriate comments on coastal use permit applications, after review, for those that impact public health. Such comments shall be provided to CMS/DNR within 25 days of receipt of the copy of the application. All comments will be reviewed by CMS/DNR and incorporated in permit decisions to the maximum extent practicable.

Permit Consistency

1. CMS/DNR will condition the granting of approved coastal use permits for uses and activities in the coastal zone so that they conform with the rules and regulations of DHHR.
2. DHHR agrees that any activities directly affecting the coastal zone that it undertakes, conducts, supports or permits will be consistent to the maximum extent practicable with the State Coastal Resources Program and affected approved local programs having geographical jurisdiction over the action. DHHR will condition its permits for activities in the coastal zone on the applicant obtaining and complying with the terms of a coastal use permit, if one is required.
3. DHHR will coordinate all grant activities, federal or state, with CMS/DNR in either the preliminary planning or the pre-grant stage to assure that works affecting the coastal zone which are constructed pursuant to these grants are consistent with the Coastal Resources Program and all affected approved local programs.

Interagency Coo dination

1. CMS/DNR and DHHR agree that the two agencies will meet formally and informally as frequently as necessary and as needed to share field reports on activities in the coastal zone, review all aspects of the agency's relationship, determine the adequacy of the present Memorandum of Understanding and the need for expanding and/or revising the present Memorandum of Understanding, and to discuss with an intent to resolve any conflicts which may arise.
2. CMS/DNR and DHHR agree that the two agencies will meet and develop a unified coastal permitting process as set forth in Section 213.14 of La. R.S. 49.

Conflict Resolution

1. In the event that CMS/DNR should find that DHHR is issuing permits, conducting activities or providing funds for activities which are not consistent to the maximum extent practicable with the state coastal management program, CMS/DNR shall report this to the Secretary of DNR for his review and determination as to whether the actions of DHHR are consistent. The Secretary of DNR and the Secretary of DHHR will then meet to determine a proper course of action to insure consistency.

Effective Date and Termination Consent

1. This agreement will be effective when signed and dated by the parties hereto and may be terminated at any time, with approval

of the Governor, by mutual consent of the parties hereto or by either party after 60 days notice of intent to terminate.

Signed this 28th day of July, 1980.

FRANK A. ASHBY, JR., SECRETARY
Department of Natural Resources

GEORGE A. FISCHER, SECRETARY
Department of Health and Human Resources

MEMORANDUM OF UNDERSTANDING BETWEEN THE
COASTAL MANAGEMENT SECTION OF THE DEPARTMENT OF NATURAL RESOURCES
AND THE BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS

It is the purpose of this Memorandum of Undertanding between the Coastal Management Section of the Department of Natural Resources (CMS/DNR) and the Board of Commissioners of the Port of New Orleans (Port) to establish an agreement on the issues and procedures involved in implementing the provisions of Title 49 of the Louisiana Revised Statutes of 1950, the State and Local Coastal Resources Management Act of 1978, as amended, in particular the provisions of 213.13(A) and 213.13(D).

In order to assist the Port and CMS/DNR in meeting their lawful responsibilities, reduce conflicting decisions by the two agencies, assure conformity of action with the Louisiana Coastal Resources Program (LCRP) and reduce duplication of effort by applicants for permits, it is agreed that:

Coordination of Activities

1. The port will coordinate with CMS/DNR and affected approved local programs at a preliminary planning/preconstruction stage as to all proposed construction activities to be carried out by the Port in order to assure that works affecting the coastal zone are consistent with the LCRP and all affected approved local programs.
2. The Port agrees that all activities undertaken by it will be consistent to the maximum extent practicable with the LCRP and all affected approved local programs.

3. CMS/DNR will provide the Port with notice of all coastal use permit applications received for activities in Jefferson, Orleans, St. Bernard and Plaquemines Parishes and CMS/DNR will notify the Port of all permit decisions.

Development of Special Area Designation

The CMS/DNR intends to propose the designation of a special area pursuant to 213.10 of Louisiana R. S. 49 which will encompass lands and waters within the geographical area subject to the jurisdiction of the Port. It is agreed that CMS/DNR and the Port will work together to develop such a special area designation and the management regime for the special area. It is intended that the designation process outlined by rule of CMS/DNR be instituted as soon as practicable and as soon as an agreement on the terms, guidelines and priorities of use can be reached between CMS/DNR and the Port.

Interagency Coordination

1. CMS/DNR and the Port agree that the two agencies will meet formally and informally as frequently as necessary to review proposed activities or permit applications, review all aspects of the agencies' relationship, determine the adequacy of existing Memorandum of Understanding and the need for expanding and/or revising existing Memorandum of Understanding, and to discuss, with an intent to resolve, any conflicts which may arise.

Conflict Resolution

In the event that CMS/DNR should find that the Port is proposing or conducting activities, or providing funds for activities which are not consistent to the maximum extent practicable with the LCRP and affected approved local programs, the Secretary of the Department of Natural Resources will be notified, and the process set forth in Section 213.13 D of Louisiana R. S. 49 shall be initiated. The written comments received from the secretaries shall, to the maximum extent practicable, be incorporated into the action commented upon.

Effective Date and Termination

1. This agreement will be effective when signed and may be terminated with approval of the Governor, by mutual consent of the parties hereto or by either party after 60 days notice of intent to terminate.

Signed this 31st day of July, 1980.

EDWARD S. REED, EXECUTIVE PORT
DIRECTOR, Port of New Orleans

FRANK A. ASHBY, JR., SECRETARY
Department of Natural Resources

MEMORANDUM OF UNDERSTANDING BETWEEN
THE COASTAL MANAGEMENT SECTION OF THE DEPARTMENT OF NATURAL RESOURCES
AND THE DEPARTMENT OF CULTURE, RECREATION AND TOURISM

It is the purpose of this Memorandum of Understanding between the Coastal Management Section of the Department of Natural Resources (CMS/DNR) and the Department of Culture, Recreation and Tourism (DCRT) to establish an agreement on the issues and procedures involved in implementing the provisions of Louisiana Revised Statute 49, the State and Local Coastal Resources Management Act of 1978, as amended, particularly all or parts of the following sections applicable to DCRT: 213.2, 213.5, 213.8, 213.10, 213.11, 213.12, 213.13 and 213.14.

In order to assist DCRT and CMS/DNR in meeting their lawful responsibilities, reduce conflicting decisions by the two agencies, assure conformity of action with the Louisiana Coastal Resources Program and reduce duplication of effort by applicants for permits, it is agreed that:

Permit Procedures

1. CMS/DNR will provide DCRT with notification of all applications received for activities within the coastal zone which might impact state parks or recreational resources or state cultural or historic resources and CMS/DNR will notify DCRT of all permit decisions.
2. DCRT will provide CMS/DNR copies of all applications received for activities in the coastal zne and DCRT will provide

CMS/DNR copies of all final permits or grants for activities in the coastal zone.

3. CMS/DNR will require applicants to submit sufficient information on coastal use permit applications for DCRT to adequately review them for impacts on state parks, recreational, historic and cultural resources.

4. DCRT will provide appropriate comments on coastal use permit applications, after review of impacts to the state parks, recreational, historical and cultural resources. Such comments shall include those of the Office of State Parks and the State Historic Preservation Officer and shall be provided to CMS/DNR within 21 days of receipt of the copy of the application. If no comments are provided within the 21 day period, it shall be presumed that DCRT and the Office of State Parks and the State Historic Preservation Officer have no objections to the proposed activity. All comments will be reviewed by CMS/DNR and incorporated in permit decisions to the maximum extent practicable.

Permit Consistency

1. CMS/DNR will condition the granting of approved coastal use permits for uses and activities in or impacting on state parks, recreational, state cultural and historical resources so that they are in compliance with terms of any permit or approval required by DCRT.

2. CMS/DNR will condition the approval of coastal use permits on compliance with DCRT's Cultural Resources Code requirements after its promulgation.

3. DCRT agrees that any activities directly affecting the coastal zone it undertakes, conducts, supports or permits, including state parks and recreational facilities in the planning and/or development stages, will be consistent to the maximum extent practicable with the State Coastal Resources Program and affected local programs having geographical jurisdiction over the action. DCRT will condition its permits for activities in the coastal zone on the applicant obtaining and complying with the terms of a coastal use permit, if one is required.

Interagency Coordinaton

1. DCRT will share with and/or provide to CMS/DNR information on known park, recreational, cultural and historic resources when requested by CMS/DNR and will notify CMS/DNR of all state park, recreational and park access development in preliminary planning stages.

2. CMS/DNR and DCRT agree that the two agencies will meet formally and informally as frequently as necessary and as needed to review all aspects of the agency's relationship, determine the adequacy of existing Memorandum of Understanding, and the need for expanding and/or revising

the present Memorandum of Understanding, and to discuss with intent to resolve, any conflicts which may arise.

3. CMS/DNR and DCRT agree that the two agencies will meet and develop a united coastal permitting process as set forth in Section 213.14 of La. R.S. 49.

Conflict Resolution

1. In the event CMS/DNR should find that DCRT is issuing permits, conducting activities or providing funds for activities which are not consistent to the maximum extent practicable with the State Coastal Management Program, CMS/DNR shall report this to the Secretary of DNR for his review and determination as to whether the actions of DCRT are consistent. The Secretary of DNR and the Secretary of DCRT will then meet to determine a proper course of action to insure consistency.

Effective Date and Termination Consent

1. This agreement will be effective when signed and dated by the parties hereto and may be terminated at any time, with approval of the Governor, by mutual consent of the parties hereto or by either party after 60 days notice of intent to terminate.

Frank A. Ashby Jr.

FRANK A. ASHBY, JR., SECRETARY
Department of Natural Resources

Signed this 31st. day of July 1980.

Mrs. Lawrence N. Fox

MRS. LAWRENCE FOX, SECRETARY
Department of Culture, Recreation and Tourism

MEMORANDUM OF UNDERSTANDING BETWEEN
THE COASTAL MANAGEMENT SECTION OF THE DEPARTMENT OF
NATURAL RESOURCES AND THE DIVISION OF STATE LANDS
OF THE DEPARTMENT OF NATURAL RESOURCES

It is the purpose of this Memorandum of Understanding between the Coastal Management Section of the Department of Natural Resources (CMS/DNR) and the Division of State Lands of the Department of Natural Resources (DSL/DNR) to establish an agreement on the issues and procedures involved in implementing the provisions of Title 49 of the Louisiana Revised Statutes of 1950, the State and Local Coastal Resources Act of 1978, as amended, and the State Water Bottoms Act, Louisiana Revised Statutes 49:1172(d).

In order to assist DSL/DNR and CMS/DNR in meeting their lawful responsibilities, reduce conflicting decisions by the two agencies, assure conformity of action with the Louisiana Coastal Resources Program and reduce duplication of effort by applicants for permits, it is agreed that:

Permit Procedures

1. CMS/DNR will provide DSL/DNR with notice of all coastal use permit applications and decisions for activities within the coastal zone on a regular basis.
2. DSL/DNR will provide CMS/DNR notice of all applications and final permits or leases for the following activities within the coastal zone on a regular basis:
   reclamation of lands lost through erosion, construction of wharfs, piers, bulkheads, fills or other encroachments requiring

class A, B, C, D, and E permits pursuant to the State Water Bottoms Management Act, Louisiana R. S. 41:1131, 41:1701-1714, 9:1101, 5 Louisiana Reg. 8.

Pipelines and other structures on or under state waterbottoms subject to regulation pursuant to Louisiana R. S. 30:4-H and 30:24.

- Leasing of state lands for storage and transportation of hydrocarbons pursuant to Louisiana R. S. 41:1261-1269, 41:1173-74.
- Leasing of state lands for purposes other than mineral operations pursuant to Louisiana R. S. 41:1211-1223, 41:1501-1506.
- Leasing of state lands for oil, gas, and other mineral operations pursuant to Louisiana R. S. 30:151-156, 158-159, 171, 208, 209, 209.1, 3 Louisiana Reg. 473, 4 Louisiana Reg. 210.

3. CMS/DNR will notify applicants for coastal use permits for activities contemplated to take place on state owned lands or waterbottoms that a lease and permit from DSL/DNR may be required and that a processing fee will be required to be paid directly to DSL/DNR. DSL/DNR will notify applicants for permits and leases that a coastal use permit may be required.
4. In the event that opportunity for public hearing is deemed necessary by either agency, all efforts will be made to accommodate the applicant by holding one hearing on all permit or lease applications required for the proposed activity.

Coordination on Permit Decisions

1. DSL/DNR will provide appropriate comments on coastal use permit applications after review of impacts to state owned

properties. CMS/DNR will provide appropriate comments on applications for DSL/DNR permits and surface leases after review for consistency with the Louisiana Coastal Resources Program (LCRP). The comments shall be provided within 25 days of receipt of the copy of the application. If no comments are provided within the 25 day period, it shall be presumed that there is no objection to the proposed use. CMS/DNR and DSL/DNR will confer on permit and surface lease applications when useful. Comments received will be incorporated into the permit or surface lease decision to the maximum practicable extent.

2. CMS/DNR will condition the issuance of coastal use permits upon the applicant obtaining all required surface leases and permits from DSL/DNR and on complying with all terms and conditions thereof. Failure to obtain a required DSL/DNR surface lease or permit or to comply with its terms will be a basis for revocation of the coastal use permit.
3. DSL/DNR will condition the issuance of its surface leases and permits upon the applicant obtaining a coastal use permit, if required, and on complying with all terms and conditions thereof. Failure to obtain a required coastal use permit or to comply with its terms will be a basis for revocation of the surface lease or permit.
4. DSL/DNR will consider, and decisions on surface leases and permits shall be consistent with, the coastal use guidelines, the state program and affected approved local programs.
5. No work shall commence until the applicant has obtained all

required leases and permits from CMS/DNR, approved local coastal programs, and DSL/DNR.

Monitoring and Enforcement

1. CMS/DNR and DSL/DNR will assist each other in monitoring permitted uses for permit violations. If violations are noted, the other agency will be notified. The agencies will thereafter assist each other and will coordinate enforcement actions as appropriate, to avoid duplication of effort.
2. Joint enforcement actions will be undertaken whenever practical, including the filing of civil and criminal actions.
3. CMS/DNR and DSL/DNR will assist each other in assuring that all legislative and administrative requirements of their respective programs are met.

Interagency Coordination

1. CMS/DNR and DSL/DNR agree that the two agencies will meet formally and informally as frequently as necessary and as needed to review all aspects of the agency's relationships, determine the adequacy of existing Memorandum of Understanding, and the need for expanding and/or revising the present Memorandum of Understanding, and to discuss, with an intent to resolve, any conflicts which may arise.

Conflict Resolution

1. In the event that CMS/DNR should find that DSL/DNR is issuing

permits which are not consistent to the maximum extent practicable with the state coastal management program or approved local program, CMS/DNR shall report this to the Secretary of DNR for his review and determination as to whether the actions of DSL/DNR are consistent. If the Secretary of DNR determines there is an inconsistency, the process set forth in Section 213.13 D of Louisiana R.S. 49 shall be initiated. Upon receipt of the written comments stating the basis for the decision from the secretaries acting jointly, DSL/DNR and CMS/DNR shall take the actions recommended by the secretaries.

Effective Date and Termination Consent

1. This agreement will be effective when signed and dated by the parties hereto and may be terminated at any time, with approval of the Governor, by mutual consent of the parties hereto or by either party after 60 days notice of intent to terminate.

Signed this 8th day of July, 1980.

FRANK A. ASHBY, JR. SECRETARY
Department of Natural Resources

MIKE BOURGEOIS
Department of Natural Resources
Division of State Lands

MEMORANDUM OF UNDERSTANDING BETWEEN
THE COASTAL MANAGEMENT SECTION OF THE DEPARTMENT OF NATURAL RESOURCES
AND THE DEPARTMENT OF AGRICULTURE

It is the purpose of this Memorandum of Understanding between the Coastal Management Section of the Department of Natural Resources (CMS/DNR) and the Department of Agriculture (DOA) to establish an agreement on the issues and procedures involved in implementing the provisions of Louisiana Revised Statute 49, the State and Local Coastal Resource Management Act of 1978, as amended, particularly all or parts of the sections applicable to DOA.

Permit Procedures

1. CMS/DNR will provide DOA a notice of all applications for coastal use permits and will provide copies of those applications which would impact agricultural resources and the uses of pesticides.
2. DOA will provide appropriate comments on coastal use permit applications, after review of impacts to agricultural resources. Such comments shall be provided to CMS/DNR within 25 days of receipt of the copy of the application. If no comments are received within 25 days, it shall be presumed that DOA has no objection to the proposed activity. All comments will be reviewed by CMS/DNR and incorporated in permit decisions to the maximum extent practicable.

Permit Consistency

1. DOA agrees that any grant activities, and other activities, including investigations of misuse of pesticides, directly affecting the coastal zone that it undertakes, conducts, approves, supports or permits, will be consistent to the maximum extent practicable with the State Coastal Resources Program and affected approved local programs having geographical jurisdiction over the action.

Interagency Coordination

1. DOA will share with and/or provide CMS/DNR information on agricultural resources when requested by CMS/DNR and will notify CMS/DNR on any new agricultural developments in the coastal zone when it is in its preliminary planning stages.
2. CMS/DNR and DOA agree that the two agencies will meet formally and informally as frequently as necessary and as needed to review all aspects of the agency's relationships, determine adequacy of existing Memorandum of Understanding, and the need for expanding and/or revising the present Memorandum of Understanding, and to discuss with an intent to resolve, any conflicts which may arise.

Conflict of Interest

1. In the event that CMS/DNR should find that DOA is issuing permits, conducting activities or providing funds for activities which are not consistent to the maximum extent practicable with the State Coastal Management Program, CMS/DNR

shall report this to the Secretary of DNR for his review and determination as to whether the actions of DOA are consistent. The Secretary of DNR and the Commissioner of Agriculture will then meet to determine a proper course of action to insure consistency.

Effective Date and Termination Consent

1. This agreement will be effective when signed and dated by the parties hereto and may be terminated at any time, with approval of the Governor, by mutual consent of the parties hereto or by either party after 60 days notice of intent to terminate.

Signed this 10th day of July, 1980.

FRANK A. ASHBY, JR., SECRETARY
Department of Natural Resources

ROBERT ODOM, COMMISSIONER
Department of Agriculture

MEMORANDUM OF UNDERSTANDING BETWEEN THE
COASTAL MANAGEMENT SECTION OF THE DEPARTMENT OF NATURAL
RESOURCES AND THE DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

It is the purpose of this Memorandum of Understanding between the Coastal Management Section of the Department of Natural Resources (CMS/DNR) and the Department of Transportation and Development (DOTD) to establish an agreement on the issues and procedures involved in implementing the provisions of Title 49 of Louisiana Revised Statutes of 1950, Sections 213.1 through 213.21, the State and Local Coastal Resources Management Act of 1978, as amended, in particular Sections 213.13(B) and (D).

In order to assist DOTD and CMS/DNR in meeting their lawful responsibilities, reduce conflicting decisions by the two agencies and assure conformity of action with the Louisiana Coastal Resources Program, it is agreed that:

INTERGOVERNMENTAL COORDINATION AND CONSISTENCY

DOTD will provide notice to CMS/DNR of intent to conduct activities, including planning and construction, that directly affect the coastal zone. DOTD and CMS/DNR agree that the two agencies will meet formally and informally as frequently as necessary and as needed to review all aspects of the agencies' relationship, determine adequacy of existing memorandum of understanding, and the need for expanding and/or revising the present memorandum of understanding, and to discuss, with an intent to resolve, any conflicts which may arise.

CONFLICT OF INTEREST

1. In the event that CMS/DNR should find that DOTD is conducting activities or providing funds for activities which are not consistent to the maximum extent practicable with the state coastal management program, CMS/DNR shall report this to the Secretary of DNR for his review and determination as to whether the actions of DOTD are consistent. The Secretary of DNR and the Secretary of DOTD will then meet to determine a proper course of action to insure consistency.

EFFECTIVE DATE OF TERMINATION CONSENT

1. This agreement will be effective when signed and dated by the parties hereto and may be terminated at anytime, with approval of the Governor, by mutual consent of the parties hereto or by either party after sixty days notice of intent to terminate.

Signed this 29th day of July, 1980.

FRANK A. ASHBY, JR., SECRETARY
Department of Natural Resources

PAUL J. HARDY, SECRETARY
Department of Transportation and
Development

APPENDIX o
DRAFT MEMORANDUM OF UNDERSTANDING BETWEEN
THE COASTAL MANAGEMENT SECTION OF THE DEPARTMENT OF NATURAL RESOURCES
AND THE U. S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT

PURPOSE

The provisions of the Coastal Zone Management Act of 1972, as amended, 16 USC 1451 et seq; the Clean Water Act of 1977, 33 USC 1344; and the State and Local Coastal Resources Management Act, Act 361 of the 1978 Louisiana Legislature, direct and encourage the U. S. Army Corps of Engineers (COE) and the Coastal Management Section of the Department of Natural Resources (CMS/DNR) to develop a coordinated and consistent relationship in dealing with dredge and fill and other activities affecting Louisiana's coasta. waters and wetlands. Of primary interest are the development of a joint or coordinated permitting and enforcement process and a process for assuring consistency in decision-making. It is the purpose of this memorandum of understanding to establish a general agreement on the issues involved in developing such a relationship and to outline the general manner of interaction between CMS/DNR and COE appropriate to implement such a relationship and to agree that such a relationship is necessary, appropriate and beneficial to the national interest and the interests of Louisiana.

CONTACTS

The CMS/DNR is the lead agency for coastal management in Louisiana pursuant to Act 361 and, as such, will be the contact agency for purposes of this agreement.

The Regulatory Functions Branch, Operations Division, and the Regional Planning Branch, Planning Division, are contact offices in the COE, New Orleans District for coastal zone management pursuant to this agreement.

JURISDICTION

The primary authority of the CMS/DNR is over those uses of the lands and water within the boundary set forth in Act 361 which have direct and significant impacts on coastal waters. The CMS also has the authority to review for consistency with the coastal management program those governmental actions outside of the coastal zone which may significantly affect coastal resources within the coastal zone.

The COE has permitting authority over discharge of dredge and fill activities in the waters of the United States pursuant to the Clean Water Act of 1977, disposal of dredged materials in ocean waters pursuant to the Marine Protection Research and Sanctuaries Act of 1972, and over activities in navigable waters of the United States pursuant to the River and Harbor Act of 1899. The COE also has responsibility for conducting numerous activities which affect coastal resources pursuant to congressional authorization.

JOINT OR COORDINATED PERMITTING PROCESS

The CMS/DNR and the COE will develop procedures which, to the extent feasible, will result in a single application form for both coastal use permits and COE permits; a "one-window" system for filing applications; and a coordinated review process which ensures timely decisions on applications. If possible, the issuance of single, joint permits for both coastal use permits and COE permits will be agreed upon.

JOINT PUBLIC NOTICES

The CMS/DNR and the COE will establish procedures for the issuance of joint public notice for notification of the public of applications for permits, decisions thereon, enforcement activities and issuances of general permits or variances.

JOINT PUBLIC HEARINGS

The CMS/DNR and the COE will establish procedures for eliminating duplicated public hearings on COE and coastal use permit applications wherein public hearings held shall be on behalf of both agencies. Joint public hearings will only be held if both CMS and this District agree to it.

COORDINATION OF ENFORCEMENT ACTIVITIES

The CMS/DNR and the COE will establish procedures for coordinating enforcement activities. This will include coordination of surveillance and monitoring activities, exchange of information regarding violations and unilateral enforcement actions; coordinated cease and desist orders and coordinated civil or criminal actions against violators where feasible.

COORDINATION OF STANDARDS FOR REVIEWING PERMIT APPLICATIONS

The CMS/DNR and the COE agree that in reviewing permit applications each will, to the extent feasible, give full considerations to the regulations, standards, and guidelines of the other agency in order to minimize inconsistent decisions or positions on applications.

COORDINATION OF CONSIDERATION OF COMMENTS RECEIVED

The CMS/DNR and the COE agree to inform each other as to all comments received from governmental bodies and the general public on permit applications.

COORDINATION IN EMERGENCY SITUATIONS

The CMS/DNR and the COE agree that the CMS/DNR shall establish procedures for review of actions in emergency situations which are, to the maximum extent possible, similar to those which have been established by the COE.

COORDINATION OF GENERAL PERMITS

The CMS/DNR and the COE agree that only those general permits which have been agreed to by both agencies should be issued and that, to the maximum extent possible, joint general permits should be issued. However, in the event a general permit is issued without mutual agreement, all activities conducted pursuant thereto shall be conditioned upon compliance with all requirements of the other agency.

CONSISTENCY

The New Orleans District agrees that all of its activities, projects and plans for projects significantly affecting resources of the coastal zone shall be evaluated for consistency as required by law and shall be consistent, to the maximum extent practicable, with the state coastal management program subsequent to program approval by the Office of Coastal Zone Management, NOAA, Department of Commerce. Those actions shall include